AGENDA
CHAMPLIN CITY COUNCIL
MONDAY, JUNE 26, 2017
CITY COUNCIL CHAMBERS
7:00 P.M.

THIS CITY COUNCIL MEETING WILL BE CABLECAST LIVE ON CABLE CHANNEL 16

IF DUE TO A DISABILITY YOU NEED AUXILIARY AIDS OR SERVICES DURING A CITY COUNCIL MEETING, PLEASE PROVIDE THE CITY WITH 24 HOURS NOTICE BY CALLING 421-8100 OR FAX 421-5256

CALL TO ORDER
PLEDGE OF ALLEGIANCE
INTRODUCTIONS/ROLL CALL
AGENDA
MINUTES: JUNE 12, 2017 WORKSESSION
JUNE 12, 2017 REGULAR SESSION
JUNE 19, 2017 WORKSESSION
BILLS: JUNE 26, 2017
ANNOUNCEMENTS:
IF YOU ARE HERE TO ADDRESS THE CITY COUNCIL UNDER OPEN FORUM, PLEASE COMPLETE A PUBLIC COMMENT FORM LOCATED ON THE TABLE NEAR THE ENTRANCE AND GIVE IT TO THE CITY CLERK AT THIS TIME
ECONOMIC DEVELOPMENT AUTHORITY WORKSESSION, IMMEDIATELY FOLLOWING TONIGHT’S COUNCIL MEETING, IN THE COUNCIL CONFERENCE ROOM
COUNCIL WORKSESSION - MONDAY, JULY 10TH AT 5:30 P.M. IN THE COUNCIL CONFERENCE ROOM
CITY COUNCIL MEETING – MONDAY, JULY 10TH AT 7:00 P.M. IN THE COUNCIL CHAMBERS
SPECIAL PRESENTATIONS
1. PROCLAMATION RECOGNIZING POLICE CHIEF DAVID KOLB
2. OVERVIEW OF WORKSESSION DISCUSSION
CONSENT AGENDA
The Consent Agenda contains action items considered routine or non-controversial in nature, that need little or no additional deliberation based on the level of review, analysis or discussion that has been previously conducted by the City Council
4. APPOINTMENT OF POLICE CHIEF
5. APPROVE CHANGE ORDER NO. 1 FOR SCADA SYSTEM IMPROVEMENTS (IMPROVEMENT PROJECT NO. 21405)
6. APPROVE EXECUTION OF A JOINT COOPERATION AGREEMENT BETWEEN THE CITY OF CHAMPLIN AND HENNEPIN COUNTY FOR PARTICIPATION IN THE URBAN HENNEPIN COUNTY COMMUNITY DEVELOPMENT BLOCK GRANT PROGRAM IN FISCAL YEARS 2018 - 2020
7. ACCEPT RESIGNATION OF PUBLIC WORKS SECRETARY TARA OLSON
8. APPROVE INTERIM/ACTING COMPENSATION
OPEN FORUM

Open Forum is an opportunity to discuss items that are not already on the agenda. Presentations are limited to five (5) minutes unless specifically extended by the Mayor.

9. RESPONSE REGARDING PROCLAMATION REQUEST FROM JUNE 12TH COUNCIL MTG.

PUBLIC HEARING

10. ORDINANCE NO. 782 MODIFYING CHAPTER 6 AND CHAPTER 22 ESTABLISHING CONDITIONS FOR ALCOHOL SALES IN MOVIE THEATERS AND BACKGROUND CHECK FEES

NEW BUSINESS

11. APPROVE JOINT FUNDING FOR A MISSISSIPPI RIVER STREAM GAUGE ON THE ANOKA-CHAMPLIN BRIDGE: CITY OF CHAMPLIN

12. FIRST READING OF A REZONING OF OUTLOT A, FIRST READING OF A REZONING OF LOT 1, BLOCK 1 APPLEWOOD POINTE, RESOLUTION NO. 2017-56 APPROVING A PRELIMINARY PLAT, RESOLUTION 2017-57 APPROVING A SITE PLAN AND RESOLUTION NO. 2017-58 APPROVING A CONDITIONAL USE PERMIT FOR AN 85 UNIT SENIOR HOUSING DEVELOPMENT KNOWN AS APPLEWOOD POINTE OF CHAMPLIN AT MISSISSIPPI CROSSINGS: UNITED PROPERTIES (PROJECT 017-09)

13. RESOLUTION NO. 2017-59 APPROVING A CONDITIONAL USE PERMIT AMENDMENT ALLOWING LIVE MUSIC ON THE OUTDOOR PATIO AND RESOLUTION NO. 2017-60 EXTENDING OUTDOOR BAR/KIOSK SERVING HOURS AT WILLY MCCOY’S BAR AND GRILL, 12450 BUSINESS PARK BOULEVARD: TOM DEQUATTRO, (PROJECT 2017-13B)

ADJOURNMENT
### CITY OF CHAMPLIN

#### REQUEST FOR COUNCIL ACTION

<table>
<thead>
<tr>
<th>AGENDA SECTION</th>
<th>ORIGINATING DEPARTMENT</th>
<th>MEETING DATE</th>
</tr>
</thead>
<tbody>
<tr>
<td>SPECIAL PRESENTATIONS</td>
<td>ADMINISTRATION</td>
<td>JUNE 26, 2017</td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>ITEM #</th>
<th>ITEM DESCRIPTION</th>
<th>PREPARED BY</th>
</tr>
</thead>
<tbody>
<tr>
<td>1</td>
<td>PROCLAMATION RECOGNIZING POLICE CHIEF DAVID KOLB</td>
<td>BRET HEITKAMP</td>
</tr>
</tbody>
</table>

Attached is a proclamation recognizing Police Chief Dave Kolb’s years of service to not only the residents of Champlin but to the metro area policing community as well. Dave joined the Champlin Police Department as Police Chief on April 11, 2011.

During Chief Kolb’s tenure at Champlin, the Champlin Crime Prevention Fund was established, the Bike Patrol was re-established and domestic advocacy services were re-implemented.

Before coming to Champlin, Dave served as a Lieutenant and the Director of Public Safety for the City of Minnetrista for 11 years. Prior to that, Dave worked for the Brooklyn Park Police Department for 12 years as a Police Officer, Detective and Sergeant.

Chief Kolb is to be commended for his outstanding leadership to the Champlin Police Department. He will be sincerely missed by his friends and colleagues here at the City of Champlin.
I will give a brief oral report regarding the discussions that took place at tonight’s Worksession regarding the 2018 Budget Guidelines and the Trout Fishery Management Plan.
CITY OF CHAMPLIN
REQUEST FOR COUNCIL ACTION

<table>
<thead>
<tr>
<th>ITEM NO.</th>
<th>ITEM DESCRIPTION</th>
<th>PREPARED BY</th>
</tr>
</thead>
<tbody>
<tr>
<td>3</td>
<td>RESOLUTION ACCEPTING THE BID AND AWARDING THE CONTRACT FOR THE MILL AND OVERLAY IMPROVEMENTS WITHIN ANDERSON ESTATES AND THE PRESERVE AT ELM CREEK 2ND AND 3RD ADDITIONS, IMPROVEMENT PROJECT NO. 21702</td>
<td>TIM HANSON, P.E. CITY ENGINEER</td>
</tr>
</tbody>
</table>

BACKGROUND
At the May 22, 2017 City Council meeting, Council authorized the advertisement of bids for the Anderson Estates and The Preserve at Elm Creek 2nd and 3rd Additions, Improvement Project No. 21702, consisting of the streets of 119th Place; 120th Avenue; Idaho Avenue; Edgewood Lane; Marshview Lane; Maplewood Lane; Fernwood Lane; Marshview Circle; Maplewood Circle; Fernwood Circle; and Tilbury Lane.

The streets of Anderson Estates and The Preserve at Elm Creek 2nd and 3rd Additions have deteriorated significantly in the past three years. Pavement condition indexes of the streets have dropped more than 40% for most of the street pavement area.

The pavement deterioration is spalling of the bituminous surface. Once pavement begins to spall, it increases very rapidly resulting in potholing within the wear course and possibly into the bituminous base course. The streets within Anderson Estates area and The Preserve at Elm Creek 2nd and 3rd Additions were constructed with two lifts of bituminous. These streets are best restored by street mill and overlay improvements before the pavement deterioration extends into the bituminous base course.

Plan preparation was consistent with the improvements identified in the Feasibility Study. The total project cost identified in the Feasibility Study is $799,600.

REVIEW OF ISSUES
Construction Bids
Four (4) bids were received on Tuesday, June 20, 2017, ranging from $507,808.96 to $746,954.19. The bidders and the bid amounts are as follows:

<table>
<thead>
<tr>
<th>Bidder</th>
<th>Bid Amount</th>
</tr>
</thead>
<tbody>
<tr>
<td>Hardrives Inc.</td>
<td>$507,808.96</td>
</tr>
<tr>
<td>C.S. McCrossan Construction, Inc.</td>
<td>$572,294.85</td>
</tr>
<tr>
<td>Asphalt Surface Technologies Corp.</td>
<td>$579,454.57</td>
</tr>
<tr>
<td>Park Construction Company</td>
<td>$746,954.19</td>
</tr>
</tbody>
</table>

The Engineers Estimate was $527,299.20.

The low bidder is Hardrives Inc., of Rogers, Minnesota, in the amount of $507,808.96.
Construction inspection will be completed utilizing construction related services provided by WSB & Associates Inc. WSB’s construction services will be utilized to provide daily inspections during construction and administer the contract. WSB construction services will be provided on an hourly basis. The project is anticipated to start by July 15, 2017 and be completed by October 1, 2017. Upon submittal of a project schedule from the contractor, a construction services project budget can be developed.

**RECOMMENDATIONS**

Staff recommended motion:

Motion to award the contract for Anderson Estates and The Preserve at Elm Creek 2nd and 3rd Additions, Improvement Project No. 21702, to the low bidder, Hardrives Inc., of Rogers, Minnesota, in the amount of $507,808.96. Project costs will be financed by assessment to the benefiting properties, the Capital Improvement Revolving Fund, and the Storm Water Fund.

An Assessment Hearing will be held on September 25, 2017 for the improvements.
BACKGROUND:

As a result of the impending retirement of our illustrious Police Chief, Dave Kolb on June 30th, the City Council completed the transition process by conducting an interview session with Deputy Chief, Ty Schmidt on Monday, June 19th.

REVIEW OF ISSUES:

At the conclusion of the interview session, it was the consensus of the City Council to formally appoint Mr. Schmidt as the next Chief of Police, at the June 26th meeting. Ty will officially assume the responsibilities associated with his new position effective July 1st. The City Council will conduct a swearing in ceremony for our new Chief at the July 10th meeting.

RECOMMENDATIONS:

It is my great pleasure to recommend that the City Council appoint Ty Schmidt as our next Police Chief, effective July 1, 2017, and direct staff to coordinate the official swearing in ceremony at the July 10th City Council meeting.
CITY OF CHAMPLIN

REQUEST FOR COUNCIL ACTION

<table>
<thead>
<tr>
<th>AGENDA SECTION</th>
<th>ORIGINATING DEPARTMENT</th>
<th>MEETING DATE</th>
</tr>
</thead>
<tbody>
<tr>
<td>CONSENT</td>
<td>ENGINEERING</td>
<td>JUNE 26, 2017</td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>ITEM</th>
<th>ITEM DESCRIPTION</th>
<th>PREPARED BY</th>
</tr>
</thead>
<tbody>
<tr>
<td>5</td>
<td>APPROVE CHANGE ORDER NO. 1. FOR SCADA SYSTEM IMPROVEMENTS, IMPROVEMENT PROJECT NO. 21405</td>
<td>TIM HANSON, P E CITY ENGINEER</td>
</tr>
</tbody>
</table>

BACKGROUND

The Supervisory Control and Data Acquisition (SCADA) system for the City’s water and sanitary sewer systems is being redeveloped under Improvement Project No. 21405. This project was completed in two phases under two contracts. Phase One of the improvements was to construct a Local Area Network (LAN) fiber cable between Water Treatment Plant No. 1 and Water Treatment Plant No. 2 and to connect the control center (Water Treatment Plant No. 1) with City water and sanitary sewer infrastructure that is located along the fiber alignment. This phase included installation of conduit and fiber to the location, but did not include any connections to equipment. This project was completed in the fall of 2015.

Phase Two of the project is currently under construction which includes the installation of new monitoring devices, controls, computer hardware, and computer software for an updated SCADA system.

REVIEW OF ISSUES

The additions to the SCADA project include:

- Three new connections were added to the fiber system:
  - Fiber patch panel at City Hall for future connections to the LAN.
  - Fiber splice and patch panel at the Community Center for computer connection.
  - Fiber splice at QCTV for future connection.
- A Low Pressure (Low Water Elevation) alarm was added at Water Tower No. 1, which is independent of the SCADA system, acting as a back-up fail-safe alarm for low water.
- During installation of the SCADA system, several issues were identified where the ability to provide an alarm was not available at the site due to failed monitoring equipment, lack of monitoring equipment, improper wiring or connections, or other changes that were needed in order to properly install the new SCADA system. These additions are detailed on the attached Change Order proposal.

The proposed Change Order will be funded from the Sanitary Sewer Fund and Water Fund as identified for the SCADA Improvement Project. Fiber connections to the City’s LAN will be negotiated at the time other users connect to the system.
RECOMMENDATIONS

Staff recommended motion:

Motion to approve Change Order No. 1 for modifications to the City’s water and sewer SCADA system, Improvement Project No. 21405, in the amount of $23,046.15.

Attachment  Change Order No. 1
               Change Order Proposals
CITY OF CHAMPLIN

REQUEST FOR COUNCIL ACTION

<table>
<thead>
<tr>
<th>AGENDA SECTION</th>
<th>ORIGINATING DEPARTMENT</th>
<th>MEETING DATE</th>
</tr>
</thead>
<tbody>
<tr>
<td>CONSENT AGENDA</td>
<td>ADMINISTRATION</td>
<td>JUNE 26, 2017</td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>ITEM #</th>
<th>ITEM DESCRIPTION</th>
<th>PREPARED BY</th>
</tr>
</thead>
<tbody>
<tr>
<td>7</td>
<td>ACCEPT RESIGNATION OF PUBLIC WORKS SECRETARY TARA OLSON</td>
<td>BRET HEITKAMP</td>
</tr>
</tbody>
</table>

BACKGROUND

The City’s legal counsel has recommended that the City Council take action to formally accept employee resignations. Tara Olson, Public Works Secretary, has submitted her resignation, effective Monday, June 19, 2017.

REVIEW OF ISSUES

Tara has worked for the City since December, 2008.

RECOMMENDATIONS

Motion to accept the resignation of Tara Olson, effective June 19, 2017.
CITY OF CHAMPLIN
REQUEST FOR COUNCIL ACTION

<table>
<thead>
<tr>
<th>AGENDA SECTION</th>
<th>ORIGINATING DEPARTMENT</th>
<th>MEETING DATE</th>
</tr>
</thead>
<tbody>
<tr>
<td>CONSENT</td>
<td>ADMINISTRATION</td>
<td>JUNE 26, 2017</td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>ITEM #</th>
<th>ITEM DESCRIPTION</th>
<th>PREPARED BY</th>
</tr>
</thead>
<tbody>
<tr>
<td>8</td>
<td>APPROVE INTERIM/ACTING COMPENSATION</td>
<td>BRET HEITKAMP</td>
</tr>
</tbody>
</table>

BACKGROUND

Per the City’s Personnel Policy Manual (PPM), the City Administrator has the ability to recommend to the City Council that an adjustment be made to the compensation level of an individual(s) that serves in the capacity of a Department Head for longer than thirty (30) days. Said individual(s) may be eligible for a compensation adjustment of ten percent (10%), during the absence of the Department Head.

REVIEW OF ISSUES

As you are aware, Chris Rachner, Parks and Public Works Superintendent, is out on an extended medical leave. In his absence, I am recommending that Charlie Lehn and Byron Bethke, each receive a five percent (5%) adjustment to their compensation throughout the course of Chris’s absence. Charlie has been overseeing Parks and Recreation, while Byron has been overseeing Public Works. This compensation adjustment should be retroactive to June 1, 2017.

RECOMMENDATION

It is recommended that the interim/acting compensation proposal be approved, as outlined above.
CITY OF CHAMPLIN
REQUEST FOR COUNCIL ACTION

<table>
<thead>
<tr>
<th>ITEM #</th>
<th>ITEM DESCRIPTION</th>
<th>PREPARED BY</th>
</tr>
</thead>
<tbody>
<tr>
<td>9</td>
<td>RESPONSE REGARDING PROCLAMATION REQUEST FROM JUNE 12TH COUNCIL MEETING</td>
<td>ROBERTA COLOTTI, CMC, CITY CLERK</td>
</tr>
</tbody>
</table>

BACKGROUND

At the June 12, 2017 Council meeting, a citizen requested that the City issue a proclamation associated with a cause or position she supported.

In researching the matter, it appears a number of cities have a written proclamation guideline that is intended to establish procedures and uniform rules for recommending and consideration of proclamations. In discussing the matter with the City Attorney, we have determined that it would be advisable to establish a policy for this area and present it to the Council at a later date.

RECOMMENDATION

Direct staff to develop a written proclamation policy or guideline and present it to Council for consideration.
BACKGROUND

The City recently adopted changes to its Alcohol ordinance to incorporate language from a model ordinance. The model ordinance language adopted contains fees within the specific sections rather than simply referring to a separate fee section. Staff reviewed this approach and determined that it would be more user friendly to place the fees in one section and reference this section in the body of a specific ordinance. This impacts Code Section 6-14 (a) and (b) and would put the amounts in Section 22-1.

In addition, the City is currently working with the Mann Theater related to the Theater’s renovations. As part of these discussions, there was an expressed interest in permitting on site alcohol sales in the facility. In order to facilitate this request, City Code would need to be amended.

REVIEW OF ISSUES

1) MOVING THE REFERENCES TO FEES IN THE BODY OF THE ORDINANCES TO THE FEE SCHEDULE

In order to make the City Code as user friendly as possible, staff recommends that the City continue its efforts to place all fee amounts in the fee schedule rather than in the body of the Code Sections. This places the fees in one easy to locate Section.

This would impact the following changes to Section 6-14:

Sec. 6-14 - Investigation.

(a) Preliminary background and financial investigation. On an initial application for a license, on an application for transfer of a license and, in the sound discretion of the council that it is in the public interest to do so, on an application for renewal of a license, the city shall conduct a preliminary background and financial investigation of the applicant or it may contract with the commissioner of public safety for the investigation. The applicant shall pay with the application an investigation fee of $500 which shall be in addition to any license fee. If the cost of the preliminary investigation is less than $500, the unused balance shall be returned to the applicant. as set forth in Champlin City Code Chapter 22: Fees. The results of the preliminary investigation shall be sent to the commissioner of public safety to the extent required or requested by the state and using any forms required by the state if the application is for an on-sale intoxicating liquor license or an on-sale wine license.
Comprehensive background and financial investigation. If the results of a preliminary investigation warrant, in the sound discretion of the council, a comprehensive background and financial investigation, the council may either conduct the investigation itself or contract with the commissioner of public safety for the investigation. The investigation fee for this comprehensive background and financial investigation to be paid by the applicant shall be $500, less any amount paid for the initial investigation. If the investigation is conducted within the state, and $10,000, less any amount paid for the initial investigation. The unused balance shall be returned to the applicant whether or not the application is denied. The fee shall be paid in advance of any investigation and the amount actually expended on the investigation shall not be refundable in the event the application is denied as set forth in Champlin City Code Chapter 22: Fees. The results of the comprehensive investigation shall be sent to the commissioner of public safety to the extent required or requested by the state and using any forms required by the state if the application is for an on-sale intoxicating liquor license or an on-sale wine license.

I also recommend adding the following to Section 22.1 – Fees and striking the existing fee schedule in Section 22-1:

**Sec. 22-1 – Fees.**

<table>
<thead>
<tr>
<th>Description</th>
<th>Fee:</th>
</tr>
</thead>
<tbody>
<tr>
<td>Preliminary background and financial investigation</td>
<td>$500</td>
</tr>
<tr>
<td>Comprehensive background and financial investigation</td>
<td>$500 in-state or $10,000 outstate</td>
</tr>
<tr>
<td>Beer, 3.2 percent malt liquor off-sale:</td>
<td>250.00</td>
</tr>
<tr>
<td>Intoxicating liquor on-sale:</td>
<td>500.00</td>
</tr>
<tr>
<td>Investigation fee (new applications)</td>
<td>250.00</td>
</tr>
<tr>
<td>Intoxicating liquor off-sale:</td>
<td>75.00</td>
</tr>
<tr>
<td>Wine on-sale:</td>
<td></td>
</tr>
<tr>
<td>Investigation fee – single person (new applications)</td>
<td>250.00</td>
</tr>
<tr>
<td>Investigation fee – partnership (new applications)</td>
<td>350.00</td>
</tr>
<tr>
<td>Investigation fee – corporation (new applications)</td>
<td>500.00</td>
</tr>
<tr>
<td>Intoxicating liquor off-sale:</td>
<td></td>
</tr>
</tbody>
</table>

2) **AMENDING THE CODE TO ALLOW THEATER ALCOHOL SALES WHERE PERMITTED BY LAW**

This is an area that is governed by both state law and City Code. The Mann’s will need to be compliant with state law on this issue – particularly in meeting the definition of a restaurant. In amending City Code it is anticipated that additional conditions associated with such an application would be addressed at that time. In order to permit these additional conditions, a new Section 6-17(5) would be added.

The following Code Sections would need to be revised in order to make such sales complaint with City Code:
Sec. 6-3 – Definitions.

*Restaurant* means an eating facility, other than a hotel, under the control of a single proprietor or manager, where meals are regularly prepared on the premises and served at tables to the general public, where full waitress/waiter table service is provided, where a customer orders food from printed menus and where the main food course is served and consumed while seated at a single location. Such restaurants must have a minimum seating capacity of 30 persons. To be a restaurant as defined by this section, an establishment shall have a license from the state as required by Minn. Stats. § 157.16, as it may be amended from time to time, and meet the definition of either a "small establishment," "medium establishment" or "large establishment" as defined in Minn. Stat. § 157.16, subd. 3(d), as it may be amended from time to time. An establishment which serves prepackaged food that receives heat treatment and is served in the package or frozen pizza that is heated and served, shall not be considered to be a restaurant for purposes of this chapter unless it meets the definitions of a "small establishment", "medium establishment" or "large establishment".

Sec. 6-8 – Kinds of Liquor Licenses

e) On-sale intoxicating liquor licenses, which may be issued to the following establishments as defined by Minn. Stat. § 340A.101, as it may be amended from time to time, and this chapter: hotels, restaurants, bowling centers, theaters, clubs or congressionally chartered veterans organizations, movie theaters that meet the definition of a restaurant under state law and City Code Sec. 6-3 and exclusive liquor stores. Club licenses may be issued only with the approval of the commissioner of public safety. The fee for club licenses established by the council under chapter 22 of this Code shall not exceed the amounts provided for in Minn. Stat. § 340A.408, subd. 2(b) as it may be amended from time to time. The council may in its sound discretion authorize a retail on-sale licensee to dispense intoxicating liquor off the licensed premises at a community festival held within the city under the provisions of Minn. Stat. § 340A.404, subd. 4(b) as it may be amended from time to time. The council may in its sound discretion authorize a retail on-sale licensee to dispense intoxicating liquor off the licensed premises at any convention, banquet, conference, meeting, or social affair conducted on the premises of a sports, convention, or cultural facility owned by the city, under the provisions of Minn. Stat. § 340A.404, subd. 4(a) as it may be amended from time to time; however, the licensee is prohibited from dispensing intoxicating liquor to any person attending or participating in an amateur athletic event being held on the premises.

(f) On-sale Sunday intoxicating liquor licenses, as may be amended from time to time. Sunday on-sale intoxicating liquor licenses may be issued only to: (i) a restaurant as defined in Section 6-3 of this chapter; (ii) the following establishments as defined by Minn. Stat. Sec. 340A.101; a restaurant, a movie theater that meets the definition of a restaurant under state law and City Code Section 6-3; a club, bowling center, or hotel which has a seating capacity of at least 30 persons, which holds an on-sale intoxicating liquor license, and which serves liquor only in conjunction with the service of food, and (iii) a holder of an on-sale brewer taproom license. The maximum fee for this license is established by the council under the provisions of chapter 22.

Sec. 6-17 – Conditions of License

…

(5) Movie Theaters meeting the definition of restaurants may have additional conditions or limitations on as may be determined within the sound discretion of the council. Such conditions or limitations may
include, but are not limited to restrict alcohol sales to a specific portion of the facility, establishing a minimum food requirement that is a percentage of total food and drink revenues and a maximum number of drinks that may be sold per patron.

RECOMMENDATION

If a motion to approve the changes to the location of the fees and adding in provisions related to on site alcohol sales at a theater are in Order, motion to adopt Ordinance 2017-____

An Ordinance modifying sections 6-3, 6-8, 6-14, 6-17 and 22-1 to the City Code to establish conditions for alcohol sales in movie theaters and to move fees from Section 6-14 to the fee schedule section 22-1 and strike the background check fee schedule currently presented in section 22-1
CITY OF CHAMPLIN
REQUEST FOR COUNCIL ACTION

<table>
<thead>
<tr>
<th>AGENDA SECTION</th>
<th>ORIGINATING DEPARTMENT</th>
<th>MEETING DATE</th>
</tr>
</thead>
<tbody>
<tr>
<td>NEW BUSINESS</td>
<td>COMMUNITY DEVELOPMENT</td>
<td>JUNE 26, 2017</td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>ITEM #</th>
<th>ITEM DESCRIPTION</th>
<th>PREPARED BY</th>
</tr>
</thead>
<tbody>
<tr>
<td>11</td>
<td>APPROVE JOINT FUNDING FOR A MISSISSIPPI RIVER STREAM</td>
<td>SCOTT SCHULTE</td>
</tr>
<tr>
<td></td>
<td>GAUGE ON THE ANOKA-CHAMPLIN BRIDGE:</td>
<td></td>
</tr>
<tr>
<td></td>
<td>CITY OF CHAMPLIN</td>
<td></td>
</tr>
</tbody>
</table>

BACKGROUND

In March, the City Council appointed Councilmember Ryan Sabas and City Planner, Scott Schulte, to take the lead on investigating the merits of a river gauge on the Champlin Anoka Bridge. In support of this effort, the four recreational pool cities (Anoka, Brooklyn Park, Champlin and Coon Rapids) assigned a policymaker and staff person to serve on an ad hoc committee to confirm the need and cost of a gauge and ultimately pursue the funding and installation of a gauge.

The committee members include:
1. Champlin – Councilmember Ryan Sabas & Scott Schulte, City Planner
2. Anoka – Councilmember Jeff Weaver & Ben Nelson, Engineering Technician
3. Coon Rapids – Councilmember Jennifer Geisler & Tim Himmer, Public Works Director
4. Brooklyn Park – Mayor Jeff Lunde & Cindy Sherman, Planning Director

The committee met in April and heard a presentation by James Fallon, United States Geological Survey (USGS). Key points of the discussion were as follows:

- USGS has a river gauge that can be installed on the bridge at no expense to the Cities. The gauge measures stage (depth), discharge and velocity. These three factors combine to provide accurate flood prediction.
- USGS will maintain the gauge, collect data, compute daily discharge and publish the data. Annual maintenance cost is $20,000.
- The committee agreed to present the merits of a river gauge and a tentative funding plan with their respective cities.

RIVER GAUGE OPERATING PLAN

USGS will install, operate and maintain the stream gauge. Their specific responsibilities are as follows:

- Record stage, index-velocity and water temperature on the Mississippi River at the Anoka-Champlin Bridge. The USGS will visit the stream gauge approximately every six (6) weeks to perform maintenance and, as needed, to define the range of flows that occur. During these visits, USGS may also measure streamflow in order to develop a relationship between stage, cross-sectional area, stream index-velocity, and discharge rate.
- Develop an index-velocity-discharge rating curve using the stage, index-velocity, cross-sectional area and discharge rate data collected. Use the index-velocity-discharge rating curve to compute mean daily-discharge data for the Mississippi River at the Anoka-Champlin Bridge.
- Publish provisional stage, index-velocity, and water temperature data in near real-time on the internet at http://waterdata.usgs.gov/mn/nwis. Upon development of an index-velocity-discharge rating curve, streamflow data will be added to the real-time web page. Additionally, mean daily-discharge will be published in the annual electronic data report series for Minnesota, available on-line at http://wdr.water.usgs.gov/. The data is provided to the National Weather Service where it is graphed and used for flood prediction.

**RIVER GAUGE FUNDING PLAN**

The committee recommends a funding plan based on lineal riverfront footage with costs shared as a percentage of total lineal footage.

<table>
<thead>
<tr>
<th>City</th>
<th>Lineal Footage</th>
<th>Percent of Lineal Footage</th>
<th>Funding Allocation</th>
</tr>
</thead>
<tbody>
<tr>
<td>Anoka</td>
<td>21,200</td>
<td>26 %</td>
<td>$5,000</td>
</tr>
<tr>
<td>Brooklyn Park</td>
<td>6,000</td>
<td>7 %</td>
<td>$1,400</td>
</tr>
<tr>
<td>Champlin</td>
<td>32,600</td>
<td>40 %</td>
<td>$7,600</td>
</tr>
<tr>
<td>Coon Rapids</td>
<td>21,200</td>
<td>26 %</td>
<td>$5,000</td>
</tr>
<tr>
<td>USGS</td>
<td></td>
<td></td>
<td>$1,000</td>
</tr>
<tr>
<td><strong>Totals</strong></td>
<td><strong>81,000</strong></td>
<td><strong>100 %</strong></td>
<td><strong>$20,000</strong></td>
</tr>
</tbody>
</table>

Since the April meeting, committee members have garnered support of the river gauge with their respective jurisdictions, including the tentative funding plan. With 253 riverfront properties and 505 households on the river, a river gauge would provide accurate, reliable and real-time river forecasts for Champlin residents and staff, which can be accessed via the USGS and National Weather Service websites. In addition, water alerts are available by user-specified text/email alerts. A river gauge would also provide the empirical data in support of potential future water regulations, such as “no wake” restrictions.

**RECOMMENDATION**

It is recommended that the City Council direct staff to prepare a multi-year (two to five years) joint funding agreement with USGS based on the proposed funding plan with Champlin’s share being $7,600. The annual gauge costs would be paid by the general fund. Attached is a sample funding agreement from Dakota County.

It is further recommended that the City Council direct staff to explore the merits of a Joint Powers Agreement with the recreational pool cities in support of other river-related initiatives, including the studying of a “no wake” ordinance.

* James Fallon from USGS will attend the meeting to answer any questions.
BACKGROUND

United Properties plans to develop an 85-unit senior housing community on a 5.6-acre riverfront site south of the Anoka-Champlin Bridge. The senior cooperative project, known as Applewood Pointe of Champlin at Mississippi Crossings, resembles the recently completed 70-unit Applewood Pointe of Champlin near the Dayton Road/Cartway Road intersection. A senior cooperative development is owner-occupied housing whereby residents own stock entitling them to a unit.

The proposed development requires the following approvals:

- Rezoning from Medium Density Multi-Family Residential (R-4) to High Density Multi-Family Residential (R-5) with a Planned Unit Development (PUD) overlay zoning and Rezoning from R-4 to Commercial General Business (C-2) for the remnant City-owned parcel (Outlot A);
- Preliminary Plat creating one lot and an outlot; and
- Site Plan and Conditional Use Permit for an 85-unit multi-story senior housing community.

REVIEW OF LAND USE

The site is guided High Density Residential (HD) per the Comprehensive Land Use Plan. HD supports between 12 and 18 units per acre. The proposed density is 15.2 units/acre, which is in compliance.

The proposed development supports policy objectives of the Comprehensive Plan, including:

- “Provide life-cycle housing opportunities for all age groups, household sizes and income levels;” and
- “Increase the number of units oriented to the special needs of seniors.”

REVIEW OF REZONING

A rezoning is being requested from R-4 to R-5/PUD to allow the multi-family building and density (15.2 units/acre) as a permitted use. The PUD overlay allows for:

1. Flexibility in land development to benefit from new technology in building design and construction and land development;
2. Variety in the organization of site elements and building design through the use of land planners, registered architects and/or landscape architects to prepare plans for all planned unit developments; and
3. Preservation and enhancement of desirable site characteristics and open space; and more efficient and effective use of land, open space and public facilities.

For this project, the developer meets or exceeds the requirements of the R-5 zoning, including:

- At 15.2 housing units per acre, the project is less than the 18 units per acre max;
- The units are an average of 1,700 sq. ft. exceeding minimum unit floor areas;
- The trash is contained within the building and no accessory buildings are needed;
- Architectural and landscaping requirements are exceeded; and
- The building is positioned nearly twice the required setback from the Mississippi River.

The City-owned remnant parcel, Outlot A, shall be zoned Commercial General Business, C-2.

**REVIEW OF PRELIMINARY PLAT**

The preliminary plat merges seventeen city-owned parcels to create a 5.6-acre lot for the proposed development and a 2.1-acre outlot. The City-owned outlot, with access from Miller Road, will be developed at a future date.

East River Entry and East River Parkway right-of-way will be vacated, and new right-of-way will be established to support the realignment of Miller Road and East River Entry. All existing drainage and utility easements will be vacated and new easements will be appropriately identified on the plat, including the following:

- A drainage and utility easement for the entire area below the 100-year flood elevation;
- A 35-foot wide drainage and utility easement along the plats southern boundary; and
- A drainage and utility easement over the relevant vacated portion of East River Parkway right-of-way.

The plat necessitates a monetary park dedication of $371,450 (85 units at $4,370 per unit).

**REVIEW OF SITE PLAN**

**Site Layout**

The 5.6-acre site is relatively flat adjacent to Miller Road and slopes toward the River. At the slopes mid-point is the floodway. The floodway is restricted from change. The site is partially wooded with most trees existing on the perimeter.

The position of the proposed five-story building is relegated by the 100-year floodway and a Metropolitan Council Environmental Services (MCES) forcemain. All planned improvements meet the City’s required setbacks as established under the R-5 zoning. Further, the building is setback 120 feet from the Ordinary High Water Level (OHW) of the Mississippi River exceeding the required 75 foot setback (per the Mississippi River Critical Area Rules).

**Grading Plan**

Construction of the building, parking lot, and required stormwater management facilities require grading and tree removal. The grading plan depicts a gradual increase in grades from south to north up to the front building elevation. In total, grades increase by six feet from Miller Road. The increase in grade is necessary to bring the buildings lowest floor elevation above the floodway elevation and to avoid the disturbance of nearby private utilities. Stormwater infiltration basins are proposed along the floodway.
Utility Infrastructure

Sanitary sewer and water main are available and will be extended to serve the development. An MCES forcemain runs parallel to the building and turns toward the River north of the building. The deep sewer main remains in place; however a six-foot wide portion of the MCES easement established for this main must be vacated to eliminate a building encroachment.

Stormwater will be managed with catch basins in the parking areas connecting to storm sewer carrying stormwater to a series of stormwater infiltration basins. These basins outlet to the River. The developer shall provide the City with a maintenance agreement for these basins as required by the Watershed District.

Private utilities, including underground fiber optic, gas lines and overhead power lines, exist adjacent to the proposed building. Plans are to bury the overhead power lines. The fiber optic lines remain in place though adjustments are required to utility boxes and manholes due to the change in grade. Center Point is reviewing the status of their gas line in relation to the building. Any required adjustments will be determined prior to final plat. The private utilities are located in the East River Parkway right-of-way. With the vacation of East River Parkway, the plat will need to establish a new easement for these private utilities.

Landscaping

Development grading eliminates 41 overstory trees and preserves 20 trees, including two large oak trees along the River corridor. The tree preservation ordinance requires seven replacement trees in addition to 37 trees required by the landscape ordinance for a total of 43 trees. Code also requires 62 understory shrub plantings.

The landscape plan identifies 85 overstory trees plantings and 499 shrubs. The plan also identifies large perennial garden areas containing 1,039 perennial plantings. Overall, the site is wonderfully landscaped, highlighted by tenant amenities including a putting green, patio area, screened gazebo and community gardens.

Stormwater infiltration basins are landscaped with recommended native plantings.

Access, Trails and Sidewalk

The site includes two access points from East River Entry. The first is an entrance to the at-grade parking lot primarily used by staff and guests. The second provides access to sub-grade parking. Based on ITE average trip generation rates for senior adult housing (3.3 trips per unit), staff estimates that the Applewood project would generate about 281 trips per day. Trips generated by seniors generally occur at off-peak hours and should not substantially add congestion. Given the expected low traffic volumes, staff is amenable to the proposed access points.

A number of sidewalks are appropriately located around the building and connected to parking areas. Behind the building, provides accessible public access along the River corridor and connects to the Mississippi River Regional Trail. This trail also provides access for public safety vehicles to the back of the building. The developer shall dedicate a public trail easement for this trail.

Along the public trail, staff recommends the developer incorporate at least two benches at overlook locations to be determined by the City. The bench areas shall be designed as a respite for trail goers. A trail corridor plan is currently under design by the developer for approval by the City prior to final plat.

Parking
The Zoning Ordinance requires multi-family housing occupied by seniors to provide 0.8 parking stalls per unit or 68 stalls. The plan includes 143 total stalls, 85 underground and 58 surface stalls. United Properties officials indicate that the parking allowance is more than they typically provide, but believe the parking is necessary given the active nature of expected tenants.

Public Safety

The building is required to be sprinkled for fire protection. As recommended by the Fire Chief, the site includes a twelve-foot wide bituminous trail extending along the south and west boundary. The trail provides rear building access for public safety vehicles.

Exterior Materials/Architecture

The development proposes a 62-foot tall, four-story building with a fifth story in the “attic” space on the north side of the building. The 5th level is not visible from the west and only partially visible from the north and south. The placement of the building, site amenities, architectural features, landscaping and site lighting will determine how well it fits into the existing residential fabric in this area. The senior coop building has a significant presence; the developer has chosen to preserve as much open space and keep the overall footprints to a minimum.

Exterior materials will be varied and provide relief to break up long or tall facades. The materials include decorative stone, brick, stucco, maintenance free siding, with an entrance feature and asphalt shingles. The building closely resembles Applewood Pointe to the north, with one noted difference in that the proposed building incorporates brick elements. The use of brick for this development complements brick facades of the adjacent retail building.

Staff has worked with the developer to provide visual relief along the length and height of the building elevations. The retention of trees along the north and southeast elevation will further reduce the impact of this building, the placement of new trees and site landscaping will further enhance the appearance of the site.

REVIEW OF CRITICAL AREA RULES AND CONDITIONAL USE PERMIT

The site is within the Mississippi River Corridor Critical Area (MRCCA) and is regulated by newly enacted State rules. Under the rules the parcel is in the River Towns and Crossings District (CA-RTC). The priorities of this district are to minimize erosion and the flow of untreated storm water into the river, provide public access to and public views of the river, and restore natural vegetation in riparian areas and tree canopy.

The proposed project addresses these priorities as follows: 1) provides infiltration basins for stormwater management; 2) includes public trail along the River connecting to the Mississippi River Regional Trail; and 3) preserves selected overstory vegetation and is supplemented with overstory tree plantings.

Building height in the CA-RTC district is limited to 48 feet. Taller buildings are allowed by conditional use permit with consideration of the relationship of building height to the mature tree line, where present, and existing surrounding development, as viewed from the ordinary high water level of the opposite shore and from public river corridor views. Review of conditional use permits for buildings exceeding the height limits must include analysis of the following factors (staff comments in italics):

1. Assessment of the visual impact of the proposed building on public river corridor views, including views from other communities.

   River views from surrounding neighborhoods will not be impacted by the building. In particular, River view for the single family residence to the south is preserved via setbacks and building design
articulations. The building is expected to be visible from across the River; though the views are broken by preserved overstory trees and supplemental overstory tree plantings.

2. Identification and application of techniques to minimize the perceived bulk of the proposed building, such as (a) placing the long axis of the building perpendicular to the river; (b) stepping back of portions of the façade; (c) narrowing the profile of upper floors of the building; or (d) increasing the setbacks of the building from the Mississippi River or blufflines;

_The building runs parallel to the River; however it is setback 120 feet from the ordinary high water level (OHW) at its closest point. The bulk of the building is setback 150 from the OHW, which is twice the required setback._

3. Identification of techniques for preservation of those view corridors identified in the local government's plan.

_The City has no required view corridors._

4. Opportunities for creation or enhancement of public river corridor views.

_The development includes a public trail between the building and River which connects to the Mississippi River Regional Trail system. This trail will be enhanced by public viewing facilities including benches._

The MRCCA rules also require restoration of the shore impact zone (the area between the OHW and half the required building setback). As such, the landscape plan shall be expanded to include restoration of the shore impact zone with native, deep rooted, un-mowed vegetation to enhance habitat, stream stability and stormwater filtration. The landscaping and bank protection plans shall be approved by the City. For long term protection of this area, the developer shall dedicate a 25 foot wide conservation easement landward from the OWH.

**PLANNING COMMISSION RECOMMENDATIONS**

On May 30th, the Planning Commission held a public hearing on the proposed development. Alex Hall, United Properties, summarized the development plans and spoke of the high demand for the project. No other public testimony was offered.

In review, the Commission was supportive of the development, including the rezoning, plat and site plan; though they requested additional landscaping in the area between the proposed building and the single family residence to the south. On a unanimous vote, the project requests were recommended for approval subject to conditions outlined in the staff report. Minutes from the meeting are attached.

**RECOMMENDATION**

By motion, the City Council approves the following:

1. First Reading of a Rezoning for Outlot A from Medium Density Multi-Family Residential (R-4) to Commercial General Business (C-2)

2. First Reading of a Rezoning of Lot 1 from Medium Density Multi-Family Residential (R-4) to High Density Residential (R-5) with a Planned Unit Development (PUD) overlay zoning. The PUD shall include the following provisions:
• The developer shall provide a 12-foot wide bituminous trail extending from East River Parkway and terminating with existing trail to the north. The developer shall provide a trail corridor amenity plan for City approval, said plan shall include at least two benches.

• The developer shall provide a 25-foot wide vegetative buffer (conservation easement) along the Mississippi River to include a native planting area. The vegetative restoration plan shall be approved by the City.

3. Resolution approving the Preliminary Plat creating a lot for the development and an outlot for the 2.1-acre property adjacent Highway 169, subject to the following conditions:

1) All public drainage and utility easements encumbering the property shall be vacated.

2) The right-of-way for East River Parkway and East River Entry in the plat area shall be vacated.

3) Dedication of the appropriate right-of-way for the reconstruction/realignment of Miller Road and East River Parkway.

4) Monetary park dedication of $371,450 (85 units at $4,370 per unit).

5) Drainage and utility easements shall be identified on the plat for the following:
   • A drainage and utility easement for the entire area below the 100-year flood elevation;
   • A 35-foot wide drainage and utility easement along the plats southern boundary; and
   • A drainage and utility easement over the relevant vacated portion of East River Parkway right-of-way.

4. Resolution approving a Site Plan for a 85-unit multi-story senior facility and associated site improvements, subject to the following conditions:

1. The development plans shall incorporate recommendations outlined in May 5th memorandum from City Engineer, Tim Hanson.

2. The applicant shall obtain all necessary permits from the West Mississippi Watershed, Minnesota DNR and MPCA.

3. The City shall approve final landscape, storm sewer, grading, lighting and utility plans.

4. All landscaped areas shall be irrigated.

5. A six-foot wide strip of MCES easement north of the building shall be vacated to eliminate the building encroachment.

6. The developer shall design a trail corridor plan and construct the public trail and associated improvements. The plan shall be approved by the City prior to final plat approval.

7. The applicant shall enter into a site improvement performance agreement with the City and provide the required financial guarantees for site improvements.

8. A building height of 62 feet shall be permitted under the following rationale:
• River views from surrounding neighborhoods will not be impacted by the building. In particular, River view for the single family residence to the south is preserved via setbacks and building design articulations. The building is expected to be visible from across the River; though the views are broken by preserved overstory trees and supplemental overstory tree plantings.

• The building runs parallel to the River; however it is setback 120 feet from the ordinary high water level (OHW) at its closest point. The bulk of the building is setback 150 from the OHW which is twice the required setback.

• The City has no required view corridors.

• The development includes a public trail between the building and River which connects to the Mississippi River Regional Trail system. This trail will be enhanced by public viewing facilities including benches.

5. Resolution approving a Conditional Use Permit allowing a 62-foot building height for Applewood Pointe of Champlin in Mississippi Crossings, with the following findings:

• River views from surrounding neighborhoods will not be impacted by the building. In particular, River view for the single family residence to the south is preserved via setbacks and building design articulations. The building is expected to be visible from across the River; though the views are broken by preserved overstory trees and supplemental overstory tree plantings.

• The building runs parallel to the River; however it is setback 120 feet from the ordinary high water level (OHW) at its closest point. The bulk of the building is setback 150 from the OHW, which is twice the required setback.

• The City has no required view corridors.

• The development includes a public trail between the building and River which connects to the Mississippi River Regional Trail system. This trail will be enhanced by public viewing facilities including benches.

Attachments. Project Area Aerial Photo
   Alta Survey
   Preliminary Plat
   Site Plans Plan
   Memorandum from City Engineer
   Planning Commission Minutes
   Rezonings
   Resolutions
BACKGROUND

On May 22nd the City Council approved a conditional use permit (CUP) amendment to extend the outdoor patio hours from 11 p.m. to midnight seven days a week for Willy McCoy’s Bar and Grill, 12450 Business Park Boulevard. The City Council also endorsed a live music demonstration event on Thursday, June 8th from 5 p.m. to 8 p.m. The purpose of the event was to measure noise levels of the performance at the rear property adjacent to the townhomes to determine whether they are within allowable limits. The event was attended by City officials and staff.

Mr. Tom DeQuattro, owner of Willy McCoy’s, is requesting live music on the outdoor patio between noon and 8 p.m. He is also requesting that the outdoor bar serving hours be extended from 10 p.m. to midnight, consistent with the patio hours.

REVIEW OF CONDITIONAL USE PERMIT AMENDMENT

Live Entertainment
Live entertainment is restricted on the patio at Willy McCoy’s under their initial conditional use permit (2014). Mr. DeQuattro requests an amendment to support live music. He would like to have up to two musicians performing live amplified music no later than 8 p.m. The live music events are likely to be intermittent during the summer months.

City staff observed the live music demonstration event on June 8th. The patio was near capacity. Prior to music starting, staff logged sound measurements using a calibrated sound device along the westerly property boundary. Sound from the patio was inaudible from this location. Sound readings were in the 45 to 52 decibel (dBA) range, primarily generated by highway traffic. Staff measured sound on two occasions during the music performance and found similar dBA levels in the 45 to 52 range. The peak occurred when a loud vehicle passed on the highway.

The table below summarizes findings:

<table>
<thead>
<tr>
<th>Decibel Range</th>
<th>Average Decibels During a 15 Minute Measuring Period</th>
</tr>
</thead>
<tbody>
<tr>
<td>45 to 52</td>
<td>48</td>
</tr>
<tr>
<td>Pre-Music Sound Levels</td>
<td>45 to 52</td>
</tr>
<tr>
<td>Post-Music Sound Levels</td>
<td>48</td>
</tr>
</tbody>
</table>
By Code, noise levels at residential locations cannot exceed 65 dBA for more than 10 percent of the time during
daytime hours (defined from 7 a.m. to 10 p.m.) and cannot exceed 60 dBA more than 50 percent of the time.
During evening hours (10 p.m. to 7 a.m.) the threshold falls to 55 dBA.

Staff’s findings indicate that the patio noise does not exceed sound thresholds as measured by the device. In
addition, sound from the patio was inaudible before or during the music event. Only highway traffic could
be heard.

Given the sound readings, staff supports the request for live music on the patio from noon to 8 p.m. with a
two musician limit.

Outdoor Patio Bar/Kiosk Hours
In April 2015, the City approved Willy McCoy’s plans for a covered bar/kiosk on the outdoor patio. The
outdoor bar hours were limited to 10 p.m. Mr. DeQuattro requests extending the bar hours from 10 p.m. to
midnight consistent with the newly established patio hours.

City Code does not set specific standards for outdoor bars. The criteria are established in review of site
specific CUP’s, taking into consideration the relationship to adjacent uses.

Since opening their patio in 2015, city records do not note any nuisance or noise complaints generated by
Willy McCoy’s patio. To date, ownership has exhibited the ability to control negative externalities
associated with outdoor dining. As such, staff supports Willy McCoy’s request to expand the outdoor
serving bar/kiosk hours from 10 p.m. to midnight. The recommendation is conditioned on the business being
in compliance with city codes including noise ordinances outlined above. Problems or violations may result
in a public hearing to revoke the amended hours.

In summary, the outdoor patio regulations at Willy McCoy’s would be as follows:
1. The patio and serving bar would be open until midnight seven days a week.
2. Live music (up to two musicians) would be allowed between the hours of noon and 8 p.m.
3. All patio activities would be required to adhere to City nuisance and noise ordinances.

PLANNING COMMISSION RECOMMENDATION

On June 19, 2017 the Planning Commission held a public hearing on the conditional use permit. No public
testimony was offered.

Planning Commissioners were in unanimous support of the live music request based on staff’s noise findings.
Regarding the bar/kiosk hours, Commissioner Bouchard was in dissent. He believed that extended bar hours
wouldn’t be well-received by the neighborhood. Remaining Commissioners were supportive of the bar/kiosk
being open consistent with the patio hours. On a five to one vote, it was recommended that the bar/kiosk hours be
extended from 10 p.m. to 12 a.m.

*Commissioner David Bouchard will represent the Planning Commission at the meeting.

RECOMMENDATION

By motion, it is recommended that the City Council approve the following:

1. Resolution approving an amendment to a conditional use permit allowing live music on the outdoor patio,
subject to the following conditions:
(1) The City retains the right to revoke live music provisions if City Code violations are determined. Revocation shall include a public hearing.
(2) Live music on the outdoor patio shall not violate the City’s noise ordinance, Section 126-269.
(3) No more than two musicians may perform on the outdoor patio.
(4) Musicians may perform from noon to 8 p.m.

2. Resolution approving an amendment to a conditional use permit extending the full-service bar/kiosk hours from 10 p.m. to midnight, subject to the following conditions:

(1) The City retains the right to revoke the amended outdoor bar/kiosk hours if City Code violations are determined. Revocation shall include a public hearing.
(2) The outdoor patio shall not violate the City’s noise ordinance, Section 126-269.

Attachments.
- Project Area Aerial Photo
- Planning Commission minutes
- Resolutions