

**- MINUTES -
CHASKA CITY COUNCIL
JUNE 20, 2022**

1. Call to Order

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

2. Pledge of Allegiance

3. Roll Call

Roll call was taken. Present: Councilmembers Hatfield, Hubbard, Huang, and Mayor Windschitl

Absent: None.

Also Present: Matt Podhradsky, City Administrator; Noel Graczyk, Administrative Services Director; Kevin Wright, Communication Director; Elise Durbin, Assistant Administrator; Parks and Recreation Director Marshall Grange; Nate Kabat, Community Development Director; Liz Hanson, City Planner; City Attorney; and City Engineer Matt Clark.

4. Adopt the Agenda

Motion by Councilmember Hatfield, second by Councilmember Hubbard to adopt the agenda as presented.

Motion carried.

5. Visitor Presentation

5.A. CHS Principal Bach – Hawk Pride Highlights

Principal Bach addressed the Council and provided an overview of the highlights from the Chaska High School year.

5.B. Tour De Tonka

Jenny Virdanka addressed the Council and provided an overview of the Tour De Tonka coming up on August 6, 2022.

Doug Schanzenbach addressed the Council and stated he wrote a letter in support of having Guardian Angels used as a library in the future for the City.

6. Approve Previous Meeting Minutes

6.A. Approve the May 2, 2022 City Council Meeting Minutes

6.B. Approve the May 16, 2022 City Council Meeting Minutes

6.C. Approve the June 6, 2022 City Council Meeting Minutes

Motion by Councilmember Hubbard, second by Councilmember Hatfield to approve the minutes of May 2, 2022, May 16, 2022, and June 6, 2022 City Council meetings.

Motion carried.

7. Consent Agenda

Motion by Councilmember Hubbard, second by Councilmember Huang to approve the Consent Agenda Items A through Q:

A. Minnesota Municipal Utilities Association (MMUA) Delegate Update

Motion to approve the updated list of MMUA delegates as follows: Andrew Romine, Troy Wiebe and Jack Worm.

B. Approve On-Sale Liquor at a Community Event - Schram Haus Brewery at Chaska Farmer's Market

Motion to approve On-Sale Intoxicating License at a Community Event OSCF22.01 for Schram Haus Brewery, 3700 Chaska Blvd, Chaska MN for the Chaska Farmer's Market, effective June 22nd through August 24, 2022.

C. School District 112 Contract for CPD School Resource Officers

Motion to authorize the City Administrator to sign the "Agreement for School Resource Officer Services By and Between Eastern Carver County Schools, IDS 112 and City of Chaska" document, thereby authorizing the Chaska Police Department to continue staffing 2 full-time SROs at ISD 112 schools in the City of Chaska.

D. Adopt Resolution 2022-84, Appointment of Election Judges - 2022 Primary August 9th

Motion to adopt Resolution No. 2022-84 appointing those persons listed on Exhibit A as Judges of Election for the Primary Election, Tuesday, August 9, 2022.

E. Adopt Resolution 2022-70, Approving the Lot Split at 3675 Big Woods Boulevard/Johnson Reiland Builders & Remodelers/PC #2022-40

Motion to adopt Resolution 2022-70, approving the Lot Split on 3675 Big Woods Boulevard, subject to the stipulations included in said resolution and the following conditions:

1. Approvals shall be based on the following graphic exhibits:

a. Lot Split, prepared by Pioneer Engineering, dated August 30, 2021.

F. Adopt Resolution 2022-71, Approving the Final Site & Building Plan and Final Plat for Cantissimo of Chaska/Anasazi Holdings/PC #2022-34

Motion to adopt Resolution No. 2022-71 approving the Final Site & Building Plan and Final Plat for Cantissimo of Chaska (PC #2022-34).

G. Adopt Resolution 2022-72, Approving the Final Plat for Ensconced Woods/Johnson-Reiland Builders & Remodelers/PC #2022-37

Motion to adopt Resolution No. 2022-72 approving the Ensconced Woods Final Plat for a 29-lot subdivision on 25 acres of land (PC #2022-37).

H. Adopt Resolution 2022-73, Approving the Final Plat for Oak Creek/DR Horton/PC #2022-39

Motion to adopt Resolution No. 2022-73 approving the Final Plat for Oak Creek (PC #2022-39).

I. Adopt Resolution 2022-74, Approving the Final Plat for Rivertown Heights/DR Horton/PC #2022-38

Motion to adopt Resolution No. 2022-74 approving the Final Plat for Rivertown Heights (PC #2022-38).

J. Adopt Resolution 2022-75, Approving the Final Site & Building Plan and Final Plat for Oak Ridge/RCS-RCA Oak Ridge LLC/PC #2022-36

Motion to adopt Resolution No. 2022-75 approving the Final Site & Building Plan and Final Plat for Oak Ridge (PC #2022-36).

- K. Adopt Resolution 2022-77, Assignment of Property Tax Abatement Agreement Between the City of Chaska and Lucrum Properties, LLC to 1200 Lakeview Drive, LLC.

Motion to adopt Resolution 2022-77 approving the Assignment of a Property Tax Abatement Agreement between the City of Chaska and Lucrum Properties, LLC to 1200 Lakeview Drive, LLC.

- L. Adopt Resolution 2022-79, Approving the Conditional Use Permit (CUP) for 415 Walnut Street North/Chaska Moravian Church/PC #2022-33

Motion to adopt Resolution No. 2022-79 approving the Conditional Use Permit (CUP) for a professional services/offices use on the 415 Walnut Street North property (PC #2022-33).

- M. Adopt Resolution 2022-80, 2022 Bids for the Wall Replacement at the City Owned Parking Lot at 2nd and Pine

Motion to approve Resolution No. 2022-80 awarding the bid for the 2022 Bids for the wall replacement at 2nd and Pine Street to Haho Companies, LLC. in the low bid amount of \$128,385.00.

- N. Adopt Resolution 2022-81, Approving 2022 Performance Measures

Motion to adopt Resolution 2022-81 Approving 2022 Performance Measures.

- O. Accept Resignation of Planning Commission Chair and Appoint New Planning Commission Chair and Vice Chair

Motion to accept the resignation of Commissioner Brian Dahlke from the Planning Commission and to appoint Rob Brass as Chair and to appoint Carl Lacey as Vice Chair.

- P. Adopt Resolution 2022-85, Parking Restriction on Creek Road

Motion to Adopt Resolution No. 2022-85, Prohibiting Parking on Creek Road, the collector roadway beginning at Wetzel Lane and ending at Savanna Way.

- Q. Approve Temporary On-Sale Intoxicating License for Chaska Lions Club

Motion to approve Temporary On-Sale Intoxicating License TW 22.03 for the Chaska Lions Club, that allows them to serve intoxicating beverages at Chaska City River Days, on July 29th – 31st, 2022.

Motion carried.

8. Action Items

8.A. Adopt Resolution 2022-76, Approving the Concept Plan for Block 42 in Downtown Chaska/Community Asset Development Group/PC #2022-30

City Administrator Podhradsky introduced this item and City Planner Hanson provided a presentation on it.

Mayor Windschitl asked if they will be rental units or owner occupied.

City Planner Hanson stated they are going to be owner occupied.

Councilmember Hubbard asked the developer how the neighborhood meeting on June 2nd, 2022 went.

Dave Pokorney, Community Asset Development Group, addressed the Council. He stated it was well received and they majority of people were happy that the school was being preserved. He noted they had questions on what the gym will be used for and he stated they are optimistic that they will come to an agreement that makes everyone happy for that use.

Motion by Councilmember Hatfield, second by Councilmember Huang to Adopt Resolution 2022-76, Approving the Concept Plan for Block 42 in Downtown Chaska/Community Asset Development Group/PC #2022-30.

Motion carried.

8.B. Adopt Resolution 2022-78, Approving the Final Site & Building Plan and Variance for Clover Ridge Apartments/AV Development/PC #2022-35

Councilmember Hatfield stated she appreciates the developers efforts and that they received the comments and remarks on the tot lot from the community.

Councilmember Huang stated he isn't a fan of giving variances and in this case it seems like there isn't a practical reason for granted it and that it is only being given to allow to build a larger building. He noted he is fine with the rest of the building but it doesn't make sense to him to grant a variance for the building to be closer to the street. He added it seems they are not applying consistent legal guidelines.

The developer addressed the Council and stated they are constrained by the wetlands and did their best to design it to provide what the market demands need on the 3 acres of land.

Community Development Director Kabat stated one of the major factors the staff is taking into consideration on this request is that the wetlands there are deemed "higher quality" wetlands, which in turn require a larger buffer. He noted if the wetlands didn't require the larger buffer it wouldn't impact the site and require a variance.

Councilmember Hatfield stated she would be more concerned if it didn't match some of the other buildings in the area, there are others close to the street and preserving the wetlands is important.

Councilmember Hubbard stated she understands what Councilmember Huang is saying and also understands the need for the apartments in the community.

Community Development Director Kabat stated it should also be noted the variance and setbacks being requested were discussed in preliminary approval phase so this isn't a new topic on the table.

City Attorney stated variances requests use the practicality test and are usually granted when there is a dimensional issue at play with the building, which is the case for this project. He noted it has to be a reasonable request and it is a matter of interpretation.

Motion by Councilmember Hatfield, second by Councilmember Hubbard to Adopt Resolution 2022-78, Approving the Final Site & Building Plan and Variance for Clover Ridge Apartments/AV Development/PC #2022-35.

Motion carried.

8.C. Adopt Resolution 2022-82 or Resolution 2022-83, Concept Plan for Outlot H Chaska Creek Center/Wabash Chaska Farms, LLC/PC #2022-31

Community Development Director Kabat introduced and provided a presentation on this item.

City Administrator Podhradsky stated it's important to remember this was a year-long process that was incorporated into the 2040 Comprehensive Plan because it brought the community together.

Councilmember Hatfield stated this is a really important spot and with so many houses going in over there, she doesn't think striking the language they are requesting from the ordinance doesn't sit well with her.

Councilmember Huang stated this was discussed at length in the past and they arrived at where they did because they value the way people view the community and these are not things to take lightly. He noted it was decided to incorporate a mixed balance of uses in that area.

Mayor Windschitl stated he was part of the early discussions on this site and he sees a lot of positives that could happen they just need to find that mix that should go there.

Dave Pokorney, Community Asset Development Group, addressed the Council. He stated the issue is if this proposal is in line with the Comprehensive Plan and if the Planning Commission was confused why the staff was recommending denial. He stated the council should watch the Planning Commission meeting and they will see that the Planning Commission was confused why staff was recommending denial when the project is in line with the Comprehensive Plan. He addressed the stricken sentences from the ordinance and stated they were only trying to comply with the ordinance instead of making new conditions.

Jerry Tenda of Wabash Capital, who represents one of the Frey brothers, addressed the Council. He provided some background on this property and the Frey family's vision for the property. He stated they are finding themselves in a very strange economic time where a lot of office space up to a third is vacant and going to take a hit. He noted they want to develop something in conjunction with the City and what is best overall for everyone. He feels there is some inconsistency with what the City has approved with other properties recently and what they are saying they don't want for this property.

Christine Ide Attorney for the Frey's, addressed the Council. She thanked the staff for working with them and trying to find a solution to the conundrum they find themselves in currently with Outlot H. She stated she believes the comprehensive plan along with the Concept Plan from 2013 are what they are using to mandate the actions on this project and doesn't believe that should be the case, she noted she respectfully disagrees with the City Attorney's comments.

Mayor Windschitl stated he wants to understand why can't they sit down and discuss how to make this work. He noted they were given a document at 7pm this evening that contradicts the agreed upon decisions already made.

Community Development Director Kabat stated he feels he has been very consistent while talking with the applicant but he did inform them that it may be easier to have these discussions on the differences if they are having if they withdraw the application and sit down and talk to staff first and find a middle ground.

City Administrator Podhradsky stated the applicants were told the staff won't give a recommendation to the Council to move forward with this item. He stated it is the applicant's decision to bring it forward tonight and have this conversation either with the Council anyhow.

Councilmember Huang stated it appears both the applicant and staff are saying they want to find a middle ground and in agreement to sit down and have some discussions to find a way to make this work.

Motion by Councilmember Huang, second by Councilmember Hubbard to Adopt Resolution 2022-83, Concept Plan for Outlot H Chaska Creek Center/Wabash Chaska Farms, LLC/PC #2022-31.

Motion carried.

9. Bills

9.A. Accounts Payable Council Roster 6-20-2022

Council requested further information on page 11.

City Administrator Podhradsky provided information regarding those bills.

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

10. Other Business

10.A. City Administrator's Report

10.A.i. Bi-Weekly Report May 2, 2022

Councilmember Huang:

- Stated the Community Center Open House had a good turn out and feedback
- Noted Thursday July 21st is the Picnic with the Police and Tuesday, August 2nd is Night to Unite

Councilmember Hubbard:

- Stated the Community Center Open House was a success and it went really well
- Noted she helped out with the pride festival and stated it was fun and thanked the Human Rights Commission and GSA and Parks and Recreation for all the hard work
- Wished everyone a Happy 4th of July

Councilmember Hatfield:

- Stated she had a great time at the Pride festival and it had a great turn out

- Noted there is Squad Car Story Time tomorrow at the library, Coffee with a Cop is Thursday at 9am at Caribou and Cones with a Cop at 10:30am
- Stated there is a Food Distribution on July 21st, and thanked everyone who helps out with those
- Recognized Juneteenth

Assistant City Administrator Durbin:

- Thanked the Councilmembers and Mayor for attending and helping with the Pride Festival

City Administrator Podhradsky:

- Reminded everyone to respond and give dates that work for them to the events in the park

Mayor Windschitl:

- Stated they are swearing in 3 new Officers next Monday
- Stated in July the meetings will be on the 11th and 18th because of the 4th of July

10. Adjourn

Motion by Councilmember Hatfield second by Councilmember Huang to adjourn the meeting at 10:55 pm.

Motion carried.