

**- MINUTES -
CHASKA CITY COUNCIL
JUNE 18, 2018**

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 Schulz, Rohe, Geisler, and Mayor Windschitl.
Absent: Councilmember Boe.

Also Present: Matt Podhradsky, City Administrator; Nate Kabat, Assistant Administrator; Kevin Ringwald; Community Development Director; Liz Hanson, City Planner; Matt Clark, City Engineer; and Luke Melchert, City Attorney.

4. Adopt the Agenda

Motion by Councilmember Schulz, second by Councilmember Geisler to adopt the agenda as presented.

Motion carried.

5. Visitor Presentations

1. Dr. Judy Snook presented information to the Council regarding the dangers of E-cigarette use. Dr. Snook strongly encouraged the Council to consider changing the age at which tobacco can be purchased in this community to age 21 and moving the locations where these products can be purchased to age 21 and older establishments.

Councilmember Schulz commented that there has not been much discussion regarding this issue since it last came before the Council.

City Administrator Podhradsky stated that there was not much consensus on whether this was a direction the Council wanted to move forward.

Mayor Windschitl commented that his struggle is that while they could change the age in Chaska, kids could go to neighboring communities to buy these products. He lamented that there would likely not be much gain in doing so unless it was a County-wide or State-wide change.

Dr. Snook agreed and said she even feels it is something that should change Nation-wide, but feels it has to start somewhere and would send the message that communities care about this to the State-level.

Councilmember Rohe commented that Chaska was one of the first to pass the Social Host Ordinance and that taking a stand in this area can get others to follow suite.

City Administrator Podhradsky stated that public process will be very important for this issue. He explained that Staff could put together what the public process would look like and entail and bring it back to a work session.

Councilmember Geisler suggested looking at Councils from all the Carver County cities and trying to put it forth as a County-wide effort.

City Administrator Podhradsky stated he did not believe that would happen. He mentioned that this issue is reminiscent to the smoking ban and when cities started implementing the bans, it was not until the State took action that it actually had a significant impact.

Councilmember Rohe stated that since the last time they had discussed this, the smoke shop came in by the high school so it is a little bit different from the last time the Council looked at it.

Councilmember Schulz stated that history has shown that sometimes it takes action by the cities to affect action at the State-level.

Councilmember Rohe inquire of Dr. Snook if they have looked at moving the age to 19 or what the specific reason is to suggest moving it to age 21.

Dr. Snook stated that other municipalities in the State that have changed the age to purchase have gone right to age 21, and that other states in the Nation that have changed the age at a state-wide level have gone right to age 21 as well. She stated that based on the science and brain development, that is what is best.

The Council thanked Dr. Snook for her information.

2. Tyler Blanski announced to the Council the launching of a new magazine created by his wife and him, and supported entirely by local businesses, called *The Neighbors of Chaska*. He stated the purpose of the magazine is to grow city pride in Chaska, help local businesses thrive, and connecting neighbors to each other. He stated that the first edition comes out in July and will be marketed to 3,200 home owners, which is about half the homes in Chaska.

Councilmember Geisler inquired if there is a good response from businesses wanting to place ads.

Mr. Blanski answered in the affirmative.

Mayor Windschitl explained that Mr. Blanski came in last week to meet with him, and he thought the Council should know about this resource and its launch.

Councilmember Schulz asked Mr. Blanski how they determined which homes to send the magazine out to.

Mr. Blanski stated they work for Best Version Media and they have a data team that acquires the addresses.

Mayor Windschitl mentioned that having a few copies to display at the City would be nice, and that he hoped each Councilmember would receive one.

The Council wished Mr. Blanski good luck.

6. Minutes

Motion by Councilmember Rohe, second by Councilmember Geisler to approve the minutes of the May 21, 2018 and June 4, 2018 City Council meetings.

Motion carried.

7. Consent Agenda

Motion by Councilmember Rohe, second by Councilmember Geisler to approve the Consent Agenda Items A through H:

- A. District 112 Hockey Program Locker Room Expansion at Chaska Community Center
Motion to authorize Wenk Construction to advertise bids for this project.
- B. Adopt Resolution No. 2018-81 Approving Conditional Use Permit for the Lake Hazeltine Transmission Line
Motion to adopt Resolution No. 2018-81 approving the Conditional Use Permit in order to construct a 115-kv transmission line in the northern industrial park (PC #2018-06).
- C. Adopt Resolution No. 2018-78 Approving Local Results and Innovation Performance Measures for 2018
Motion to adopt Resolution Approving 2018 Performance Measures.
- D. Adopt Resolution No. 2018-82, Approving the Negative Declaration for an EIS for the Lake Hazeltine Transmission Line
Motion to adopt Resolution No. 2018-82 issuing a negative declaration relative to the need for an EIS for the Lake Hazeltine Transmission Line.
- E. Kindergarten Center Storm Water Management Project
Motion to approve the Service Agreement with Carver County for the Storm Water Retrofit Project at the Chaska Kindergarten Center.
- F. Adopt Resolution No. 2018-80, Approving FormaCoat Site Demolition Construction Documents and Authorizing Solicitation of Public Bids
Motion to adopt Resolution No. 2018-80 approving the construction documents for the Formacoat Site Demolition Project and authorizing the solicitation of public bids.
- G. Adopt Resolution No. 2018-83, Approving the Plat Correction for Club West 7th Addition
Motion to adopt Resolution No. 2018-83 approving the correction to the plat of Club West 7th Addition.
- H. Carver County Joint Powers Agreement for Corridor Study of County Highway 10
Motion to approve the Joint Powers Agreement with Carver County for the Corridor Study on County State Aid Highway/County Highway 10 (Engler Boulevard).

Motion carried.

8. Action Items

8.A. Public Hearing: Establishing Redevelopment Tax Increment Financing District No. 21, Adoption of TIF Plan, and Authorizing Execution of Parking Agreement for the Hot Spot Redevelopment

Assistant Administrator Kabat presented the item to the Council.

Mayor Windschitl inquired if they need to do this item in a couple of motions.

Assistant Administrator Kabat explained that it could be done in one motion but a public hearing needs to be held.

Councilmember Geisler asked if they have already tested the ground for pollution.

Assistant Administrator Kabat responded that the City has done Phase 1 and 2 site analyses on the Hot Spot site and there is some clean-up that needs to occur, the extent of which depends upon how the plans are accrued and the level of soil disturbance that needs to occur to build the building. He stated the developer would be responsible for determining/remediating any pollution on the remaining project site.

Councilmember Rohe inquired if there were grant dollars for that.

Assistant Administrator Kabat stated that there were.

Mayor Windschitl opened the public hearing at 7:36 pm.

Mayor Windschitl closed the public hearing at 7:37 pm.

Motion by Councilmember Rohe, second by Councilmember Schulz to adopt Resolution No. 2018-79 Establishing a Redevelopment Tax Increment Financing District and Approving a Tax Increment Financing Plan Therefor and Authorizing Execution of Parking Agreement.
Motion carried.

Councilmember Rohe inquired if the demolition of this site could be done prior to the Fire and Ice.

Assistant Administrator Kabat stated that in order for buildings to be knocked down, the closing needs to occur and the purchase agreements are slated to be signed July 2, 2018.

8.B. Public Comment Being Received by Council Regarding Police Officer Body Worn Cameras (BWCs)

City Administrator Podhradsky introduced the item to the Council.

Chief Knight presented the item to the Council.

Mark Metz, Carver County Attorney, stated that he is fully in support of the body cameras due to their tremendous evidentiary value.

Steve Holmgren, Chief Public Defender of the 1st Judicial District, stated he is in support of the body camera pilot as it provides powerful evidence. He encouraged the Council to support the pilot project.

Jason Kamerud, Sheriff's Chief Deputy, explained that their office has not yet decided if they will have body cameras and they are going to watch this pilot to see how it goes. He stated that inclusion of all the stakeholders is similar to what they would do and stated that as consistency is very important, they would model their program after this if they decide to go this way.

Robert Olson of Chaska asked numerous questions regarding the body camera pilot program and potential adoption.

City Administrator Podhradsky suggested that it might be more helpful to obtain lists of questions like this in order to respond back to each question in writing.

Mr. Olson stated that would be great and that other people would probably have questions as well.

Chief Knight explained that many of these questions are listed online and offered to meet with Mr. Olson to give any further explanation or information that he might desire.

Dr. Richard Scott, Public Health Manager for Carver County, stated he is impressed with the process Chaska is going through to do the pilot study.

Chief Knight thanked the Council and stated this is a big deal for the community policing effort and transparency and expressed his excitement for the pilot study.

Mayor Windschitl inquired if this one-year trial is offered to other departments.

Chief Knight stated that after the statute was clear on what is private and public, Lieutenant George began researching vendors and after discussions with Axon, they offered the one-year pilot study.

Mayor Windschitl asked if the City is then obligated.

Chief Knight stated that they are not, and that the data is encrypted and Axon will never see it. The City could decide not to go forward with this after the pilot study, and all the data from the year stays with the City.

City Administrator Podhradsky commented that these issues are very complicated and the questions brought up tonight are exactly the things Police Staff have been wrestling with.

Motion by Councilmember Schulz, second by Councilmember Rohe to accept all public comments made as part of the public input process, and to authorize Staff to move forward with implementing the BWC Pilot Project in Chaska.

Mayor Windschitl commented that there is probably a large list of departments that have body cameras, but there are likely three-times as many that do not.

Councilmember Geisler mentioned that everyone has a camera available now due to phones and she likes that the body cameras would level the playing field for the officers.

Councilmember Schulz stated he is very happy to be able to utilize the pilot in order to see this will bring the value they think it will and will allow them to really measure that value before the City has to start spending any money.

Motion carried.

8.C. Adopt Resolution 2018-84 and Ordinance 949, Approving the Preliminary Site and Building Plan and Preliminary Plat and Adopting an Ordinance Approving the Rezoning for 650, 700 and 710 Chestnut Street / PC #2018-19

City Administrator Podhradsky introduced the item to the Council.

City Planner Hanson presented the item to the Council.

Mayor Windschitl inquired who owns the pass-through.

City Administrator Podhradsky stated that there is a cross access easement across the top and the southern half is owned by Walgreens and the eastern half of the northern portion is owned by the HRA and the western half is owned by this site.

Mayor Windschitl asked if that pass-through will get fixed up in this process as it is in rough shape.

City Planner Hanson explained that a portion of it would but that she was not sure they were planning to do the entire extent.

Mayor Windschitl commented that he would not want to do this nice project and then leave the road like that.

City Administrator Podhradsky stated that part of it is private property.

Mayor Windschitl stated that he understood that but was curious if there have been any discussions with them about trying to get this fixed up while the other work is happening.

City Administrator Podhradsky stated that they can have those discussions with Walgreens.

City Planner Hanson continued to present the item to the Council.

Mayor Windschitl invited the applicant to speak if so desired.

Matt Borowy, Bright Pixel Design, offered to answer any questions. He stated that getting Dunkin Donuts to fit in with the Chaska downtown look was difficult, but they are pleased with how it will fit in.

Motion by Councilmember Rohe, second by Councilmember Geisler to Adopt Resolution No. 2018-84 approving the Preliminary Site and Building Plan and Preliminary Plat for 650, 700 and 710 Chestnut Street North (PC # 2018-19).

Motion carried.

Motion by Councilmember Geisler, second by Councilmember Schulz to Adopt Ordinance No. 949 approving the rezoning for 650, 700 and 710 Chestnut Street North from General Commerce (C-2) and Planned Multi Use District (PMD-10) to Planned Commercial District (PCD-19).

Motion carried.

8.D. Adopt Resolution 2018-85 and Ordinance 950, Approving the Preliminary Site & Building Plan, Preliminary Plat and Rezoning for Formacoat/Mark Gross/PC # 2018-18

City Administrator Podhradsky introduced the item to the Council and suggested combining the presentation for this item with Item 8E. He explained City Planner Hanson could present the information regarding Item 8D and Assistant Administrator Kabat could present on Item 8E, and the Council could vote on both items following presentations and discussion.

City Planner Hanson presented Item 8D to the Council.

Mayor Windschitl inquired if they were building the whole building now.

City Planner Hanson replied that they are building roughly 30,000 square feet.

Mayor Windschitl looked to clarify that there is room for expansion on that lot.

City Planner Hanson stated there was and future potential expansion would be roughly 9,000 square feet and would be located off the west side of the building.

Mayor Windschitl inquired if they will be able to meet the parking if they lose that.

City Planner Hanson stated that they will still meet it. She explained they still have a couple of spaces to show in their proof of parking for the full build-out but it is something they can accommodate on their site.

City Planner Hanson continued her presentation of the item.

The Council agreed as a whole that they were looking forward to this moving forward.

8.E. Adopt Resolution 2018-77, Resolution Approving a Development Agreement Between the Chaska Economic Development Authority, The City, And Formacoat Leasing, LLC

Assistant Administrator Kabat presented Item 8E to the Council.

City Administrator Podhradsky commented that not only will this site look better, but the site next door will look better too. He explained the City's marketer said this will make it easier to sell.

Councilmember Schulz inquired if they would be removing concrete from the entire site.

Assistant Administrator Kabat stated they would and doing so will remove one more barrier on that site. He explained that they will prioritize FormaCoat's spot first so they can get the concrete off of there and begin building, and then the rest of the site will be seeded for grass once the concrete is removed. Assistant Administrator Kabat then continued his presentation of the item.

Mayor Windschitl asked if the concrete removal will begin right away.

Assistant Administrator Kabat explained the project schedule for this item.

Mayor Windschitl inquired if Staff is confident they would get someone in to remove that concrete during construction season.

Assistant Administrator Kabat explained that he thinks they will be ok.

Mayor Windschitl asked if they will haul the concrete offsite or crush it onsite.

Assistant Administrator Kabat explained that since there is not as much time sensitivity on the second portion, that could be an opportunity for the contractor to be able to do that.

The Council took action on Item 8D first:

Motion by Councilmember Geisler, second by Councilmember Schulz to Adopt Resolution No. 2018-85 approving the Preliminary Site and Building Plan and Preliminary Plat for Formacoat (PC# 2018-18).

Motion carried.

Motion by Councilmember Schulz, second by Councilmember Rohe to Adopt Ordinance No. 950 approving the Rezoning from Planned Multi-Use District (PMD-04) to Planned Multi-Use District (PMD-21).

Motion carried.

Following the action on Item 8D, the Council acted on Item 8E:

Motion by Councilmember Schulz, second by Councilmember Geisler to Adopt Resolution No. 2018-77 Approving a Development Agreement Between the Chaska Economic Development Authority, The City, and Formacoat Leasing, LLC.

Motion carried.

8.F. Adopt Resolution 2018-86, Approve the Concept Plan for China Pagoda at 798 Yellow Brick Road/China Pagoda, Inc./PC #2018-22

City Administrator Podhradsky introduced the item to the Council.

City Planner Hanson presented the item to the Council.

Councilmember Rohe inquired if the applicant has all of their financing in place to move forward with the project.

City Administrator Podhradsky stated they will likely not move and do something until the City does something with City Park West and that the applicant is trying to be prepared for that.

Mayor Windschitl looked to clarify that nothing will be happening until that goes.

City Administrator Podhradsky stated that the schedule now is to have something back from the task force by the end of the summer, and since the applicant still has the preliminary and final to go through, they could be on very similar tracks. He explained that he would not expect it until the City got to that point in that development.

Councilmember Geisler inquired if the applicant has already purchased the building.

City Administrator Podhradsky confirmed that they have.

Mayor Windschitl asked if Staff is confident they will be able to work out the issues Staff has with the darkness of the proposed building exterior.

City Planner Hanson stated they are already in discussion about that and the applicant seems receptive to doing so.

Motion by Councilmember Rohe, second by Councilmember Schulz to adopt Resolution No. 2018-86 approving the Concept Plan for China Pagoda at 798 Yellow Brick Road (PC# 2018-22).

Motion carried.

9. Bills

9.A. AP Council Roster 6-18-18

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

Motion carried.

10. Other Business

10.A. City Administrator's Report

10.A.i. Biweekly 6/18/2018

10.B. Draft Minutes - Human Rights Commission - 05-24-2018

10.C. Park & Rec Meeting Minutes 05-14-2018

Councilmember Geisler:

- Reminded the Council and audience that the farmer's market starts June 20, 2018 from 3-7 pm and will be held every Wednesday until mid-September.
- Informed Council and audience that Bark in the Park on June 27, 2018 at 6 pm at Fireman's Park.

- Reported that she attended the open house at the Steiner-Kelting Mental Wellness Facility on June 14th and commented how beautiful the building was. She explained they toured the facility and that there will be someone onsite 24 hours to provide help or if issues arise.

City Administrator Podhradsky:

- Reminded the Council that there will not be a meeting on July 2, 2018, but will have meetings on July 16th and 30th, 2018.
- Gave an update on the dog park public input process.

City Engineer Clark:

- Informed the Council there will be an open house at the Event Center on June 20, 2018 from 5-7 pm for the interchange and upgrades planned for County Road 44.

Assistant Administrator Kabat:

- Reported to the Council that the Minnesota Transportation Alliance has requested a letter of support from the Mayor and Council for an application they are putting forward to continue the four lanes on US-212 from County Road 11 out to Cologne. He stated that if the Council was okay with that, he would ask them to entertain a motion to approve the Mayor's signature on that letter of support.

Motion by Councilmember Schulz, second by Councilmember Geisler to approve Mayor Windschitl's signature on the letter of support for the Minnesota Transportation Alliance.

Mayor Windschitl stated that there was a gap of \$21 million and now it is down to \$12 million and expressed hope that this would occur.

Motion carried.

Mayor Windschitl:

- Inquired if the sign at Clover Ridge that was part of the rebuild would get finished. City Administrator Podhradsky stated that it is part of the contract that is fixing four signs.
- Informed the Council and audience of two Not Me classes for assault prevention and self-defense training. He explained a women's class was held prior to tonight's meeting, and the other will be held June 20, 2018 from 6:30-8pm for men.
- Wished all a Happy 4th of July and that fireworks will be held behind Jonathan Elementary.

11. Adjourn

Motion by Councilmember Rohe, second by Councilmember Geisler to adjourn the meeting at 8:50 pm.

Motion carried.