

- MINUTES -
CHASKA CITY COUNCIL
OCTOBER 18, 2010

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, Ford, Businaro, and Mayor Windschitl.
Absent: Councilmember Boe

Also Present: Luke Melchert, City Attorney; Bart Fischer, Assistant City Administrator, Bill Monk, City Engineer; and Matt Podhradsky, City Administrator.

4. Adopt the Agenda

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

Motion carried 4-0

5. Visitor

Derek Lee – Carver County Sheriff's Candidate – Did not appear

Patricia Shandley/Frank Lisa: 316 West 2nd Street, stated they want a POD on the City Street for more than the 7 days stipulated in Chaska Ordinance. City Administrator discussed the history on the situation. City Attorney stated he would look into it during the meeting, possibly getting enough information to make a decision before the end of the meeting.

6. Minutes

Motion by Councilmember Ford, second by Councilmember Businaro, to approve the minutes of October 4, 2010, City Council meeting.

Motion carried 4-0.

7. Consent Agenda

Motion by Councilmember Businaro, second by Councilmember Schulz, to approve the Consent Agenda Items a through b:

- a. Approve minutes of the October 11, 2010 Park and Rec Board Meeting
Motion to approve the Minutes of the October 11, 2010 Park & Rec Board Meeting.
- b. Highland Shores Improvements and Financial Surety Release
Motion to accept the Highland Shores improvements as complete and release the financial surety in its entirety.

Motion carried 4-0.

8. Adopt Resolution No. 10-XX, Denying the Chaska Building Center Concept Plan for the Eastern Portion of the Site (Outlots A & B), PC No. 10-05/DDK Construction –**WITHDRAWN.**

9. Public Assessment Hearing: Miscellaneous Fees and Unpaid Charges; Approve Resolutions Nos. 10-79, 10-80, 10-81 and 10-82, adopting the assessment rolls for a) delinquent storm water utility accounts, b) weed removal, c) electric service charges, and d) sewer repair.

The City Administrator and City Engineer presented the items to Council.

a. Delinquent Storm Water Utility Charges

b. Weed Removal

c. Electric Service Connections in Sandy Acres

Councilmember Schulz asked for more detail regarding the service connections in relation to the Century Link lines being buried.

The City Engineer explained that the City took advantage of Century Link burying lines to bury electric lines in the same trench, saving time. The assessment agreements were executed by the private property owners at a 60/40 assessment split. Electric Director met individually with each homeowner.

d. Sanitary Sewer Repair on Boldt Street in Riverwoods

Mayor Windschitl opened the public hearing at 7:25 p.m.

Councilmember Businaro asked how staff arrived at the interest rates.

City Administrator responded that it is set by ordinance and other factors based on the cost of the borrowed money at the time.

Mayor Windschitl closed the public hearing at 7:26 p.m.

Motion by Councilmember Schulz, second by Councilmember Businaro, to approve Resolutions 10-79, adopting the special assessment roll for delinquent storm water utility accounts; 10-80, adopting the special assessment roll for unpaid weed removal charges; 10-81, adopting the special assessment roll for electric service connection charges; and, 10-82, adopting the special assessment roll for sewer repair costs. Motion carried 4-0.

10. Public Assessment Hearing: Approve Resolutions Nos. 10-83 and 10-84, adopting the special assessment rolls for a) Hundertmark Road Reconstruction Project and b) acquisition of MnDOT Right of Way for the 212 Medical Center Pond.

The City Administrator and City Engineer presented the items to the Council.

a) Hundertmark Road Reconstruction between TH 41 and Christian Drive.

b) Acquisition of MnDOT right of way for 212 Medical Center

10. Public Assessment Hearing: Approve Resolutions Nos. 10-83 and 10-84, adopting the special assessment rolls for a) Hundertmark Road Reconstruction Project and b) acquisition of MnDOT Right of Way for the 212 Medical Center Pond - continued.

Mayor Windschitl opened the public hearing at 7:30 p.m.

Mayor Windschitl closed the public hearing at 7:31 p.m.

Motion by Councilmember Businaro, second by Councilmember Ford, to approve Resolution No. 10-83 and Resolution No. 10-84, adopting the special assessments to Lot 1, Block 1, 212 Medical Center, as part of the Hundertmark Reconstruction Project.
Motion carried 4-0.

11. Public Assessment Hearing: approve Resolution No. 10-85, adopting the assessment to Lot 1, Block 1, SuperAmerica Addition for the SuperAmerica driveway relocation project.

The City Administrator and City Engineer presented the item to Council.

Mayor Windschitl opened the public hearing at 7:36 p.m.

Andy Tesch, District Manager of SuperAmerica in Chaska thanked the City and construction company for all of their help during the construction process. He stated they are in a better situation than before.

Mayor Windschitl closed the public hearing at 7:39 p.m.

Motion by Councilmember Schulz, second by Councilmember Ford, to approve Resolution No. 10-85, adopting the special assessment to Lot 1, Block 1, SuperAmerica Addition for the SuperAmerica driveway relocation project.
Motion carried 4-0.

12. Public Assessment Hearing: Approve Resolution 10-86, adopting the special assessment of trunk charges for West Creek Corporate Center.

The City Administrator and City Engineer presented the item to Council.

The City Administrator thanked staff for the incredible amount of work done throughout the summer.

Mayor Windschitl asked if the road will still go in, and the City Engineer replied at least to gravel, probably not paved this year.

Mayor Windschitl opened the public hearing at 7:45 p.m.

Mayor Windschitl closed the public hearing at 7:46 p.m.

Motion by Councilmember Businaro, second by Councilmember Schulz, to approve Resolution 10-86, adopting the special assessment of trunk charges for West Creek Corporate Center.
Motion carried 4-0.

13. 86th Street

The City Administrator and City Engineer presented the item to Council.

Discussion was had on how to word the access issue to 86th Street between Chaska and Victoria.

Staff will check to make sure the access to 86th Street language is memorialized.

Motion by Councilmember Ford, second by Councilmember Businaro, to approve Resolutions 10-87 and 10-88 designating 86th Street right of way to the City of Victoria via annexation and modification of the orderly annexation agreement with Laketown Township, with staff directed to ensure that access to 86th Street Right of Way by Chaska is memorialized.

Motion carried 4-0.

At this point, the City Engineer recognized Noel Graczyk and Susan Prather for their work on the special assessments.

14. ITEM ADDED: Request by Resident to allow a storage POD on City street for more than the 7 days provided by City Ordinance.

Luke Melchert, City Attorney, addressed this item with the Council, stating they should consider directing the City Administrator to send a letter requesting the specific location and time frame relative to the POD. Consideration also needs to be given to the ability of the City to move the POD if snow plowing or other public works emergency should arise.

Councilmember Businaro asked if this could cause issues in the future, and the City Administrator stated he had some concerns regarding setting a precedent here.

Mayor Windschitl stated he was struggling with this, especially with the short time frame of making a decision that was brought up under visitor presentation without other staff and neighborhood input.

Motion by Councilmember Businaro, second by Councilmember Schulz, to approve placement of the POD through November 8, 2010, with the condition that the POD be moved if a public works emergency should come up; further directing the City Administrator to approve the location of the POD, and that the City Administrator be provided with the ability to add conditions as needed.

Motion carried 3-1, Mayor Windschitl voted nay.

15. Bills

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

Motion carried.

16. Other Business

Councilmember Schulz:

- Asked if there is a restriction on the number of vehicles on a right of way. The City Administrator stated not on the number of vehicles, but on the time allowed to park there. Three cars are allowed on private property.
- Also asked if garbage cans are allowed on the street. The City Attorney replied that they have to be out of site
- Further asked how people can notify the City on issues such as these. The City Administrator said to contact the City Administrator or City Hall.

Councilmember Schulz:

- Asked what progress is being made regarding the timing of the traffic lights on 2nd & Hwy 41. The City Engineer said he's working with MnDOT about possible updates.

Councilmember Schulz:

- Stated that a property off of Boldt Street has tall weeds and the silt fence is destroyed. The City Administrator said staff would look into it.

Councilmember Businaro:

- Thanked the City Administrator and City Engineer for working with neighbors in the Michael Foods area and setting up a neighborhood meeting.
- He asked what authority the City has for control of noise. The City Administrator cited the construction ordinance for construction noise, and stated in an industrial area, MPCA standards were adopted into the ordinance.

Councilmember Businaro:

- Stated that we see a lot of negatives related to growth development in the City; are there any positives? The City Administrator stated that yes, job creation is a positive; there is interest in the community's commercial/retail potential. Possible new interchange at CR 140 and Hwy 212.
- The US/State/City flag in the park was discussed, asking if this was common. The City Administrator stated: Yes.

Councilmember Businaro:

- Asked if we are getting close on the outstanding Union contract. The City Administrator stated: Yes
- Relative to Block 6, Councilmember Businaro asked if our agreement with Doran Companies has expired. City Administrator replied yes.

16. Other Business, continued.

Councilmember Ford:

- Wanted to know how Hwy 41 was able to open so soon after the flood. The City Engineer responded that the State did not follow normal procedures, and did repairs under traffic.
- Councilmember Ford asked about a high water marker sign in town. The City Administrator stated it might be best placed in a park vs. along Hwy 41.

Councilmember Ford:

- Stated Downtown Taskforce will be meeting tomorrow (Tuesday). The City Administrator stated the next step will be to have a joint Planning Commission and City Council meeting, then following up with a public open house.

Councilmember Ford:

- Recommended a work session for discussion on holiday lighting displays on City property.

City Administrator:

- Reminded all of the SW Transit Coalition meeting being held Friday morning, October 22, at the CCC.

Mayor Windschitl:

- Stated that the 212 Medical Center was looking good.
- Requested an update on the entrance monument at Audubon & Lyman. The City Engineer said it was removed due to construction and replacement has not been discussed.
- Stated that Chaska needs more directional signage for Downtown Chaska out on Hwy 212.
- Mentioned that his email has been down for 3 to 4 days.

17. Adjourn

Motion by Councilmember Schulz second by Councilmember Ford to adjourn the meeting at 9:00 p.m. Motion carried.