

**- MINUTES -**  
**CHASKA CITY COUNCIL**  
**July 18, 2022**

1. Call to Order

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

2. Pledge of Allegiance

3. Roll Call

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

Absent: None.

Also Present: Matt Podhradsky, City Administrator; Kevin Wright, Communication Director; Elise Durbin, Assistant Administrator; Nate Kabat, Community Development Director; Liz Hanson, City Planner; City Attorney; Attorney Jake Saufley; and City Engineer Matt Clark.

4. Adopt the Agenda

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

5. Visitor Presentation

None.

6. Approve Previous Meeting Minutes

Mayor Windschitl noted the previous meeting minutes were not ready by Friday and will not be approved at this meeting.

7. Consent Agenda

Motion by Councilmember Hatfield, second by Councilmember Hubbard to approve the Consent Agenda Items A through C:

A. Adopt Resolution 2022-86, Accepting Gifts and Donations

Motion to adopt Resolution 2022-86, acknowledging and accepting gifts to the City of Chaska received during the period April 1, 2022 through June 30, 2022.

B. Adopt Resolution 2022-87, Ordering the Improvements and Awarding Bid for Phase 1 of the Creek Road Street and Utility Improvement Project

Motion to adopt Resolution 2022-87, Ordering the Improvements and Awarding the Bid for the Creek Road Street and Utility Improvement Project – Phase 1 to Eureka Company, Inc., in the low bid total amount of \$7,907,336.52.

C. Approve Purchase Agreement with RCS-RCA Oak Ridge, LLC for 0.09591 acres of property located at 1 Oakridge Drive, Chaska, MN

Motion to authorize the Mayor and City Administrator to execute the purchase agreement with RCS-RCA Oak Ridge, LLC for 0.09591 acres of property located at 1 Oakridge Drive, Chaska, MN.

City Administrator Podhradsky noted, regarding item 7.B. Creek Road phase 1, the engineer's estimate was \$9.4 million and the bid received was \$7.9 million which was very favorable. He stated the City is starting to see that with projects, which will be good.

Motion carried.

#### 8. Action Items

##### 8.A. Adopt Resolution 2022-88 Approving the Variance for Clover Ridge Apartments/AV Development/PC #2022-42

City Administrator Podhradsky introduced the item to the Council and City Planner Hansen provided a presentation on it.

City Administrator Podhradsky pointed out the next item is the same issue and when there is a site that has a wetland which makes up a majority of the site, City ordinance says to calculate the usable open space based on gross acreage of the entire site rather than just the developable site. In doing so, it creates a big deviation between what is allowed for Floor Area Ratio (FAR) on a site compared to what open space requirements would be. If the City required them to do the open space requirement, it would render more than half of the site undevelopable which would mean they could not develop it consistent with the Comprehensive Plan.

Attorney Saufley stated the City's application of the site area is consistent with the Code and consistent with the projects he has seen. The anomaly here is the way the wetland is calculated and the technicality that it presents as they end up with an outsized amount of acreage that needs to be dedicated. In looking at the net site area, it is a 5.7 acre site but the City cannot use the net site area in calculating the number. Second, whether this is the type of application that requires a variance, he would say that is exactly what this is; a variance is meant to be a blow off valve for when the Code does not fit perfectly. The City needs to find a practical difficulty that prevents the developer from developing the project on the site, that is unique to the natural features of the property and were not created by the Applicant, that the proposed project is reasonable given the zoning in the area and is consistent with the Comprehensive Plan, and whether it presents a harm to the neighborhood and will upset the unique character and quality of the neighborhood. From his perspective as he has worked with Staff, these three findings were met. He noted this is a Statutory creature, it is practical difficulty, and is not an undue hardship.

City Planner Hansen continued the presentation.

Councilmember Hatfield thinks it was a good explanation, plenty of review has been done on it, and as long as the City has maintained consistency it makes sense.

Councilmember Hubbard stated she spent a countless amount of time reviewing materials, variance, criteria, and neighborhood concerns. She feels it has met criteria for the variance and understands that is a difficult decision for the Ward.

Councilmember Huang said based on legal criteria, there are not a lot of options to build without a variance. From that perspective, it meets practical difficulty for him.

Mayor Windschitl stated he feels the same, the City Council has asked some tough questions, looked into it, and they are following what has been done on a routine basis. He is comfortable with this.

Motion by Councilmember Huang, second by Councilmember Hatfield to Adopt Resolution 2022-88 Approving the Variance from Zoning Section 15.28.120.F.1 to reduce the Usable Open Space for Clover Ridge Apartments from 15% down to 8.75%.  
Motion carried.

8.B. Adopt Resolution 2022-89, 2022-90 and 2022-91 Approving the Final Site & Building Plan, Final Plat and Variances for The Gallery Apts/Chase Real Estate/PC #2022-43

City Administrator Podhradsky introduced the item to the Council and City Planner Hansen provided a presentation on it.

Councilmember Huang clarified regarding the bedroom calculation for parking, it could be a family bedroom or child bedroom.

City Planner Hansen replied in the affirmative.

City Administrator Podhradsky noted the most recent conversation like this was Jonathan Flats and the City has found using the bedroom count is a good method for determining required parking. They are looking at an ordinance audit regarding this issue as the City has been over-parking sites when requiring two parking stalls per unit. The bedroom count has been much more accurate for that calculation.

Mayor Windschitl noted it is not only the developer's problem but also the City's because if there is on-street parking, that is a City problem. He noted that so far it has been working really well.

Councilmember Hubbard asked how the parking has been at Jonathan Flats.

City Administrator Podhradsky replied parking has worked out really well and is the best test of any parking as the site has no other places one could park as there is no street parking and the rest is tow.

City Planner Hansen continued the presentation.

Councilmember Grau stated he is fine with the parking and believes in consistency and being practical. The City's ultimate goal is to develop that space per the Comprehensive Plan for multi-family use. He does not like making exceptions or variances but if it meets the needs that the

City desires the space to be, it benefits residents and future residents, there is a practical understanding that the numbers work, and the variance makes sense.

Councilmember Hubbard asked if there was any feedback from the neighborhood meeting in July.

The developer addressed the Council and replied four people attended and the primary discussion was over the variance regarding the square footage and the size of the building.

Councilmember Hubbard echoed Councilmember Grau's statements in regard to practicality. In looking at the site, the changes that have been made from concept until now, she thinks it fits really well, the materials have changed significantly to blend with the neighborhood, the zoning is there for high-density residential, and there is a significant need for this type of housing. She understands any changes to a landscape for residents is a hardship and can be scary and she empathizes. She also empathizes with the countless phone calls and emails from residents vying to have a home in Chaska but may not be able to afford a house and needs an apartment. She could get into the argument of rent costs and noted these are not what she deems as affordable housing because they are market rate apartments. She hopes providing ample housing in this stock will drive prices down so apartment housing can be a bit more affordable. She thinks the apartment is done really well with nice accommodations and amenities and the completion of trail systems are for everyone to enjoy.

Councilmember Hatfield noted Councilmember Hubbard brings up a good point on the economics of developments like this. Where there is a demand and not a supply, it will effectively price people out of the neighborhood by now allowing that demand to be met.

Councilmember Hubbard looks at the intention of Clover Ridge and driving through the neighborhood one sees a multitude of different housing such as single-family homes with larger lots, smaller lots, apartments, and townhomes. She noted the intention is there and she cannot speak for people who live there but thinks the intention is clear when moving into that neighborhood.

Councilmember Huang looks at it from a technical and legal perspective and based his understanding this does meet the criteria. He commented are there things he would like to change about it, sure, but he appreciates the effort and engagement the Applicant has put forth and thinks it forces the City to look at whether they are doing things right with the law and ordinances.

Mayor Windschitl stated he is good with most of the parking and the variance. He thinks the Applicant has followed, been consistent, and thinks the resident comments have been listened to as they have seen the building change. It is more of a quality product and that is important. He feels comfortable with all three resolutions tonight. He noted this is not a public hearing but welcomed the two gentlemen who put a lot of time into this to come to the podium.

Travis Olson, 1439 Sophia Drive, addressed the Council. He thanked the Council for the process noting he has learned that one does not always get what they want but having the opportunity

to have your voice heard is the intent here. At the end of the day, they are happy to get new neighbors. He commented about the changes made since concept, noting he was looking to highlight the areas for opportunity both from citizens, Planning Commission, and Council as how to make the process work. He thanked the City Council for letting his voice be heard and hearing him.

Wade Sorenson, 1456 Sophia Drive, addressed the Council. He commented that this process has shown some serious issues in the Chaska City Code as the FAR has three different definitions on how it can be calculated. If there is a process to look at Code, he would love to be part of it as there are issues that need to be resolved when one could look at the Code in different ways. He thinks the City is playing very loose with consistency on net versus gross, how to define that, and when to use one versus the other. Finally, he asked the Councilmembers to realize the precedence they are setting tonight in letting the wetland of an adjacent property not on site dictate parking spaces as it is a very dangerous precedence. He noted it is one that anyone on any property that adjoins a wetland could probably use as justification for a variance. He thinks the Council is being short-sighted to get this particular project approved.

Councilmember Grau disagreed with saying it is short-sighted because he does not think it was a man-made issue by the builder and would expect a builder with a wetland impacting their ability to at least ask the question. For him, it is a result of being something that was not created by the Applicant but was existing in the topography of the land.

Mr. Sorenson suggested looking into the case of Castle Design vs. the City of Lake Elmo as the exact scenario played out in that case. He noted the Applicant is buying a 5.7 acre parcel and this building requires 8.8 acres. At the end of the day, that should be all they need to know.

Mayor Windschitl commented he does not think the parking has to do with the wetlands as they have talked about that at great length.

Motion by Councilmember Hubbard, second by Councilmember Huang to Adopt Resolution 2022-89 Approving the Final Site & Building Plan and Final Plat for The Gallery Chaska Apartments (PC #2022-43).  
Motion carried.

8.B.i. Resolution 2022-90 Approving the Variance from Zoning Section 15.28.030.F to Reduce the Required Number of Off-Street Parking Spaces from 250 to 313

City Administrator Podhradsky introduced the item to the Council and City Planner Hanson provided a presentation on it.

Motion by Councilmember Grau, second by Councilmember Hubbard to Adopt Resolution 2022-90 Approving the Variance from Zoning Section 15.28.030.F (Required Number of Off-Street Parking Spaces) to reduce the required number of off-street parking spaces from 350 to 313 for The Gallery Apartments.  
Motion carried.

8.B.ii. Resolution 2022-91 Approving the Variance from Zoning Section 15.28.120.F.1 Usable Open Space to reduce the Usable Open Space for The Gallery Apartments from 15% down to 5.5%

Motion by Councilmember Hubbard, second by Councilmember Hatfield to Adopt Resolution 2022-91 Approving the Variance from Zoning Section 15.28.120.F.1 Usable Open Space to reduce the Usable Open Space for The Gallery Apartments from 15% down to 5.5%.  
Motion carried.

8.C. Adopt Resolution 2022-92 Approving the Preliminary Plat for Hidden Maples (fka Firemen's Park II)/Landmark Builders/PC #2022-44

City Administrator Podhradsky introduced the item to the Council and City Planner Hanson provided a presentation on it.

Councilmember Hatfield is appreciative that it is four homes instead of five although she thinks the homes still feel big and hopes they can include some elements that don't make them feel so diverse from what is across the street.

Councilmember Huang agreed it is a good change and while the houses are a little bigger than others in the neighborhood, that is where the market is and what people want. It is not super over-sized and seems like it is in that sweet spot for the market.

Councilmember Grau likes four houses versus five and noted house four sits farther back so he worries about how close it is to the house in the back. He stated that if the opportunity exists to have a non-official park in the City of Chaska, he would ask not to put a City sign on the property because it caused a lot of confusion.

Mayor Windschitl thinks it is a good plan. He noted many of the trees would have been taken out during the road reconstruction and thinks they will have a way healthier mix of trees. He stated Emerald Ash Borer has really taken off in the last six months. He asked to touch on the history of that park, noting there was not a park on the east side of town so he does not know how it came about but the fire department built a park by the courthouse. When the courthouse expanded, he thinks it was a handshake to go down into that area and a sign was put on it. He asked whose blue shipping container is shown.

Eugene Vorobery, 1394 Romeo Court, addressed the Council. He noted the blue shipping container belongs to him and it would be going away. He stated there are shipping containers across from the other warehouses.

Councilmember Hatfield noted some residents have mentioned the lack of mowing and the aggressive no trespassing signs.

Mr Volobery noted he took the park down and he does not want people to get hurt.

Councilmember Hatfield stated the hill along 6<sup>th</sup> Street E needs to be taken care and mowed. She asked if the City has heard anything from the neighbors.

City Planner Hansen replied the City sent notifications but has not heard anything directly.

Councilmember Hubbard asked about St. John's, future park plans, and if there are dates.

City Administrator Podhradsky replied prior to COVID, they were trying to get a concept together but it stalled out.

Motion by Councilmember Huang, second by Councilmember Grau to Adopt Resolution 2022-92 Approving the Preliminary Plat for Hidden Maples (PC# 2022-44).

Motion carried.

8.D. Adopt Resolution 2022-93 and Ordinance No. 1018 Approving the Preliminary Plat and Rezoning for Club West 11<sup>th</sup>/Tradition Development/PC #2022-45

City Administrator Podhradsky introduced the item to the Council and City Planner Hansen provided a presentation on it.

Councilmember Hatfield asked which would be a more amenable turnaround for emergency services, round because they don't like backing in.

City Planner Hansen replied it could be either or and the City does not have a preference on that but does have a preference on where it is located.

Councilmember Grau asked if the Harvest Association been turned over to individuals or has it not hit the threshold because they keep adding houses to it.

City Planner Hansen does not know but it would be a good question for the developer.

Patrick Wrase addressed the Council. He noted he is not an expert on HOA but believes the turnover percentage is 70% build out. He does not believe Harvest has been turned over yet but thinks it should be quite soon.

City Administrator Podhradsky noted the 70% is per State Statute.

Mayor Windschitl asked if the developer has had any conversations with the Kusskes and is it possible to bring the construction up from the bottom.

Mr. Wrase noted they have a good relationship with Jason Kusske and he has not spoken with him about that subject. However, he needs to work with Mr. Kusske to get a conditional use permit so he will ask about the possibility of coming in from that point.

Motion by Councilmember Huang, second by Councilmember Hubbard to Adopt Resolution 2022-93 Approving the Preliminary Plat for Club West 11th Addition (PC #2022-45).

Councilmember Grau stated he appreciated that the house count aligns with adjacent houses with backyards lining up nicely.

Motion carried.

8.D.i. Ordinance No. 1018

Motion by Councilmember Grau, second by Councilmember Hatfield to Adopt Ordinance No. 1018 Approving the rezoning from Open (O) to Planned Residential District No. 62 (PRD-62). Motion carried.

8.E. Adopt Resolution 2022-94 Approving the Concept Plan for Structures, Inc./Jeremy Banken/PC #2022-46

City Administrator Podhradsky introduced the item to the Council and City Planner Hanson provided a presentation on it.

Councilmember Grau asked about the higher space to the right on the drawing and whether it is still needed.

City Planner Hansen replied they would still have that in all three buildings with a level of office and the warehouse space. They will probably see it on a smaller scale in all three buildings.

Councilmember Hatfield noted Lots 1 and 3 sit closer to the road and asked if they could somehow blend in as it moves toward residential.

Councilmember Huang noted Option A has different layers of screening with trees, a roadway, and security fencing before the yard. The multiple layers are very thoughtful. He thanked the Applicant for giving multiple options and it gives the sense of being a good neighbor in the community.

Councilmember Grau asked if there is intent in the future to sell off parts of it.

The Applicant replied somewhere down the line they will probably be sold as it is an inventory that is really good for smaller contractors.

Mayor Windschitl stated he is happy to see something come forward on this, thinks it will be nice fill in there, and that a lot of contractors are looking for things like this.

Motion by Councilmember Hatfield, second by Councilmember Huang to Adopt Resolution 2022-94 Approving the Concept Plan for Structures, Inc. (PC #2022-46). Motion carried.

9. Bills

9.A. Accounts Payable Council Roster 7-18-2022

The Council requested further information about bills on page 8.

Councilmember Huang referenced page 8 regarding the fuel purchase, noting the volatility of fuel these days, coming down from record highs, and since the City tends to buy in bulk once

or twice a year, he would ask if they have changed the strategy knowing the situation right now.

City Administrator Podhradsky replied they do buy in bulk and have actually performed pretty well. They get diesel for \$4.80/gallon which is \$.70 less than what one can purchase at a station and they get unleaded for \$3.63/gallon which is also less. He noted they have looked at other vendors but a bigger issue is whether they can provide the supply. The City has had really good luck with this wholesaler of gas as they have never had an issue in providing supply.

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

#### 10. Other Business

##### 10.A. City Administrator's Report

9.A.i. Bi-Weekly Report 7-18-2022

##### 10.B. Financial Reports

Councilmember Grau:

- It was good to see people at Fire and Ice and it was fun to take his mom to see the liveliness in the park and fireworks.
- Loves the orange shirts for volunteers and Staff.

Councilmember Huang:

- Congratulated the newly sworn-in officers on the Chaska Police Department.
- Fire and Ice had a fantastic turnout and it was great to see all the people and activities. He stated the City does such a great job including Park and Rec, the Police, and facilities.
- Stated Picnic with the Police is this Thursday at Veteran's Park from 5:30-8:30pm with a free dinner, raffle, and drawings.
- Noted Bark in the Park is on July 27 at Firemen's Park at 6:00pm.
- Shared that River City Days is on July 29 at City Square Park.
- Stated Night to Unite is on August 2. Councilmember Huang asked if the Councilmembers can ride along with the police to drop by some of the events.
- Stated Touch a Truck is on August 18 from 5-7:00pm at the Community Center.
- Shared that the Art in the Park at Firemen's Park is on August 28.
- Saw an article in the *Herald* about the Chaska Police Department's SMILE program and the voluntary registration of security cameras.
- Congratulated the City of Chaska for being ranked number 46 in the *Star Tribune* list of best places to work.
- Noted on Saturday morning he saw the Chaska's first responders in action and an accident had happened five minutes before he drove by the salon and called 911. Officers as well as Chaska Fire arrived and it was exciting to see them in action, their professionalism, control, and he noted they did a great job.
- Asked if the City Council can get public safety updates on trends a few times a year so they can answer questions received from the public.

Councilmember Hubbard:

- Fire and Ice was a great event, the weather was perfect, parking was available, and it was really well done. She thanked everyone involved in the planning and said the fireworks were amazing.
- Carver County Library does the summer reading program and it is still running through August 13. There are some great prizes for kids participating in the program.

Councilmember Hatfield:

- Stated it was so nice to have a parking map at Fire and Ice and the community center task force came down to the booth to get involved.
- Said regarding Picnic with the Police they are also doing Stuff a Squad and encouraged people to bring school supplies.
- Noted the Suicide Hotline changed to 988 rather than the previous longer string of numbers. If someone needs it, call the hotline.

Assistant Administrator Durbin thanked those who were at the City booth for Fire and Ice.

Mayor Windschitl:

- Noted three meetings in August with the 29<sup>th</sup> being a work session and may be a Council meeting.
- Shared in tonight's work session they talked about notification of residents regarding projects and have a plan for the future and things will change.
- Invited people to the City booth at River City Days.
- Stated they plan to have a picnic at each of the four Wards with Ward 2 on Wednesday, August 10 at Community Park from 5:30-7:30pm; Ward 1 on Thursday, August 11 at Veteran's Park from 5:30-7:30pm; Ward 3 on August 16 at Lion's Park 5:30-7:30pm; and Ward 4 is August 17 from 6:30-8:30pm.

#### 11. Adjourn

Motion by Councilmember Hatfield, second by Councilmember Huang to adjourn the meeting at 9:57pm.

Motion carried.