

- MINUTES -
CHASKA CITY COUNCIL
DECEMBER 20, 2021

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 Grau, Hatfield, Hubbard, Huang, and Mayor Windschitl

Absent: None.

Also Present: Matt Podhradsky, City Administrator; Noel Graczyk, Administrative Services Director; Kevin Wright, Communication Director; Nate Kabat, Assistant Administrator; Kevin Ringwald, Community Development Director; Liz Hanson, City Planner; Jake Sofly, City Attorney; and City Engineer Matt Clark.

4. Adopt the Agenda

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

5. Visitor Presentation

None.

6. Minutes

6.A. Approve December 6, 2021 City Council Meeting Minutes

Motion by Councilmember Hubbard, second by Councilmember Grau to approve the minutes of the December 6, 2021 City Council meeting.

Motion carried.

7. Consent Agenda

Motion by Councilmember Grau, second by Councilmember Hatfield to approve the Consent Agenda Items A through Q:

A. Appoint the Chaska Herald as Official Newspaper for the City of Chaska for 2022
Motion to Appoint the Chaska Herald as Official Newspaper for the City of Chaska for 2022.

B. Appoint the Law Firm of Melchert, Hubert, Sjodin to Represent the City of Chaska in 2022
Motion to Appoint the Law Firm of Melchert, Hubert, Sjodin to Represent the City of Chaska in 2022.

C. Consider Additional 2021 COLA Increase for LELS Union

Motion to Consider Additional 2021 COLA Increase for LELS Union.

D. Consider 2022 Employee Pay Classification, Salary Adjustment Rate Chart
Motion to Consider 2022 Employee Pay Classification, Salary Adjustment Rate Chart.

E. Accept Dontá Hughes Resignation as a Commissioner on the Human Rights Commission
Motion to Accept Dontá Hughes Resignation as a Commissioner on the Human Rights Commission.

F. Accept Russell St. John Resignation as Commissioner on the Heritage Preservation Commission

Motion to Accept Russell St. John Resignation as Commissioner on the Heritage Preservation Commission.

G. Adopt Resolution 2021-88, Approve MnDOT Signal Maintenance Agreement for T.H. 212 Ramps as C.S.A.H 11

Motion to Adopt Resolution 2021-88, Approve MnDOT Signal Maintenance Agreement for T.H. 212 Ramps as C.S.A.H 11.

H. Adopt Resolution 2021-89, Authorize Participation in National Opioid Settlements
Motion to Adopt Resolution 2021-89, Authorize Participation in National Opioid Settlements.

I. Authorize Mayor and City Administrator to sign a Purchase and Redevelopment Agreement with the Carver County Community Development Agency for the Ernst House Redevelopment Project

Motion to Authorize Mayor and City Administrator to sign a Purchase and Redevelopment Agreement with the Carver County Community Development Agency for the Ernst House Redevelopment Project.

J. Adopt Resolution 2021-90, Resolution Supporting the Safe Routes to School Infrastructure Grant Application for the Chaska Safe Routes to School project
Motion to Adopt Resolution 2021-90, Resolution Supporting the Safe Routes to School Infrastructure Grant Application for the Chaska Safe Routes to School project.

K. Disposition of Excess Property Near Highwood Drive
Motion for Disposition of Excess Property Near Highwood Drive.

L. Adopt Resolution 2021-91, Establish 2021 Interfund Tax Increment Financing
Motion to Adopt Resolution 2021-91, Establish 2021 Interfund Tax Increment Financing.

M. Policies and Procedures for Federal Awards Administration
Motion to Accept Policies and Procedures for Federal Awards Administration.

N. Adopt Resolution 2021-93, TH 41 Downtown MnDOT DCP Agreement for Federal Projects
Motion to Adopt Resolution 2021-93, TH 41 Downtown MnDOT DCP Agreement for Federal Projects.

O. Adopt Resolution 2021-95, Financing Police and City Vehicles
Motion to Adopt Resolution 2021-95, Financing Police and City Vehicles.

P. Adopt Ordinance MC 2021-1006, Adopt Ordinance MC 2021-1006, 2022 Development Fees
Motion to Adopt Ordinance MC 2021-1006, Adopt Ordinance MC 2021-1006, 2022 Development Fees.

Q. Authorize Memorandum of Agreement with Carver County for Highway 41 and 61 Improvement Project

Motion to Authorize Memorandum of Agreement with Carver County for Highway 41 and 61 Improvement Project.
Motion carried.

8. Action Items

8.A. Adopt Resolution 2021-94 and Ordinance MC 2021-1007, Approving the Preliminary Plat, Preliminary Site & Building Plan, Sale of Excess City Land, and Rezoning for Oak Ridge/RCS-RCA Oak Ridge LLC/PC #2021-08

City Administrator Podhradsky introduced this item.

City Planner Hanson provided a presentation on the preliminary plat, preliminary site and building plan.

Councilmember Hubbard expressed her concerns regarding traffic safety without their being a dedicated left turn lanes.

Councilmember Hatfield stated it seems odd to have the extra parking across the street and is concerned about safety of those people crossing the street.

Steve Cross, Costco Development Manager addressed the Council and explained that the employees will park across the street mainly and the members will park in the parking lot by the store entrance.

Councilmember Huang stated he is concerned about the turn lane causing rear-end collisions. He asked how many cars can be stacked in the turn lane going into the lot.

Clark Wicklund, Alliant Engineering addressed the Council. He stated MnDot has reviewed the plans and based on the traffic studies done; one by Kimely-Horn, prior to Alliant's involvement in the project, and a second by Alliant Engineering, both use the assumption that 50% of the traffic will be using the $\frac{3}{4}$ turn into the lot, and they support the amount of stacking proposed in the plan.

Nick Grage, Alliant Engineering, addressed the Council and explained the process in which they make their analysis. He stated they use both projected and historical data in their process to figure out how much traffic will use that entry point.

Councilmember Huang stated his concern is that the data they used isn't accurate because it includes an anomaly that occurred in 2007 which skews the data. He noted that anomaly combined with the fact that Carver County is one of the fastest growing in the country, lead him to believe the assumptions in the study are not currently accurate.

City Administrator Podhradsky stated he isn't surprised to see a decrease to traffic on Highway 41 in the studies provided. He noted it is based on the fact that the growth that is going to happen in the County will occur in the West and traffic isn't projected to flow up to the North,

and that is consistent with what MnDot is projecting. He stated no one cares about this highway more than MnDot.

Mr. Grage stated they used a 1% projection of growth which gets them closer to the numbers projected in the 2040 Comp Plan.

Community Development Director Ringwald stated Costco is a member only retailer so they know best where most of their customers will be coming from and what their shopping habits are so the traffic studies show accurate numbers.

Mayor Windschitl opened the meeting for public comment at 7:55pm.

Cody Brach, 3700 N. Chestnut Street – addressed the Council and stated he is curious why they choose to use the Eden Prairie store location as a comparison instead of St. Louis Park because St. Louis Park has a liquor store so the traffic is different between the two locations.

Community Development Director Ringwald stated Eden Prairie, St. Louis Park and Eagan were evaluated at different times of the days to study what the traffic patterns.

Thelma Anderson, 871 Cascade Drive – addressed the Council and stated she is a parent who accesses a business near the site on a regular basis, almost 6 days a week, and she would like to know more about the $\frac{3}{4}$ access and the plan for the increased traffic in the area.

Robert Braudt, 3700 N. Chestnut Street – addressed the Council and stated his concern is the safety of his family and students. He stated it would have been nice to be made aware of the possibility of this proposed plan earlier, noting he wasn't aware of it until the week of the Planning Commission meeting. He stated they will now have a car passing every 1.7 seconds with this plan. He asked that they include language that clearly says they will take the children and residents into consideration. He stated his wife was in a very bad car accident awhile ago in that area and wouldn't want that to happen again. He stated if he had an option to fix this issue he would like to see the roundabout moved South and it could be an asset to the area instead of a safety concern. He noted he is fine with whatever solution they can come up with at this point that will make it safer for everyone.

City Administrator Podhradsky stated he understands what is being said and he wants everyone to know they are talking with MnDot and will keep the conversations going and noted the Council will address the safety issues while considering how to move forward.

Motion by Councilmember Huang, seconded by Councilmember Hatfield to Adopt Resolution 2021-94 Approving the Preliminary Plat, Preliminary Site & Building Plan, Sale of Excess City Land, and Rezoning for Oak Ridge/RCS-RCA Oak Ridge LLC/PC #2021-08.
Motion carried.

Motion by Councilmember Hubbard, seconded by Councilmember Grau to Adopt Ordinance MC 2021-1007, Approving the Preliminary Plat, Preliminary Site & Building Plan, Sale of Excess City Land, and Rezoning for Oak Ridge/RCS-RCA Oak Ridge LLC/PC #2021-08.

Motion carried.

8.B. Adopt Resolution 2021-85, Recommend Approval of the Concept Plan for Oak Creek and Clover Field Apartments/DR Horton & Chaska Investments/PC #2021-20

City Administrator Podhradsky introduced this item.

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

Councilmember Grau asked if the u-shape on the drawing will be the final shape.

City Planner Hanson stated as of right now it is, but it could change as the process continues.

Councilmember Hubbard asked if the houses that are proposed to be in the cul-de-sac will automatically be part of the HOA. And asked if the traffic study was done.

City Administrator Podhradsky stated the houses on the proposed cul-de-sac won't necessarily be added to the HOA. He stated the first step is to find out if the concept is something that will work and then they move onto the next step which would include a traffic study.

Mike Suel with D.R. Horton addressed the Council and stated the Kelzer's have been clear that they want to maintain farm access through the parcel they don't own that lies in the middle of their two parcels. He noted they are working with them and the City to ensure they can still get to their fields.

Councilmember Hubbard asked what the greenbelt area could become.

Community Development Director Ringwald stated the greenbelt areas could develop into historic greenbelt properties or develop into 1 unit per/acre plots using only 1/3 of the property.

Mayor Windschitl asked if something will be put into the writing to let potential buyers know that it could potentially be developed at some point.

Mr. Suel stated they do include a disclosure that to the west it could be developed in the future but access wouldn't be through their development.

Mayor Windschitl stated he appreciates the work that has been done on this development and how the developer took all the feedback and made a thoughtful plan.

Councilmember Hubbard stated she likes the new drawing and noted it is much better than the old concept.

Councilmember Huang asked where they plan to put a park in fir the neighborhood.

Mr. Suel stated a park would go somewhere between the north and south half of the site and there will be some trails that go back towards Sophia with a trail heading down towards the south, providing some walkability. He noted the park area would be big enough for a playset.

Mayor Windschitl opened to public comment at 9:50pm.

Ray Lindner 1401 Clover Preserve Drive – addressed the Council and stated he has lived there 15 years, he stated he doesn't like the fact that they capped off Sophia and another in Sagewood 1 was capped off, so now the only place they can put a connection is down their street, he noted he feels it was short sided planning on the City's part. He stated most people will choose to go South down Clover Preserve. He stated he is also concerned about the tree preservation.

Councilmember Grau stated he thinks that traffic studies are always a good idea because everyone has their ideas about what might happen but the studies show facts.

City Administrator Podhradsky stated the Planning Commission meeting happens the week before the Council meetings so there isn't time to get any mailings out regarding the items in the Planning Commission and that is the basis for the process informing the communities about upcoming items in meetings. He stated they are going to have a work session about the possibly updating their processes but the way it is done now is how it has been done to maintain consistency over time but they do recognize things have changed over time and it may be time to change some of the processes.

Cade Kachelmeier 2279 Clover Field Drive – addressed the Council and stated no one has brought up public transit in the area. He stated the traffic issues seem to be an issue because of the lack of public transit and he would like to know if there are any plans to set up a station around there.

City Administrator Podhradsky stated there hasn't been enough demand to continue the transit there.

Councilmember Huang stated Southwest Prime is like a public transit Uber which goes from stations to people's houses, the airport, Bloomington, and MOA so that is an option and he noted there are assistance services available to help offset the cost if anyone needs it.

Travis Olsen, 1439 Sophia Drive – addressed the Council and stated the tree preservation hasn't been talked about but in phase 2 they took out 70% of the trees in that lot and the Council allowed it. He stated this is the time when the Council can change that and stub off the cul-de-sac plans instead and leave as many trees as possible.

City Administrator Podhradsky stated it's important to note that the City doesn't have the authority to change things on private property and in theory the Kelzer's could go out there and cut down every tree down if they wanted to right now but the City likes to work with them as possible to make something work for everyone involved.

Motion by Councilmember Hubbard, second by Councilmember Grau to Adopt Resolution 2021-85, Recommend Approval of the Concept Plan for Oak Creek and Clover Field Apartments/DR Horton & Chaska Investments/PC #2021-20. Voting aye: Councilmembers Grau, Hatfield, Hubbard, and Mayor Windschitl. Voting nay: Councilmember Huang.
Motion carried.

Councilmember Huang stated he appreciates the work put in and he understands they need to iron out some of the traffic concerns and he voted nay to ensure people they are listening although he expects it to pass. He stated D.R. Horton did say in the past they would preserve as many trees as possible but they didn't and instead they cut everything down right to the property line and he noted he'd like to see them in good faith preserve all the trees possible this time and ensure the traffic concerns are addressed and that this is done right.

Councilmember Hubbard stated this concept plan was vastly different than the one presented in 2020 and she is ok with that because the traffic study would have showed something much different in 2020.

Councilmember Hatfield echoed Councilmember Hubbard's thoughts and she thinks they should move forward with the concept plan tonight and see what the study shows.

Councilmember Grau stated he feels they don't need the South exit on Sophia but if the study shows otherwise then they need to figure out how to limit as much traffic going through Sophia as possible.

Mayor Windschitl called for a recess at 9:48pm.

Mayor Windschitl called the meeting back to order at 9:55pm.

8.C. Adopt Resolution 2021-86, Recommend Approval of the Concept Plan for Clover Ridge Apartments/AV Development LLC/PC #2021-21

City Administrator Podhradsky introduced this item.

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

Vishal Dutt, Developer addressed the Council and stated they would like to start as soon as possible but the plan is to start on May 1, 2022.

Motion by Councilmember Huang, second by Councilmember Hatfield to Adopt Resolution 2021-86, Recommend Approval of the Concept Plan for Clover Ridge Apartments/AV Development LLC/PC #2021-21.
Motion carried.

8.D. Adopt Resolutions Adopt Resolution 2021-87, Recommend Approval of the Concept Plan for Chaska Creek Industrial Phase 3/Oppidan/PC #2021-19

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

Councilmember Huang asked if the pond will remain a pond.

City Planner Hanson stated yes and noted that is where the storm water would ideally drain out.

Bob Panning, 11315 Wetzel Lane - addressed the Council and stated when he bought his property in 1995 the law stated and continues to state that his property is inside the green zone that it should be preserved according to the City law. He stated now they want to move the green zone and the residents will be left in the middle of concrete buildings. He stated he'd like to know what the plan is. He stated if this moves forward he would like to ask that limits be set on the timeframes of construction equipment being allowed to run, but ultimately, he is asking to postpone approval of this until there is a plan for this area as a whole and his neighborhood.

City Administrator Podhradsky provided an overview of the comp plan and the process. He stated they do have a statutory timeframe in which they have to make a decision on the applications that come through and that is to process all applications within 60 days or it gets automatically approved.

Community Development Director Ringwald stated they can have a conversation with property owners and get some clarity on what they are hoping to see happen because they have some flexibility on what they do.

It was the consensus of the Council to have a conversation with residents before moving forward.

Jay Moore, Developer, addressed the Council and explained they held a community meeting to get input. He stated they want to give them the most screening possible and are sensitive to their needs. He explained how the grades on the farm field will work and explained that the loading dock will sit below the level of the houses so it will look good, as well as, they are open to adding fences and bigger trees etc. He stated he would appreciate a vote tonight either way to allow everyone to stay on schedule.

Motion by Councilmember Huang, second by Councilmember Hubbard to Adopt Resolution 2021-87, Recommend Approval of the Concept Plan for Chaska Creek Industrial Phase 3/Oppidan/PC #2021-19.
Motion carried.

8.E. Adopt Resolution 2021-92, Budget and Tax Levy Adoption for 2022

City Administrator Podhradsky introduced and provided background on this item.

Motion by Councilmember Hubbard, second by Councilmember Grau to Adopt Resolution 2021-92, Budget and Tax Levy Adoption for 2022.
Motion carried.

9. Bills

9.A. Accounts Payable Council Roster 12-20-2021

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
Motion carried.

10. Other Business

10.A. City Administrator's Report

10.A.i. Bi-Weekly Report December 20, 2021

10.B. Monthly Financial Reports

10.C. Other Meeting Minutes

10.C.i. Human Rights Commission Meeting Minutes October 28, 2021

Councilmember Grau:

- Wished everyone happy holidays

Councilmember Hatfield:

- Noted the Santa Parade is coming up on Sunday
- Wished everyone happy holidays

Councilmember Huang:

- Wished Len at SouthWest Transit a happy retirement and congratulations
- Noted they are seeing a uptick in Transit rides

Councilmember Hubbard:

- Wished everyone a safe and happy holiday season

Mayor Windschitl:

- Thanked the IT and Maintenance Department, as well as, Mr. Wright for their help in the Chambers
- Stated the Santa Parade is on Sunday
- Wished everyone a Merry Christmas and Happy Holidays, and noted to remember to be responsible and have a sober ride if needed

11. Adjourn

Motion by Councilmember Hatfield, second by Councilmember Huang to adjourn the meeting at 12:21 am.

Motion carried.