

- MINUTES -
CHASKA CITY COUNCIL
November 16, 2020

1. Call to Order

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

Mayor Windschitl read communication regarding the instructions for virtual meeting.

2. Pledge of Allegiance

3. Roll Call

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

Absent: None.

Also Present: Kevin Ringwald, Community Development Director; Liz Hanson, City Planner; Luke Melchert, City Attorney; Noel Graczyk, Administrative Services Director; Marshall Grange, Parks and Recreation Director; Nate Kabat, Assistant Administrator; and Matt Podhradsky, City Administrator.

4. Adopt the Agenda

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

5. Action Item

5.A. Adopt Resolution 2020-91, Declaration to go to an all Virtual Meeting Platform

City Administrator Podhradsky introduced the item.

Motion by Councilmember Grau, second by Councilmember Hatfield to approve Resolution 2020-91 all City Council and City Commission meetings go to an all virtual zoom platform. Motion carried.

6. Visitor Presentation

6.A Metropolitan Council & Transit Issues Update

Deb Barber, Metropolitan Council Member for District 4, provided a Metropolitan Council and Transit Issue update.

Per request of the Council, Ms. Barber clarified the Blue Line and Green Line. She also defined many of the transit acronyms and continued her presentation.

Councilmember Huang noted there is no one from the Blue Ribbon Commission that represents the Suburban Transit Association.

Councilmember Grau looked to clarify that individual services are not responsible for decision making regarding things like clean energy buses.

Ms. Barber stated the Met Council works with individual services when they are looking at certain initiatives, and Councilmember Huang also provided further clarification regarding this. Ms. Barber then continued her presentation.

Councilmember Grau inquired how much impact the reduction in attendance of sporting events downtown will have.

Ms. Barber explained there is definitely an impact but does not have the exact numbers.

Councilmember Huang thanked Ms. Barber for sharing this information and her work with Met Council. He asked what the plans to support the viability of SouthWest Transit moving forward despite the impending threat from the Blue Ribbon Commission and threat to consolidate.

Ms. Barber explained this is a tough question to answer as she does not know the landscape of the recommendations yet and said more may be known after the next meeting.

Councilmember Huang also asked how SouthWest Transit can ensure it will receive funding to provide the level of services as needed for this community coming out of the pandemic.

Ms. Barber stated it is critical to get a dedicated source of funding and spoke further regarding the importance of legislation on this issue.

Councilmember Huang noted issues with communication and collaboration between Met Council and elected officials and encouraged that this be improved.

Ms. Barber provided a bit of background regarding the Red Line.

Councilmember Huang stated it would be important to advocate for inclusion of factors that represent regional transit from the suburban perspective.

Ms. Barber explained there is another workshop coming up and noted work sessions have showed support for urban-local and suburban transit were the top two priorities.

Councilmember Grau commented how much value SouthWest Transit brings to the community of Chaska.

Ms. Barber agreed.

Mayor Windschitl reiterated the importance of SouthWest Transit to Chaska residents and thanked Ms. Barber for sharing these updates with the Council.

7. Minutes

7.A. Approve the November 2, 2020 City Council Meeting Minutes

7.B. Approve the November 13, 202 Election Canvass Meeting Minutes

Motion by Councilmember Hatfield, second by Mayor Windschitl to approve the minutes of the November 2 and November 13, 2020 City Council meeting. Motion carried.

8. Consent Agenda

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

A. East Chaska Creek Restoration Project

Motion to Authorize work within City Property and to approve the Construction for the East Chaska Creek Bank Stabilization Project administered by the Lower Minnesota Watershed District.

B. Memorandum of Understanding for Recreation Services Between the City of Carver and the City of Chaska

Motion to approve the Memorandum of Understanding for Recreation Services Between the City of Carver and the City of Chaska.

C. Adopt Resolution 2020-89, Issuance and Sale of Bonds: Series 2020F

Motion to adopt Resolution No. 2020-89 authorizing issuance and sale of \$2,250,000 Electric Utility Revenue Refunding Bonds, Series 2020F.

Motion carried.

9. Action Items

9.A. Adopt Resolution 2020-87, Authorizing Letter of Intent for Partnership Between the City of Chaska and the Arts Consortium of Carver County that Includes Leased Community Center Space and Programming

City Administrator Podhradsky introduced the item to the Council.

Parks and Recreation Director Grange presented the item to the Council.

Councilmember Hubbard inquired if the Arts Consortium is member-driven.

Cindy Anderson, President of the Board of Directors, confirmed that it is and explained the Consortium is based on memberships, sponsorships, and any gift sales. She explained some examples of how that might look.

Councilmember Huang asked if members need to live in Carver County.

Ms. Anderson stated many members do but it is not required.

Councilmember Huang inquired what percent of members are Chaska residents.

Ms. Anderson explained she did not have those exact numbers.

Councilmember Huang asked how they prioritize who gets what space.

Ms. Anderson explained they are creative and work everything in.

City Administrator Podhradsky and Parks and Recreation Director Grange highlighted some of the benefits of this partnership.

Councilmember Huang inquired what the long-term plan in terms of space for the Arts Consortium.

Ms. Anderson explained that if the Community Center space works well, they would like to continue there and noted there is potential to be in with Artspace as well.

Councilmember Grau asked how lease tenants are impacted if/when the Community Center shuts down.

Parks and Recreation Director Grange provided further detail into how that would be handled.

Mayor Windschitl asked if the Arts Consortium stayed open during the early parts of the pandemic this spring.

Ms. Anderson stated they were shut down from March to approximately mid-May, but they opened back up slowly.

Mayor Windschitl inquired how long they will utilize the Sunroom space.

City Administrator Podhradsky explained that space is only being utilized for their Holiday Sale and they will be in the cafeteria the rest of the year.

Councilmember Hubbard commented that and added benefit is that those who come to the Community Center for the art will also be exposed to what else the Community Center has to offer.

Councilmember Hatfield commented that the set up for the Holiday Sale looks great.

Mayor Windschitl looked to confirm that they are already occupying that space.

Ms. Anderson stated that they are, shared their hours of operation, and encouraged residents to come check out the art.

Motion by Councilmember Huang, second by Councilmember Hatfield to adopt Resolution No. 2020-87 to authorize City Administrator to sign a letter of intent for a partnership between the City of Chaska and the Arts Consortium of Carver County to include the execution of a lease agreement and program partnership agreement. Motion carried.

Ms. Anderson thanked the City, Staff, and Council on behalf of the Board of Directors and the Arts Consortium for having their support.

9.B. Human Rights Commission Strategic Plan

Assistant Administrator Kabat presented the item to the Council.

Mayor Windschitl asked for clarification on a section under implementation.

Assistant Administrator Kabat provided further detail regarding the intent of that language.

The Council expressed their support of this plan.

Sarah Carlson, member of the sub-committee and member of the Human Rights Commission, thanked the Council for their input and work with the Human Rights Commission in developing this plan.

Motion by Councilmember Hubbard, second by Councilmember Huang to approve the Human Rights Commission 2021 Strategic Plan. Motion carried.

9.C. Adopt Resolution 2020-88, Expansion of Accessory Structure - Krone

City Administrator Podhradsky introduced the item to the Council.

Community Development Director Ringwald presented the item to the Council.

Mayor Windschitl asked for clarification regarding the variance from Section 9.22.8 height requirement.

Community Development Director Ringwald provided further information regarding allowances under that section and continued his presentation of the item.

Councilmember Grau asked if the applicant could fix the existing structure as is.

Community Development Director Ringwald explained the difference in this versus making improvements.

Councilmember Grau looked to confirm that the current state of the structure requires repair.

Community Development Director Ringwald confirmed this is true and that it is allowable to do routine maintenance on a nonconforming structure.

Councilmember Huang inquired what constitutes routine maintenance.

Community Development Director Ringwald explained what factors and processes are in place to determine these. He also explained that damage beyond 50% that causes a nonconforming structure to be rebuilt would have to meet the setbacks.

Councilmember Hatfield commented that she is concerned about the precedent that could be set by allowing this variance.

City Administrator Podhradsky noted that the biggest issue here is the nonconformity and that if this were just a height issue, it would be different.

Councilmember Grau asked if there is any liability to the City if this moves forward.

Community Development Director Ringwald explained there is but that it is more of a due process issue.

City Administrator Podhradsky stated that the consideration of due process down the road the bigger issue.

Councilmember Huang asked if other structures like this have been grandfathered in that have a similar setback issue.

Community Development Director Ringwald explained they would just be considered nonconforming structures and it is not uncommon to have those as the rules change over time.

Councilmember Huang reiterated that this comes down to a precedent issue.

Blake Krone, applicant, summarized the reasons for his variance request.

Councilmember Hatfield clarified that she did not receive notice about her garage being off her property but received that information from her realtor. She also explained the importance of the ordinances that are in place and why those do call for consideration of precedent.

Councilmember Grau looked to clarify that, while it would be more costly, Mr. Krone does have the space to build the desired structure within the conforming setbacks.

Mr. Krone stated that Community Development Director Ringwald has confirmed that the structure could be built within the required setbacks but that height compliance would still be an issue.

Councilmember Grau commented that environmental impact would be made with remodeling the structure as well as with demolishing it and rebuilding it.

Mr. Krone explained how his opinion of that differed and explained frustration with not being heard.

Councilmember Grau encouraged Mr. Krone and all residents to recognize that the Council and City are hearing his concerns and frustrations.

Councilmember Huang explained the challenges with legal precedent and summarized the four key criteria of the State Statute.

Mayor Windschitl looked to confirm that Mr. Krone's plan, should the variance be approved, would include removing the roof and subsequent disposal at Dem-Con.

Mr. Krone stated that was the case and but explained as much of the material as possible would be reused.

Chelsey Olson, 212 North Elm Street, explained that she is in support of what the Krones want to do.

Councilmember Huang inquired what the process would be should Mr. Krone decide to relocate and rebuild the structure and thus request a height variance.

Community Development Director Ringwald stated Mr. Krone would need to go through the application process and go before the Council with a height variance request. He stated that if the Council would want to amend the Code for height structures downtown, the Council, Planning Commission, HPC, and community would need to be involved but that the setbacks for nonconforming structures are fundamental elements of the Code.

City Administrator Podhradsky agreed that there are administrative processes that could be established for minor changes for things like height. He reiterated that the nonconforming setbacks are State Statute, not just in the City Ordinance.

Councilmember Huang stated it would be beneficial if this process could be streamlined.

City Administrator Podhradsky noted that the nonconformity caused the arduous process in Mr. Krone's case but agreed that the process for minor issues could be streamlined.

The Council shared their thoughts on the item with Mr. Krone also weighing in.

Motion by Councilmember Hatfield, second by Councilmember Hubbard to adopt Resolution No. 2020-88 Denying the Variance request to exceed the height requirements for accessory structures (Zoning Ordinance 9.22.8), and to expand a nonconforming structure (Zoning Ordinance 2.4.1.2), based on the findings listed in the resolution. Motion carried.

10. Bills

10.A. Accounts Payable Council Roster 11-16-2020

The Council requested further information about bills on pages 2, 7, 9, 15, 21, 26, and 27.

City Administrator Podhradsky provided further information regarding those bills.

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

11. Other Business

11.A. City Administrator's Report

11.A.i. Bi-Weekly Report 11-16-2020

11.B. Other Reports

11.B.i. Financial Reports – September 2020

11.B.ii. Park Board Meeting Change

Councilmember Grau:

- Requested a City Hall construction update. Assistant Administrator Kabat explained it is getting close.
- Thanked City snow removal Staff for their work and encouraged residents to keep their space.
- Thanked residents for voting at the general election and thanked Staff and election judges for the smooth process. Mayor Windschitl stated Chaska had a 92.85% voter turnout and Carver County had 94.5%.
- Noted Chaska schools are moving to distance learning and thanked teachers, staff, and families for all their work. He encouraged residents to be safe and take precautions.

Councilmember Huang:

- Thanked all the men and women of the armed forces who serve this country in light of Veteran's Day.
- The November 12 food distribution event went well and was highly attended.
- Noted SpaceX launched four crew members to the international space station yesterday.
- Noted the Arboretum Area Transportation Plan is presenting from 5:30-7:30 pm online on November 19, 2020.
- Noted there is a blood drive on November 18, 2020 at the 212 Medical Center from 9am-3pm.
- Noted Metro Cities is having a policy adoption meeting on November 19, 2020 and encouraged a Councilmember to attend as he has work obligations and will not be able to do so.
- Thanked the teachers, students, and families as they pivot in their learning.
- Noted the City is actively soliciting Commission applications.

Councilmember Hubbard:

- Shared her thoughts on the uptick in COVID cases in MN and encouraged residents to follow the suggestions from State and local health agencies.
- Wished everyone a Happy Thanksgiving.

Councilmember Hatfield:

- Congratulated the newly elected leaders.
- Noted November 28, 2020 is Shop Small Saturday and encouraged residents to support local businesses.
- Encouraged the younger residents especially to stay home and to get tested.
- Noted the Downtown Business Alliance is planning some fun things and is being finalized.

Mayor Windschitl:

- Thanked the citizens for reelecting him as mayor for another two years.
- Thanked all the election judges for serving.

- Noted Stoughton Avenue opened today.
- Noted the Chaska Hawks have a playoff game and wished them luck.
- Thanked all the health care workers for all they are doing.
- Encouraged residents to continue to support local businesses.
- Wished everyone a Happy Thanksgiving.
- Noted the next Council Meeting is November 30, 2020.
- Reminded residents to tune in to the Behind the Budget episodes.
- The tree lighting in Fireman's Park will be taped but the tree will be turned on the day after Thanksgiving.
- The 100 Club will be virtual and will be held on Sunday, December 6 at 5:30pm via ZOOM.
- City Park lighting will be turned on after Thanksgiving.

City Attorney Melchert:

- Reminded City Administrator Podhradsky to ensure all important details get in the letter of understanding with the Arts Consortium.
- Noted Bountiful Baskets is in need of paper bags.

12. Adjourn

Motion by Councilmember Huang, second by Councilmember Hatfield to adjourn the meeting at 11:04pm.

Motion carried.