

**- MINUTES -**  
**CHASKA CITY COUNCIL**  
**MAY 16, 2011**

1. Call to Order

The meeting was called to order by Mayor Windschitl at 7:00 p.m.

2. Pledge of Allegiance

3. Roll Call

Roll call was taken. Present: Councilmembers Schulz, Boe, Millard, and Mayor Windschitl. Absent: Councilmember Ford.

Also Present: Bill Monk, City Engineer; Melissa Duchinsky, City Planner; Kevin Ringwald, Planning Director; Luke Melchert, City Attorney; Bart Fischer, Assistant City Administrator; and Matt Podhradsky, City Administrator.

4. Adopt the Agenda

Motion by Councilmember Boe, second by Councilmember Schulz to adopt the agenda as presented.

Motion carried.

5. Visitor

Bruce and Sharon Perkins of 125 West 82<sup>nd</sup> Street, Chaska appeared before the Council with their concerns regarding noise issues with Michel Foods.

Kara Douglas-Thom of 219 West 82<sup>nd</sup> Street, Chaska, also expressed concerns with noise issues and Michel Foods.

The City Administrator provided an update on the City's process with the issue. The City Engineer also provided a brief update on the situation. Some discussion was held amongst the Councilmembers on the timing of the process.

Mayor Windschitl read a Proclamation recognizing Margo Steffel, Chaska Senior Clerk, for Municipal Clerks Week.

6. Minutes

Motion by Councilmember Schulz, second by Councilmember Boe to approve the minutes of the April 18, 2011 City Council meeting.

Motion carried.

7. Consent Agenda

Motion by Councilmember Boe, second by Councilmember Millard to approve the Consent Agenda Items a through s:

- a. Approve Minutes of the May 9, 2011 Park and Rec Board Meeting
- b. Approve Minutes of the May 11, 2011 Planning Commission Meeting
- c. Approve Minutes of the April 18, 2011 EDA Commission Meeting

- d. Adopt Resolution No. 11-31 Approving Solicitor Permits for Hannah Cotter and Andrew Peterson of Custom Remodelers  
Motion to adopt Resolution No. 11-31 approving Solicitor Permit Nos. SOL.11-54 and SOL.11-55 for Hannah Cotter and Andrew Peterson respectively of Custom Remodelers located at 474 Apollo Drive, Lino Lakes, Mn. 55014, for the period May 17, 2011 through December 31, 2011.
- e. Adopt Resolution No. 11-30 Approving Transient Permits for Nicola Peterson of Sever's Farmers Markets  
Motion to adopt Resolution No. 11-30 approving Transient Permits TRA11-02 and TRA11-03 for Nicola Peterson of Sever's Farmers Markets for the period of June 24 through August 21, 2011 and effective upon publication in the Chaska Herald.
- f. Adopt Resolution No. 11-32 Approving a Solicitor Permit for Matt Udermann of Kid's Start Up Enterprise  
Motion to adopt Resolution No.11-32 approving Solicitor Permit No. SOL.11-56 for Matt Udermann of Kid's Start Up Enterprise located at 2347 Kelm Street, Chaska, Mn. 55318 for the period May 17, 2011 through December 31, 2011.
- g. Approve 2010 Interfund Transfers to be Reported as Other Financing Sources and Uses in the 2010 Comprehensive Annual Financial Report  
Motion to approve 2010 interfund transfers to be reported as Other Financing Sources and Uses in the 2010 Comprehensive Annual Financial Report.
- h. Approve the Extended Lease Agreement with Charlie Panacopoulos for Charlie's Town Course Grill at the Chaska Town Course  
Motion to extend the lease agreement through December 31, 2015, with Charlie Panacopoulos for the continued operation of Charlie's Town Course Grille at the Chaska Town Course and to authorize the City Administrator to execute the Lease Extension.
- i. Adopt Resolution No.11-33 Approving an Amendment to the Chaska Fire Department's Joint Powers Purchasing Agreement  
Motion to adopt Resolution No. 11-33, approving the amendment to the Fire Department's JPA and authorizing the Mayor and City Administrator to execute the needed documents.
- j. Adopt Resolution No. 11-34 Approving the State of Minnesota Joint Powers Agreements with the City of Chaska on behalf of the City Attorney and Police Department  
Motion to adopt Resolution No.11-34 approving the State of Minnesota Joint Powers Agreements with the City of Chaska on behalf of the City Attorney and Police Department.
- k. Adopt Resolution No. 11-38 Approving Solicitor Permit for Scott M. Elling of Garbage Man  
Motion to adopt Resolution No. 11-38 approving Solicitor Permit No. SOL.11-57 for Scott M. Elling of Garbage Man located at 13895 Industrial Park Boulevard, Suite 100, Plymouth, Mn. 55441, for the period May 17, 2011
- l. Adopt Resolution No. 11-35 Approving the Bid Award to Classic Protective Coatings, Inc. for the Industrial Park Water Tower Repaint  
Motion to approve Resolution No. 11-35 awarding the bid for the Industrial Water Tower repaint to Classic Protective, Inc. in the amount of \$664,100.

- m. Adopt Resolution No. 11-39 Approving Solicitor Permit for Oscar Alvarado – Self Employed  
Motion to adopt Resolution No. 11-339 approving Solicitor Permit No. SOL.11-58 for Oscar E. Alvarado of 126 Michelle Avenue, Chaska for his self-employed handy man services for the period May 17, 2011 through December 31, 2011.
- n. Approve Liquor License Renewals for 2011-2012  
Motion to approve liquor license renewals as itemized on Schedule A attached, effective July 1, 2011 through June 30, 2012.
- o. Adopt Resolution No. 11-40 Approving Transient Permits for Great Gardens by Grandma  
Motion to adopt Resolution No. 11-40 approving Transient Permits TRA.11-04 and TRA.11.05 for Carol Thuening of Earl Holasek Greenhouse Inc., DBA Great Gardens By Grandma for the period of May 2011 through June 30, 2011.
- p. Approve Electric Pole Attachment License Agreement with Arvig Communications, Inc.  
Motion to approve an Electric Pole Attachment License Agreement with Arvig Communications, Inc. and authorize the City Administrator to sign the agreement.
- q. Adopt Resolution No. 11-41 Approving Solicitor Permit for The Window Store  
Motion to adopt Resolution No. 11-41 approving Solicitor Permit No. SOL.11-59 for Mark Alan Chasin of The Window Store located at 2924 Anthony Lane, St. Anthony, Mn. 55418 for the period May 17, 2011 through December 31, 2011.
- r. Adopt Resolution No. 11-50 Approving Solicitor Permits for Clean Water Action Group  
Motion to adopt Resolution No. 11-50 approving Solicitor Permit Nos. SOL.11-60 through SOL. 11-65 for Shane Pavlick, Shane Fischer, John Dahmen, Michele Balze, Tristan Howell, and Freeman Wicklund of Clean Water Action, of 308 East Hennepin Avenue, Minneapolis, Mn. 55404 for the period May 17, 2011 through December 31, 2011.
- s. Adopt Resolution No. 11-42, Approving the Final Plat – Nickel Creek/ PC No 11-06 / Scott Carlston  
Motion to adopt Resolution No. 11-42, approving the Final Plat for Nickel Creek (Phase I), subject to the stipulations and conditions listed in said resolution.

Motion carried.

8. Public Assessment Hearing: a) Adopt Resolution No. 11-37 Approving 2011 Street Reconstruction Project; b) Adopt Resolution No. 11-49 Approving Construction Documents and Authorizing Solicitation of Public Bids.

The City Administrator introduced the item to the Council.

The City Engineer presented the item to the Council.

Councilmember Millard inquired whether the assessments can go down if the bids come in lower.

The City Engineer said they could.

The Mayor asked if there was still time this year to finish the project and the City Engineer said there was time to finish.

The Public Hearing was opened at 7:50 pm.

Jeanne Gadbois of 128 Spruce Street, Chaska appeared before the Council to inquire about the assessment payments, which were clarified by the City Administrator.

The Public Hearing was closed at 7:51 pm.

Motion by Councilmember Schulz, second by Councilmember Millard to adopt Resolution No. 11-37 adopting the assessment roll for the 2011 Street Reconstruction Property.  
Motion carried.

Motion by Councilmember Schulz, second by Councilmember Boe to Adopt Resolution 11-49, approving the construction documents and authorizing solicitation of public bids for the 2011 Street Reconstruction Project.  
Motion carried.

9. Public Hearing: Adopt Resolution No. 11-36 Approving Proposed Vacation of Utility and Drainage Easement in Jonathan Square

The City Administrator introduced the item to the Council.

The City Engineer presented the report to the Council.

Councilmember Boe inquired about the timeline for the opening of the Kwik Trip store in Jonathan Square and if they needed to go through the Planning Commission and Council for approval.

The Planning Director explained that the business is going into an existing location and things are being kept relatively the same.

The Public Hearing was opened at 7:55 pm.

No one appeared before the Council.

The Public Hearing was closed at 7:56 pm.

Motion by Councilmember Boe, second by Councilmember Millard to Adopt Resolution No. 11-36 approving the vacation of a portion of the utility and drainage easement for Lot 1, Block 1, Jonathan Square 2<sup>nd</sup> Addition.  
Motion carried.

10. Adopt Resolution No. 11-48 and Ordinance No. 849, Revising Concept and Preliminary Site and Building Plan Applications and Approving Zoning Ordinance amendments to Sections 9.6, 9.9, 9.11, and 9.27 /City of Chaska/PC No. 11-12

The City Administrator introduced the item to the Council.

The Planning Director, Kevin Ringwald, presented the item to the Council.

Alex Young, Chairperson of the Planning Commission, appeared before the Council to provide the Planning Commission's perspective to the Council.

The City Administrator thanked Alex Young, Mike Huang, and Troy Miller of the Planning Commission for the work they did on this item.

Councilmember Boe complimented the electronic submittal aspect for the application process.

Councilmember Schulz asked when this will take effect. The City Administrator said it will not affect those projects already in progress, but any new applicants will have to follow the new rules.

The entire Council thanked the Commissioners for their work on the amendment.

Motion by Councilmember Boe, second by Councilmember Schulz to adopt Resolution #11-48, revising the Concept and Preliminary Site and Building Plan applications and approve Ordinance #849, amending the Zoning Ordinance (Sections 9.6, 9.9, 9.11, and 9.27).  
Motion carried.

11. Adopt Resolution Nos. 11-43 and 11-44 Approving the Preliminary Plat, Conditional Use Permit & Preliminary Site/Building Plans for Construction of High School at Bavaria Rd South of Hwy 212/PC. No. 11-08/Southwest Christian High School

The City Administrator introduced the item to the Council.

Melissa Duchinsky, the City Planner, presented the report to the Council.

The City Engineer presented additional information to the Council regarding stormwater and traffic issues.

Councilmember Millard asked how many homes were originally planned in the residential concept plan and was told about 60 homes were planned.

The Mayor asked Dan Beckering, from SWCHS, what the hours of operation are for the school and was told they are approximately 7:45 am to 5:00 pm, in addition to some evening activities.

Councilmember Schulz expressed concern over traffic and safety issues at the intersections of Hundertmark and Engler with Bavaria Road, particularly with teen drivers.

Councilmember Boe inquired about drainage issues for neighbors to the south and the City Engineer stated the issues will be addressed through the drainage plan.

Councilmember Millard expressed concerns with traffic on Hundertmark and Bavaria Road with SWCHS and CHS both in the area and have similar school hours. The City Engineer, Bill Monk, said that has not been addressed, as Chaska High School is much farther away.

Mayor Windschitl asked which direction most students would be arriving from. The City Engineer did not know at this time.

Councilmember Boe inquired about parking in the residential neighborhoods and having a fence and whether there would be issues. He was advised by the City Planner that parking should not be an issue and the Planning Commission was not recommending a fence at this time.

Dan Beckering addressed student parking issues and advised that parking is free for students. He also gave a short power point presentation on the school as a whole. He did not recommend a fence to the south and east but would put in a fence if required, but preferred it not be decorative.

Councilmember Schulz and Mayor Windschitl spoke against installation of a fence at this time.

The Planning Director explained the requirements for a decorative fence.

Councilmember Boe asked if a fence could be installed at a later date.

The City Administrator said a condition could be added to the Resolution.

Councilmember Millard asked whether the original Planning Commission action in 2008 included a fence.

The Planning Director said that it did.

Dan Beckering mentioned the park dedication fee versus the dedication of land. City Staff is recommending a fee but SWCHS would like to dedicate land. He also stated that a representative of the construction company had addressed the Planning Commission on concerns of exterior materials.

Councilmember Schulz said it appeared that City Staff and the school needed to discuss a few more items in relation to the conditions of the project.

The Planning Director and City Administrator addressed the parkland dedication issue and that land dedication is not conducive to the creation of a park.

Jim Reynolds of 406 Oak Hill Road, Chaska spoke in overall favor of the project. He thanked the City Staff, SWCHS personnel and the Planning Commission for their work. His concerns had been about water runoff and the exterior of the building. He did ask what would happen to the building if the school were to move out. The Planning Director stated it could only be used as a school or residential. Mr. Reynolds said he would like to see that the trees are protected. He would also like to see the plans reflect that the gymnasium is smaller than originally planned. The Planning Director said the documents will be changed to reflect that.

Nicholas Mason of 1888 White Oak Drive, Chaska provided comments on the project, as well as a hand out for the Councilmembers (attached).

Eric Johnson of 1889 White Oak Drive, Chaska stated his biggest issue is that he would like to see the fence erected.

Mayor Windschitl said he did not see the need for a fence.

Councilmember Schulz also stated he did not see a need for a fence at this time. He further stated that the lighting issues with the practice fields should be addressed in the project conditions.

Councilmember Boe stated that he thought the fence should be built now, but that it could be chain link rather than decorative, to lessen the financial impact.

Councilmember Millard suggested that perhaps a living hedge could be planted as a fence.

Councilmember Schulz commented that in 2008 he voted against the concept plan, but he would support the issue today, as it seems like this is the direction the Council wants to go.

The Mayor said he has some concerns but he would support the plan. He liked that SWCHS had talked to the neighbors and alleviated some of their concerns.

The Council added the following wording to the conditions of Resolution No. 11-44:

#18. "12 inches to 12 feet"

#25. "Fencing on the east side of ..."

#28. "Prohibit lighting of practice fields on the east side of the site."

Motion by Councilmember Boe, second by Councilmember Millard to adopt Resolution No. 11-43, approving the Conditional Use Permit for Southwest Christian High School to allow construction of a school on a site greater than 10 acres in size in an R-1A zone district, located on the Hammers property south of Highway 212, subject to the stipulations and conditions listed in said resolution.

Motion carried.

Motion by Councilmember Boe, second by Councilmember Millard to adopt Resolution No. 11-44, the Preliminary Plat and Preliminary Site/Building Plans for Southwest Christian High School in order to construct a high school on the Hammers property south of Highway 212, subject to the stipulations and amended conditions listed in said resolution.

Motion carried.

A short recess was taken at 10:55 pm.

The meeting was resumed at 11:00 pm

12. Adopt Resolution No. 11-47, Approving the Conditional Use Permit for Lodging in the C-3 Downtown Commercial Zone District at 314 Walnut Street-Klein Mansion /PC No. 11-05/Jason Vanderscoff – Five Star Recovery

The City Administrator introduced the item to the Council.

The City Planner advised the Council on the Conditional Use Permit.

Jason Vanderscoff of Five Star Recovery appeared before the Council to answer questions.

Councilmember Schulz commented that if the Council was uncomfortable with the CUP request, then they should not have voted in favor of the use it in the past.

Councilmember Boe expressed some concerns with the length of the lease and the number of beds in the facility. He also commented on whether this is the right place or use for the house. He expressed concerns about going against the recommendation of the Planning Commission.

The Mayor stated that this is not the perfect use but it is a use for the building for the short term.

Councilmembers Schulz and Millard agreed that this is the right thing to do at this time.

Motion by Councilmember Schulz, second by Councilmember Millard to adopt Resolution No. 11-47, approving a Conditional Use Permit for a residential facility at 314 Walnut Street North (C.H. Klein Mansion), subject to the stipulations and conditions included in said resolution.  
Motion carried.

13. Adopt Resolution No. 11-45, approving the Revised Concept Plan, Preliminary Plat & Preliminary Site/Building Plans for Creeks Run Townhomes at Yellow Brick Road North of Clayhole Lake and South of Crosstown Boulevard / PC. No. 11-11/09-05/Everwood Development

The City Administrator introduced the item to the Council.

The City Planner presented the item to the Council.

Mayor Windschitl stated that the trail should be paved.

The City Administrator presented the details on the development process.

David Dye, the developer, addressed the Mayor's question on affordability, and presented a summary of the project.

Councilmember Schulz asked if improvements could be made to Fire Lane and the City Administrator said Staff would look into it.

Motion by Councilmember Schulz, second by Councilmember Boe to adopt Resolution No. 11-45, approving the Revised Concept Plan, Preliminary Plat & Preliminary Site/Building Plans for Creek's Run Townhomes, subject to the stipulations and conditions included in said resolution. Motion carried.

14. Adopt Resolution No. 11-46, approving the Conditional Use Permit for Cell tower Extension at 1068 Walnut Court /PC. No. 11-07/Verizon Wireless

The City Administrator introduced the item to the Council.

Melissa Duchinsky, the City Planner, presented the report to the Council.

Motion by Councilmember Boe, second by Councilmember Millard to adopt Resolution No. 11-46, approving the Conditional Use Permit for 20 feet total cell tower extension (15 feet tower extension plus a 5 feet lighting rod) on the existing cell tower located at 1068 Walnut Court, subject to the stipulations and conditions included in the staff report. Motion carried.

15. Bills

Motion by Councilmember Schulz, second by Councilmember Boe to approve the bills as presented. Roll call was taken. Voting aye: Councilmembers Schulz, Boe, Millard, and Mayor Windschitl. Voting nay: None. Councilmember Ford absent. Motion carried.

16. Other Business

Councilmember Schulz:

- ❖ Inquired about a link on the City web page to the Ward map.
- ❖ Inquired about an Ordinance regarding trash cans on the street and the City Administrator advised that residents should call the Police Department if they see issues.
- ❖ Inquired about City-owned garden plots and whether there could be more. The City Administrator said Staff would look into it.
- ❖ Offered congratulations to Susan Marek of the Community Center on hosting a successful 5K/10K race on Saturday.
- ❖ Thanked participants of the "Bullying Event" held at Dunn Brothers on Saturday by the Police Department and the Human Rights Commission.
- ❖ Mentioned upcoming City events: Taste of Chaska, Christmas in May, 5K/10K Run, Memorial Day Parade.

Councilmember Boe:

- ❖ Inquired whether there has been any interest in the Klein Mansion on Fourth Street and was told by the City Administrator that the City is working with Coldwell Burnett on marketing the house and there has been one showing.

- ❖ Asked if the street called Fire Lane will ever be renamed and was told possibly when the redevelopment of the homesites occurs.

17. Adjourn

Motion by Councilmember Boe, second by Councilmember Schulz to adjourn the meeting at 12:40 am.

Motion carried.