

**- MINUTES -
CHASKA CITY COUNCIL
AUGUST 15, 2022**

1. Call to Order

The meeting was called to order by Mayor Windschitl at 7:02 pm.

2. Roll Call

Roll call was taken. Present: Councilmembers Grau, 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 Jake Saufley; City Engineer Matt Clark; and Water and Sewer Director Matt Haefner.

3. Pledge of Allegiance

4. Adopt the Agenda

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

Motion carried.

5. Visitor Presentation

5.A. Brian Dahlke - Certificate of thanks for his years of service on the Planning Commission

Mayor Windschitl presented a plaque to Mr. Dahlke for his many years of service and thanked him for all his help on the Planning Commission.

Mr. Dahlke addressed the Council and thanked everyone for the wisdom they instilled upon him during his time on the Commission and support.

5.B. Growth Through Opportunity Program Recap

Officer Janke addressed the Council and provided an overview of the program.

Alex Oladoyin with Empower Inclusion addressed the Council and noted how exciting it was to see the great work the kids did with the program.

Mitchell Scott and Jordan Moore, participants of the program, provided an overview of their favorite events and activities they got to partake in during the program. They also provided a video presentation of their time in the program for the Council to review.

Officer Janke presented both Mitchell Scott and Jordan Moore with a Police Department Challenge Coin for their participation and hard work in the program.

6. Minutes

6.A. Approve the August 1, 2022 City Council Meeting Minutes

Motion by Councilmember Hubbard, second by Councilmember Hatfield to approve the minutes of July 18, 2022 City Council meeting.

Motion carried.

7. Consent Agenda

Motion by Councilmember Hubbard, second by Councilmember Grau to approve the Consent Agenda Items A through D:

A. Agreements related to a Metropolitan Council LHIA award for West Creek Apartments
Motion approving and executing Agreements related to a Metropolitan Council LHIA award for West Creek Apartments.

B. City Administrator Annual Review

Motion to approve administrator goals for 2022 and adjust the City Administrator's annual salary with a 1.1% Cost of Living Adjustment and 3.5% performance increase retroactive to January 1, 2022, and a \$2000 performance incentive.

C. Bond Sale Reimbursement

Motion to adopt Resolution 2022-101 relating to financing certain proposed projects and establishing compliance with reimbursement bond regulations under the Internal Revenue Code.

D. Adopt Resolution No. 2022-106 Approving the Alternate Urban Areawide Review (AUAR) Order and Scoping Document for CloudHQ/City of Chaska/PC #2022-52

Motion to adopt Resolution 2022-106, approving the AUAR Order and Scoping Document for CloudHQ (PC #2022-52).

Motion carried.

8. Action Items

8.A. Adopt Resolution No. 2022-99 Approving the Drainage & Utility Easement Vacation on Outlot B of Pioneer Vista/AV Development/PC #2022-50

City Administrator Podhradsky introduced this item.

City Planner Hanson provided background on this item.

Mayor Windschitl opened the public hearing at 7:29 p.m.

No one wished to address the Council.

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

Motion by Councilmember Hatfield, second by Councilmember Hubbard to Adopt Resolution No. 2022-99 Approving the Drainage & Utility Easement Vacation on Outlot B of Pioneer Vista/AV Development/PC #2022-50.

Motion carried.

8.B. Adopt Resolution No. 2022-105 Approving the Concept Plan for CloudHQ/CloudHQ/PC #2022-41

City Administrator Podhradsky introduced this item.

City Planner Hanson provided background and a presentation on this item.

Councilmember Huang asked what the cooling technology for this building will be.

Brett Burnett, developer, addressed the Council and stated the equipment seen on the roof in the diagram are the air-cooled chillers used instead of water-based cooling, noting that due to the size of the building it would be a massive amount of water used.

Mr. Burnett provided an overview of the company and purpose of the requested concept plan.

Motion by Councilmember Huang, second by Councilmember Grau to Adopt Resolution No. 2022-105 Approving the Concept Plan for CloudHQ/CloudHQ/PC #2022-41.
Motion carried.

8.C. Adopt Resolution No. 2022-100 and Ordinance No. 1020 Approving the Preliminary Site & Building Plan and Zoning Ordinance Amendment (ZOA) for Hazeltine Plaza Apartments/Trident Development/PC #2022-48

8.C.i. Adopt Ordinance No. 1020 Approving the Zoning Ordinance Amendment (ZOA) to PCD-15

City Planner Hanson introduced and provided a presentation on the background and overview of this item.

Councilmember Hubbard stated she thinks the building is beautiful and likes the dog run they included. She noted she is wondering if they intend to restrict the use of apartments as Airbnb's or anything similar.

Roger Fink, representing the applicant, addressed the Council. He stated to his knowledge no units have been used for Airbnb purposes but noted it would be a better question for the property manager depending on the lease terms, which usually include prohibited language around sub-leasing and other terms like that so he doesn't foresee it being an issue.

Councilmember Hatfield stated she thinks the developer could have added more units to the building but instead they used the space in a better manner to provide amenities for the residents and she appreciates that.

Mayor Windschitl invited any residents up to speak on this item, noting it is not a public hearing but wanted to allow anyone who wished to speak the opportunity to do so briefly.

Jane McKenzie, Birdie Lane, addressed the Council. She stated she has seen all the iterations of the properties over the years, having lived there for 40 years. She is happy to see something positive happening but she does wish the retail was a little smaller and more upscale.

Motion by Councilmember Huang, seconded by Councilmember Grau to Adopt Resolution No. 2022-100 and Ordinance No. 1020 Approving the Preliminary Site & Building Plan and Zoning Ordinance Amendment (ZOA) for Hazeltine Plaza Apartments/Trident Development/PC #2022-48.

Motion carried.

Motion by Councilmember Hubbard, second by Councilmember Huang to Adopt Ordinance No. 1020 Approving the Zoning Ordinance Amendment (ZOA) to PCD-15.

Motion carried.

8.D. Adopt Ordinance No. 1019 Approving the Zoning Ordinance Amendment (ZOA) to Section 15.16 Planned Development Districts/City of Chaska/PC #2022-51

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

Councilmember Grau asked if the issues being discussed tonight are related to the audit.

Community Development Director Kabat stated the specific issues being discussed tonight are not related to the audit but noted it is something that could have come out of the audit process.

Councilmember Huang stated he doesn't want to have to go through more variances but if this is the choice, he would rather go through more variances instead of putting the City at risk of being exposed to people who may have more aggressive motives. He added an example is recently, someone proposed to add a high bay industrial in a space originally zoned as office.

Mayor Windschitl stated it doesn't appear to matter what we decide because someone could decide to challenge us or sue us at any time.

City Attorney Saufley stated all of their decisions need to be reasonable and rational so precedence plays into that decision and if they were to approve a certain type of building once, and someone on a neighboring property wanted the same type of building under the same circumstances as the prior property owners, it could be deemed irrational of the Council to deny that request. In following through with this request, the Council may be limiting the possibility of different interpretations of the code from becoming an issue.

Motion by Councilmember Hatfield, second by Councilmember Hubbard to table Ordinance No. 1019 Approving the Zoning Ordinance Amendment (ZOA) to Section 15.16 Planned Development Districts/City of Chaska/PC #2022-51 until the audit is complete. Motion carried as amended.

8.E. Adopt Resolutions for Items Related to the Downtown Chaska Highway 41/Highway 61 Project

8.E.i. Adopt Resolution 2022-102 Awarding the Bid for the Downtown Chaska TH 41/CSAH 61 Project and Execute Contract Documents

8.E.ii. Adopt Resolution 2022-103 Approving a Cooperative Agreement with the Minnesota Department of Transportation for the Downtown Chaska TH 41/CSAH 61 Project

8.E.iii. Adopt Resolution 2022-104 Approving a Joint Powers Agreement with Carver County
Assistant City Administrator Durbin introduced and provided background on this item.

City Engineer Clark addressed the Council and stated they will know in the next two weeks possibly when they will start on CSAH 61. He noted mass coordination efforts are beginning to push the majority of what they can get done on CSAH 61 still this summer.

Motion by Councilmember Huang, second by Councilmember Hatfield to Adopt Resolution 2022-102 Awarding the Bid for the Downtown Chaska TH 41/CSAH 61 Project and Execute Contract Documents.

Motion carried.

Motion by Councilmember Hubbard, second by Councilmember Grau Adopt Resolution 2022-103 Approving a Cooperative Agreement with the Minnesota Department of Transportation for the Downtown Chaska TH 41/CSAH 61 Project.

Motion carried.

Motion by Councilmember Hubbard, second by Councilmember Huang Adopt Resolution 2022-104 Approving a Joint Powers Agreement with Carver County.

Motion carried.

9. Bills

9.A. Accounts Payable Council Roster 8-15-2022

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

10. Other Business

10.A. City Administrator's Report

10.A.i. Biweekly 8-15-2022

Councilmember Huang:

- Stated Night to Unite was a great event
- Stated the Park Facilities Party for Ward 4 is on August 17th from 6-8pm at McKnight Park
- Noted Touch-a-Truck is on August 18th from 5:00-7:30pm at the Community Center

- Stated Art in the Park is coming up on August 28th from 11am-5pm at Fireman's Park
- Southwest Transit CEO update is coming soon and noted Thursdays – Sunday will be offered for the State Fair weekends

Councilmember Grau:

- Stated Night to Unite was nice and reminded everyone to pick up after their dogs
- the Park Facilities Party for his Ward is August 11th from 5:30-7:00pm at Veterans Park

Councilmember Hatfield:

- Stated Ward 3 has the Park Facilities Party on August 16th
- Thanked staff for all their hard work with all the summer events going on

Councilmember Hubbard:

- Reminded everyone to slow down on the roads to keep the community safe
- Noted the Ward 2 Park Facilities Party went really well and thanked staff for all their help
- Stated Saturday was National left-handers day

Assistant City Administrator Durbin:

- Stated the League of MN Cities voted Senator Coleman was one of eighteen to be awarded Legislator of Distinction for 2022

Community Development Director Kabat:

- Stated staff is working on proposed changes to ordinance codes that would require neighborhood meetings being held by developers ahead of time and site signage to be posted

Mayor Windschitl:

- Stated Night to Unite was great
- Noted today Congressman Phillips had the Vietnams Pinning Ceremony
- Stated Fishing with friends was a great event and thanked everyone for their help

11. Adjourn

Motion by Councilmember Hubbard, second by Councilmember Huang to adjourn the meeting at 11:16 pm.

Motion carried.