



AGENDA
CHASKA PLANNING COMMISSION
CHASKA CITY HALL - COUNCIL CHAMBERS & ZOOM
Wednesday, February 14, 2024
7:00 PM

1. Call to Order
2. Roll Call
3. Adopt Agenda
4. Visitor Presentation
5. Approve Previous Meeting Minutes
 - 5.A. Approve the December 13th 2023 Planning Commission Meeting Minutes
6. Consent Items
7. Action Items
 - 7.A. Recommend Approval of the Concept Plan for Ensconced Woods 2nd Addition/Matthew Reiland/PC #2024-01
 - 7.B. PUBLIC HEARING: Recommend Approval of the Zoning Ordinance Amendments to Non-Conforming Structures & Uses, Non-Conforming Lots of Record, and Variances/City of Chaska/PC #2024-03
8. Other Business
 - 8.A. Recommend Appointment of Planning Commission Chair and Vice-Chair to City Council
9. Receive Other Meeting Minutes
 - 9.A. Receive the December 4th, 18th, and January 8th, 22nd City Council Meeting Minutes
10. Adjourn

**CHASKA PLANNING COMMISSION
MINUTES
DECEMBER 13, 2023**

1. Call to Order

Vice-Chair Urbanski called the meeting to order at 7 pm.

2. Roll Call

Roll call was taken. Members present: Commissioners, Gaare, Aasen, Urbanski, Baswa, Purdy, Kerber, and Campbell.

Members absent: Commissioners Brass and Olson.

Also present: Nate Kabat, Community Development Director; and, Liz Hanson, City Planner.

3. Adopt the Agenda

Motion by Commissioner Purdy, second by Commissioner Aasen, to adopt the agenda as presented.

Motion carried.

4. Visitor Presentation

No one appeared under Visitor Presentation.

5. Approve Previous Meeting Minutes

- a. Approve the November 8, 2023 Planning Commission Meeting Minutes

Motion by Commissioner Baswa, second by Commissioner Purdy, to approve the minutes of the November 8, 2023 Planning Commission meeting.

Motion carried.

6. Consent Agenda

Motion by Commissioner Aasen, second by Commissioner Purdy, to approve the Consent Agenda as follows:

- a. Recommend Approval of the Final Site & Building Plan for the Public Safety Facility/City of Chaska/PC #2023-26

Motion carried.

7. Action Items

8. Other Business

9. Receive Other Meeting Minutes

- a. Receive the October 16th, November 6th, and 20th City Council Meeting Minutes

- b. Receive the October 16th Draft EDA Minutes

10. Adjourn

Motion by Commissioner Purdy, second by Commissioner Baswa, to adjourn the meeting at 7:05 pm.
Motion carried.

REQUEST FOR ACTION CHASKA PLANNING COMMISSION 2/14/2024

Subject: Ensconced Woods 2nd Addition – Concept Plan

Applicant: Matthew Reiland, on behalf of Johnson – Reiland Builders and Remodelers

Location: 3675 Big Woods Blvd

Case No.: P.C. No. 2024-01

Synopsis: The applicant is requesting approval of Concept Plan for a 14-lot single-family subdivision east of Rivertown Heights

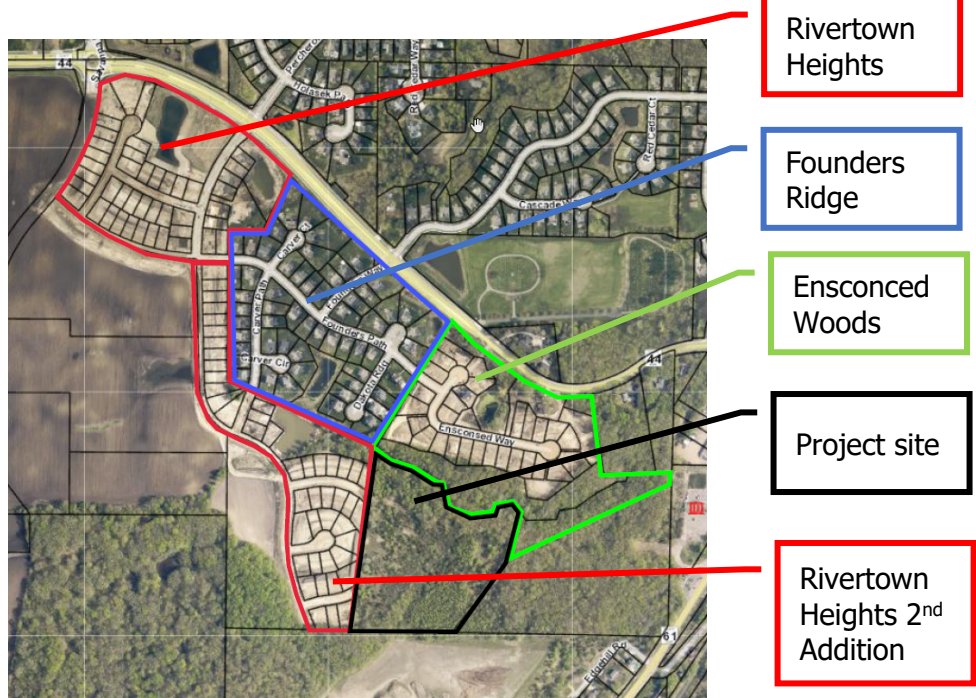
Prepared By: Ashley Cauley

Staff Recommendation: Motion to recommend approval

Introduction

The following is intended to summarize development within the surrounding area:

- Founders Ridge/ Founders Ridge 2nd Addition: The subdivisions were approved in 2013 and 2015 and have since been built out. Right-of-way (ROW) connections were provided to the east, west, and south for future developments.
- Ensconced Woods (29-lots): Approved in 2022.
- Rivertown Heights and Rivertown Heights 2nd Addition (90 total lots): Subdivisions were approved in 2022 and 2023 respectively.



A neighborhood meeting was held on Dec. 14, 2023 by the applicant for Ensconced Woods Second Addition. Three residents attended the meeting and asked questions about proposed side yard setbacks and the location of the new homes. An Ensconced Woods [First Addition] resident contacted the applicant after the meeting to determine if access/ right-of-way was being extended from their development.

Concept Plan

The following is intended to summarize the applicant's plans:

- Existing Conditions.** The Carlson Property does not contain any constructed structures and is roughly 15.5 acres. The property has significant topography. The highest point [898.8 ft] of the property is near the western property line/ the southern ROW access connection and slopes downwards in all directions. The lowest point of the property [836.5] is along the northerly property line. Three areas of slopes exceeding 18 percent exist on the property (shown in red hatching in Fig. 1). A full tree inventory has not yet been completed but a preliminary review suggests the presence of Southern Mesic Maple-Basswood Forest.

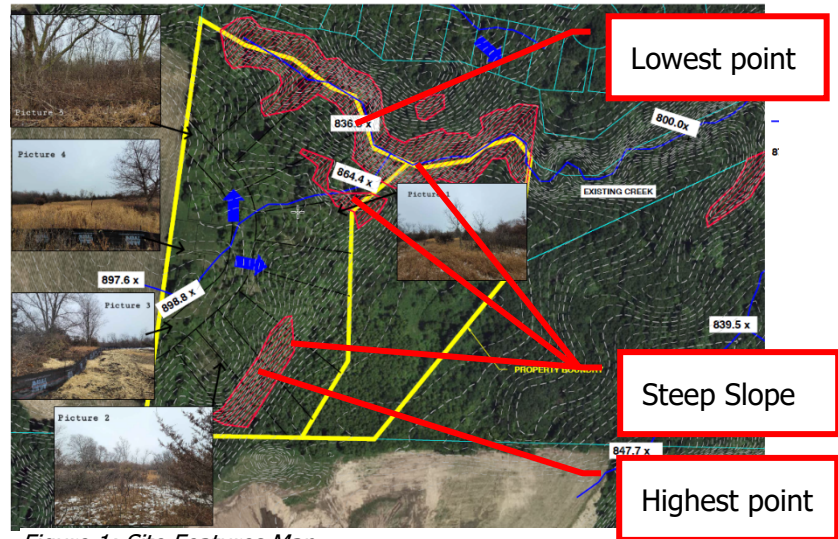


Figure 1: Site Features Map

- Concept Plan.** The concept plan contemplates the extension/ connection of the ROW connection along the western property line and 14-single single-family lots.

Goals: The applicant has identified the following goals for the project: (1) connecting to the greater community; (2) preserving existing vegetation; (3) utilizing site topography; (4) creating public and community space; and (5) providing quality architecture.

Building Type and Design: The new homes would be a mix of (1) 3-4,000+ sq. ft. in size, (2) one and two stories; and (3) two and three-car garages. Houses on Lots 1-11 would be a mix of lookouts and walkouts. Lots 12-14 are shown to be full basements.

Lot design: Lots will be 75 feet wide and range in size from roughly 11,000 – 40,000 sq. ft. The largest lots would be on the eastern side of the proposed street.

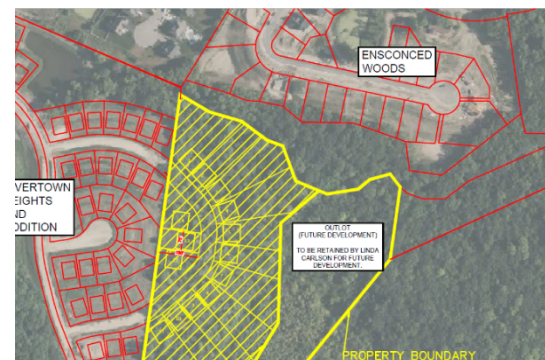


Figure 2: Outlot Exhibit

Outlot: Roughly the eastern third of the property would be placed into an outlot to be retained by the current property owner (Carlsons) for future development.

Access: Two ROW extensions were provided to the site through the Rivertown Heights 2nd Addition plat. The extensions would be connected to provide access to the newly created lots. Sidewalks would be extended through the development from Rivertown Heights 2nd Addition.

Utilities and stormwater: Utility connections are available and extended through the site. The stormwater design for Rivertown Height (to the west) anticipated the proposed continuation of development and ROW expansion. As such, stormwater would be collected and directed to stubbed infrastructure connections (connecting to storm retention basins and sedimentation ponds in the Rivertown Heights development).

- **Land Use.** The property is currently zoned O, Open Development¹. The site would be rezoned to PRD, Planned Residential Development.

Staff Analysis

- **Is the plan consistent with the comprehensive guide plan?**

The comprehensive plan guides the site as low-density residential and open space. By plan, the density range is two to five units per net acre. The plan contemplates a development at 1.3 units per acre, below the comprehensive guide plan requirement.

Adjusting the rear lot lines to the steep slope 30-foot, no-grade/ no-mow line would increase the density to 1.7 units per acre.

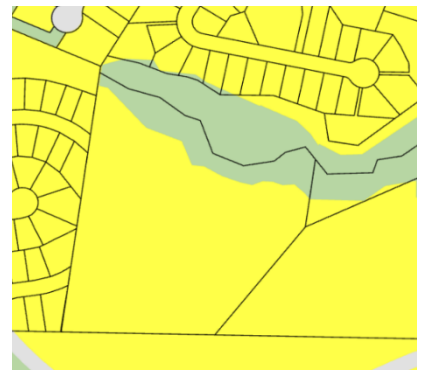


Figure 3: 2040 Comprehensive Guide Plan

- **Are the lot configurations appropriate?**

The concept plan of Rivertown Heights Second Addition contemplated 16-lot on the concept plan/ ghost plat for the subject property. However, lot configurations of Rivertown Heights lots changed slightly resulting in a slight reduction in lots on the subject property.

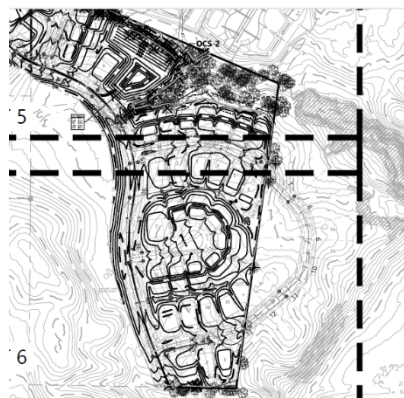


Figure 4: Rivertown Heights 2nd Addition Concept Plan

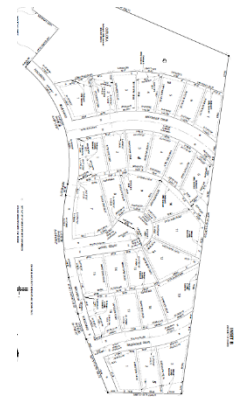


Figure 5: Final Plat

¹ By [City Code Sec. 15.12.190](#), the intent of the O – Open Development district is to provide a “holding zone” for land which is currently served by trunk sanitary sewer facilities but which has not yet been developed for urban use. The bulk of undeveloped land which the City’s urban service area is zoned O-Open Development. As various urban developments are proposed, the “O” District will be rezoned to the appropriate zoning district.

As shown, the lots extend into the steep slope. The applicant is proposing conservation easements - rather than platted outlots – to protect the slopes for marketing purposes and to allow space for residential amenities.

City staff is recommending the rear lot lines be adjusted to the 30-foot no grade/ no mow setback line on lots containing slopes as (1) the applicant is requesting reduced setbacks; (2) it provides the highest level of protection for the wooded steep slope; (3) the adjusted lot line would not affect structure locations as the 50-foot setback is still applicable; (4) it provides a clearer delineation of property to the future owner; and (4) increases the density to better align with the comprehensive plan's guidance for the property. The drafted resolution includes conditions of approval to adjust the lot lines. The planning commission and council can direct staff to prepare a resolution including conditions of approval for conservation easements.

- **Are the proposed setbacks reasonable?**

Yes. The setbacks are reasonable and will be visually similar with adjacent developments while allowing for greater separation from the wooded steep slopes, as:

	Proposed Setback	Adjacent Development Setbacks	
		<i>Rivertown Heights 2nd Addition</i>	<i>Ensconced Woods</i>
<i>Front</i>	23 ft	25 ft	25 ft
<i>Side</i>	5 ft	7.5 ft / 15 ft corner	7.5 ft / 15 ft corner
<i>Rear</i>	20 ft	20 ft	25 ft
<i>Steep Slope</i>	50 ft building setback and 30 ft no grade/ no mow setback *		
* Unenclosed decks must be setback a minimum of 30 feet from the edge of the slope.			

- **Is the ghost plat reasonable?**

Roughly 5 acres of the property is shown to be platted as an outlot. At the request of staff, a ghost for the outlot and the 16-acre property east of the site. The ghost plat includes an additional 27 lots accessed via two newly constructed cul-de-sacs. The ghost plat is dependent on the development of the Lano Property [3730 Chaska Blvd]. As shown the cul-de-sacs are accessed via a connection to Chaska Blvd. Conceptually, the plat is reasonable. However, further review of natural features (trees, slopes, etc.) should be considered to determine if connections – rather than cul-de-sacs – are possible.

Deadline for Agency Decisions

Application Received	60-day review *	120 – day **
Jan. 2, 2024	March 2, 2024	May 1, 2024
* Pursuant to MN State Statutes the City must act on the request within 60-days. ** The city can provide the applicant with a written letter requesting an additional 60-day review period if further review is needed.		

Planning Commission Action Requested:

Motion to recommend approval to the City Council approval of the concept plan for Ensconced Woods 2nd Addition, a 14-lot subdivision, subject to the following conditions:

1. Approvals shall be based on the following graphic exhibits unless modified by the conditions below:
 - a. Narrative, revision dated Jan. 30, 2024
 - b. Location and adjacent property map, submitted Jan. 30, 2024
 - c. Site features map dated Dec. 28, 2023
 - d. Existing conditions dated Jan. 18, 2024
 - e. Concept plan dated Aug. 1, 2023
 - f. Sanitary sewer and grading concept dated Nov. 15, 2023
 - g. Ghost plat dated Jan. 18, 2024
 - h. Monument and house exhibits submitted Jan. 2, 2024
2. In addition to the items required by City Code Sec. 15.36.050, the following must be submitted for a preliminary plat application to be complete:
 - a. Tree inventory and preservation plan;
 - b. Grading plans; and
 - c. Landscaping plans in conformance with City Code Sec. 15.28.070.
3. Coordination with:
 - a. City Engineer regarding utilities, grading, access, and drainage.
 - b. Electrical department on service locations.
4. Compliance with City Ordinances, including:
 - a. Sec. 15.28.290, Anti-monotony and Design requirements: including LP Smartside on front elevations and 4-inch window trim on all windows.
 - b. Sec. 15.28.100, Setback from Steep Slopes: including 50 feet from the edge of the 18-percent slope and 30-foot "no-grade/ mow" zone adjacent to the 18-percent slope for purposes of erosion control.
 - c. Sec. 15.36.080, Subdivision Design Standards: including streets and sidewalk
5. Setbacks are follows:
 - a. Front yard setback: 23 - feet
 - b. Side yard setback: 5 – feet
 - c. Rear yard setback: 20 – feet
 - d. Steep Slope: 30-foot buffer and 50-foot setback from the wooded steep slope
6. The entrance sign must comply with City Code Sec. 15.32.030. As shown, the sign is located in a drainage and utility easement which may contain utilities, landscaping, and pedestrian improvements.
7. Adjust the rear lots lines on Lots 1-5 and Lots 7-11 to the 30-foot no-grade/ no-mow setback line.

Date 1/2/2024 (Rev 1/30/24)

To: City of Chaska

From: Paul Reiland, Ensconced Woods LLC and Johnson-Reiland Builders & Remodelers

Re: Ensconced Woods Phase 2 concept plan review

Thank you for taking the time to review our concept plan for Ensconced Woods (Second Addition). The property and site features are located east of the Rivertown Heights Plat and south of the existing Ensconced Woods (first addition). The property associated with this request is currently owned by the Carlson family and part of PID 300085610 which is 15.5 acres. This concept plan consists of about 10 acres of wooded, rolling terrain. There are no structures on this property.

The slopes going down to the creek and over the bluff will be left undisturbed creating dynamic views to the east and southeast over the MN River Valley. This concept plan determined that the drainage ponding will all go into the Rivertown Heights plat. Much of the property is enveloped in defined steep slope as shown on the site plan. This area will remain undisturbed and be kept in its natural wooded state keeping views toward the creek.

Location: This larger lot neighborhood with custom homes is conducive to the existing features on site while meeting the minimum density requirement; saving a large portion of the existing trees on site, creating no impact to the steep slopes, and providing a large open space area along the creek which will be conveyed to the city as an out lot and publicly held but maintained in a conservation easement in perpetuity. These lot sizes, density and setbacks are a “mirror” of the existing Ensconced woods. That includes 5-foot side setbacks. We have proven we can do this without any issues or loss of aesthetic value. The homes in this phase compare well with Rivertown Heights, however will likely have much larger pads designed to fit the potential of one story and two story homes that are very custom.

Zoning: The property is currently zoned Open. We will request a rezoning to R1 PUD. Land use the 2040 comprehensive plan designates the property for low density residential which allows for 2-5 units/acre net. The concept plan as shown is below the minimum 2 units/acre net. This is due to the significant slopes and bluff areas that cannot be developed.

Infrastructure: We are proposing a public road connection from the Rivertown Heights development as shown in the attached paperwork. The site will connect the community to Big Woods Boulevard using the road network currently in construction. This will give people pedestrian, bicycle, or vehicle access directly into downtown Chaska, easy access to County Road 41, and to the new community park. The site will be mass graded leaving as many of the perimeter trees intact as possible, as well as leaving the sloped woodland down to the creek, the wetland, and wetland buffer undisturbed.

Brand: Johnson-Reiland (and/or similar custom home building partners) has worked for 50 years now to build our award-winning brand and look forward to constructing our custom homes. Our image and reputation in this new neighborhood should help to enhance the quality and character for this wonderful historic river town. Please see the concept on the attached flyers for this phase which will have a very similar concept from Ensconced woods Phase 1. It is our expectation that our custom homes will speak volumes, in terms of our brand, our quality, and the pride we have in our designs and

workmanship. The homes will be offered starting in the upper \$800's (including lot value). Please see attached informational sheets which show examples of homes you may see here.

Lot designs: While we are exceeding the minimum width and area requirements, we are asking for flexibility for setbacks. We are requesting 23' front yard setbacks as opposed to 30' required in R-1 districts. Reducing the front yard setback to 23' is becoming standard across the metro, as it reduces the amount of impervious surface coverage with shorter driveways, as well as allowing shorter, more efficient services to individual homes. R-1 requires 30' rear yard setback. We are requesting 20' rear yard setbacks. This 10' reduction is in response to customers asking for sports courts or 3 season porches added to the back of their homes. We are proposing larger lots than are required and just meeting the low end of the required density as per the 2040 land use plan.

Grading and Tree Preservation: It is anticipated that the site will be mass graded for the 14 new lots. To reasonably grade the proposed road and building pads, the trees that currently exist within the proposed road, front yards, and building pads will be removed. We will make every effort to save trees wherever possible within the grading area. We understand that the woodlands are of importance to the City, and we will make every effort to save what can be saved. The steep slopes will remain in their natural state saving a large portion of the existing woodland. By making larger lots than are required in an R-1 district and reducing the front yard setbacks and interior rear yard setbacks (reduced rear yard interior setbacks places more land within the outlots). The Southern Mesic Maple-Basswood Forest cover type is made up of young to mature deciduous trees that are typical of this native plant community. This plant community is commonly found associated with ravines having moderate to steep slopes in this part of Carver County along the Minnesota River Valley.

Project Goals: The proposed development will provide the City of Chaska with a neighborhood whose goals are consistent with the City's Mission Statement and Core Strategies. The five development goals include: connecting to the greater community; preserving existing vegetation; utilizing site topography; creating public and community space; and providing quality architecture.

Connecting to the Greater Community: One overarching goal of the project is to connect with the greater community of Chaska. The potential residential development is close to downtown Chaska, ensuring that residents have convenient access to services they need. Pedestrian trails and sidewalks will ultimately connect to the existing 90+ mile network of community trails in the city. The connection to the existing Rivertown Heights 2ND Addition will allow residents of surrounding developments and neighborhoods to walk or bike to downtown Chaska for services and entertainment.

Utilize Site Topography: The proposed development will utilize existing topography to protect and preserve the wooded areas adjacent to the home sites. The site stormwater drainage has been designed to be handled by the storm retention basins and sedimentation ponds in Rivertown Heights development to the west. This will help save trees within the Ensconced Woods 2ND neighborhood.

Creating Community Space: The project will protect the area that will border the existing natural ravines, and woodland. The open area is adjacent to dense tree stands and steep slopes creating recreational opportunities for the residents. The extended sidewalks provide access to a future community park area to the west of the neighborhood allowing equal access from homes to the City Park. The maximum distance from a single-family residence is less than a 1/4 mile, approximately a five-minute walk.

Future Development: The remaining portion of the Carlson property to the east (16 ac) including the Outlot portion (5.3 ac) of our site has been ghost platted and design in similar fashion as Ensconced Woods 2ND. Linda Carlson will retain ownership of all this property, with Ensconced Woods LLC will has an ownership interest – for future development. During concept planning for the site- we tried to provide an access road to connect to this portion of the site, but we were directed by staff that our design would not be acceptable due to impacts to wooded steep slope areas. Access to the eastern portion of the property will have to be provided through development of the Lano property to the south.

Thank you for taking the time to review our concept plan for Ensconced Woods 2ND Addition.

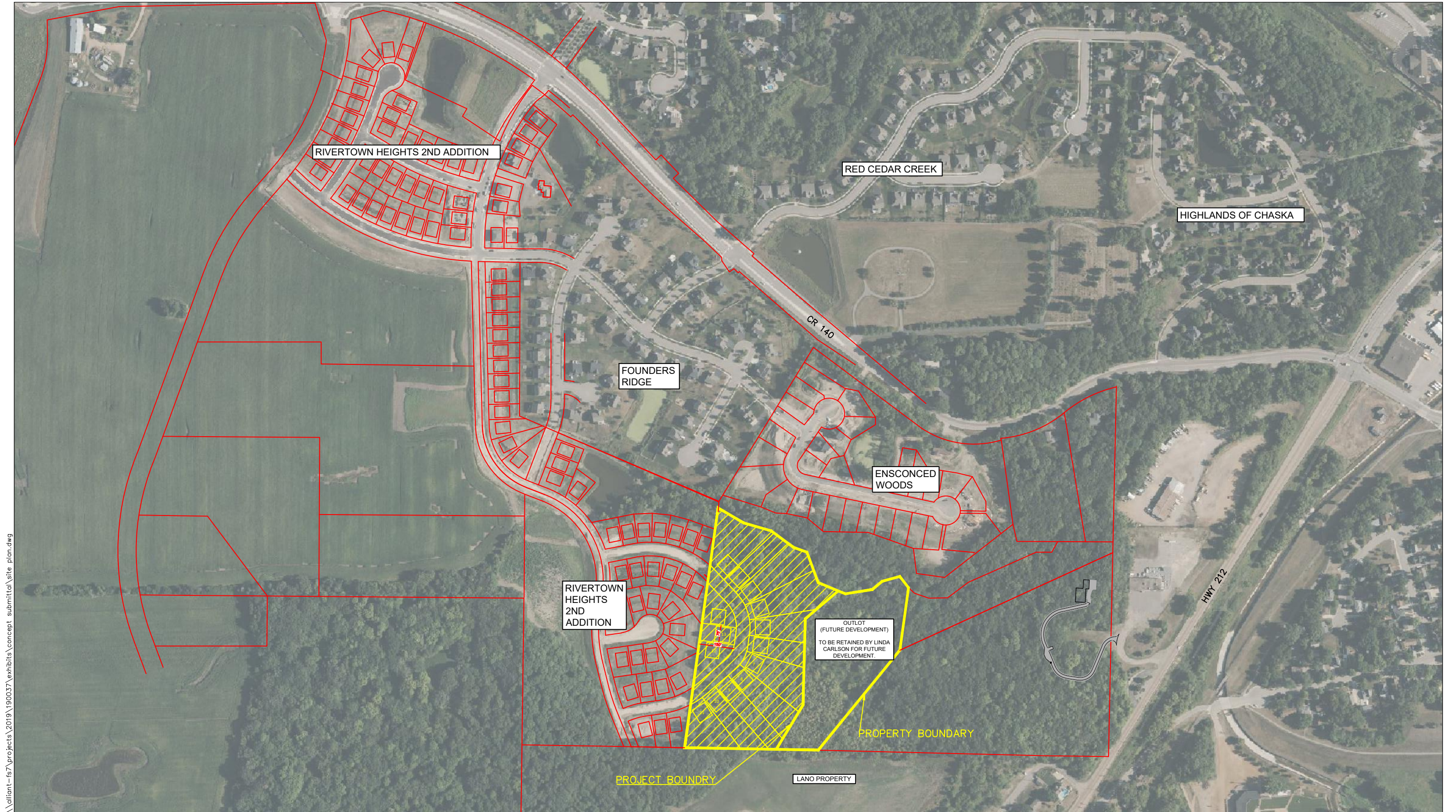
Appendix A- Legal Description

Commitment No.: 230619

The Land referred to herein below is situated in the County of Carver, State of Minnesota, and is described as follows: That part of the Northwest Quarter and the North Half of the North Half of the Southwest Quarter of Section 8, Township 115, Range 23, Carver County, Minnesota, described as follows:

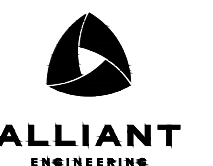
Commencing at the northeast corner of the northwest Quarter of said Section 8; thence on an assumed bearing of South 01 degrees 18 minutes 02 seconds West along the east line of said Northwest Quarter, a distance of 2430.30 feet; thence South 65 degrees 20 minutes 32 seconds West, a distance of 1026.71 feet to the actual point of beginning of tract to be described; thence South 39 degrees 14 minutes 59 seconds West, a distance of 565.15 feet to the north line of the South Half of the North Half of said Southwest Quarter, thence North 88 degrees 57 minutes 33 seconds West along said north line, a distance of 585.80 feet to the southeast corner of Outlot D, FOUNDERS RIDGE, according to the recorded plat thereof, said Carver County; thence North 07 degrees 57 minutes 43 seconds East along the easterly line of said Outlot D, a distance of 1061.44 feet; thence South 59 degrees 39 minutes 01 seconds East, a distance of 129.63 feet; thence South 73 degrees 51 minutes 18 seconds East a distance of 125.61 feet thence South 53 degrees 22 minutes 55 seconds East a distance of 121.30 feet; thence South 70 degrees 22 minutes 56 seconds East a distance of 63.16 feet; thence South 20 degrees 15 minutes 55 seconds East, a distance of 141.68 feet; thence South 67 degrees 18 minutes 09 seconds East a distance of 128.30 feet thence North 80 degrees 59 minutes 37 seconds East a distance of 119.84 feet; thence North 50 degrees 33 minutes 30 seconds East, a distance of 57.19 feet; thence North 74 degrees 35 minutes 47 seconds East, a distance of 79.84 feet; thence South 37 degrees 31 minutes 18 seconds East, a distance of 62.90 feet to the intersection with a line that bears North 07 degrees 58 minutes 02 seconds East, from the point of beginning; thence South 07 degrees 58 minutes 02 seconds West a distance of 276.87 feet to the point of beginning.

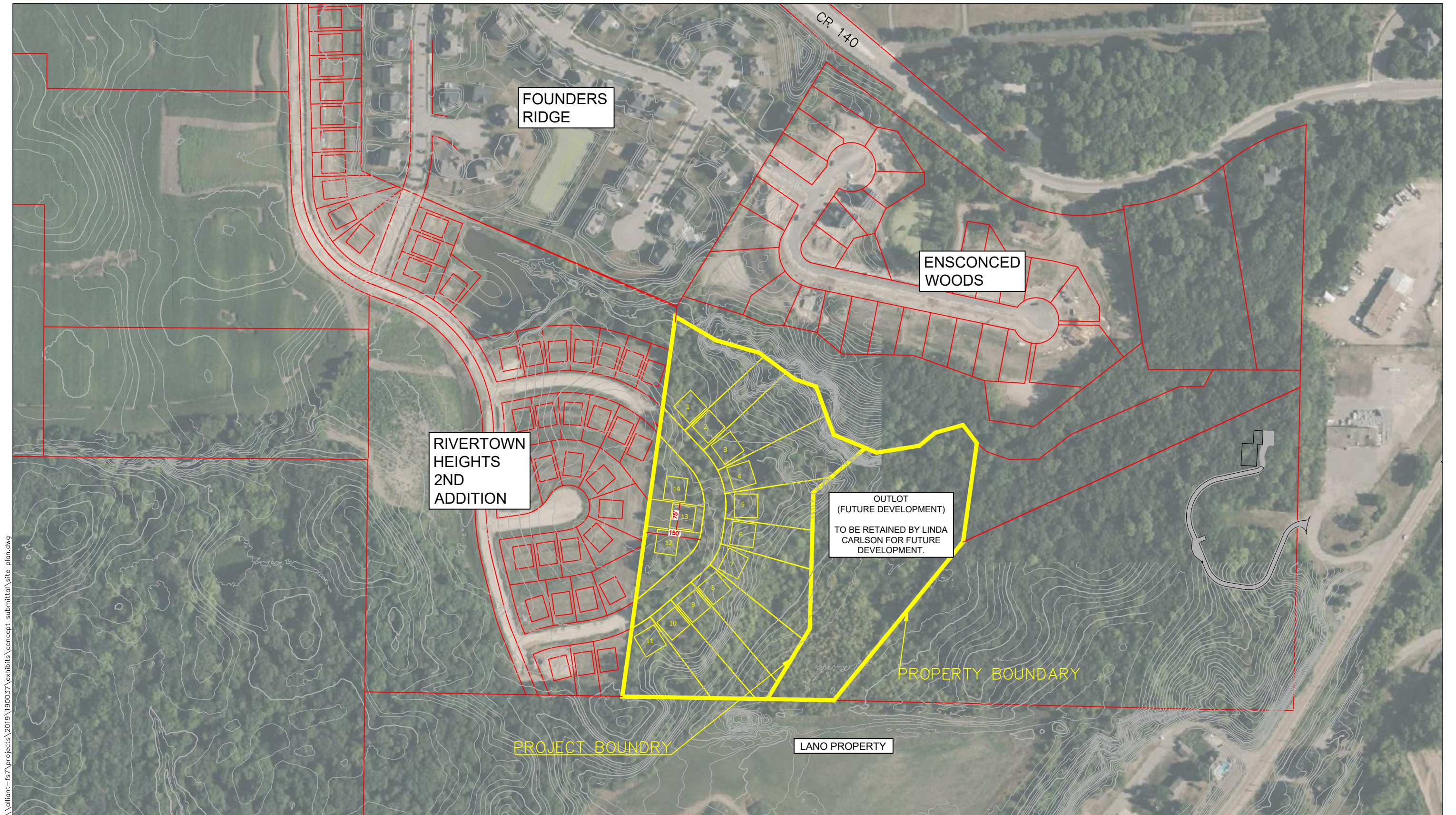
Abstract Property



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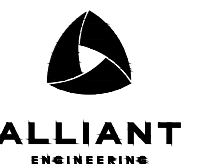
LOCATION MAP EXHIBIT CHASKA, MN

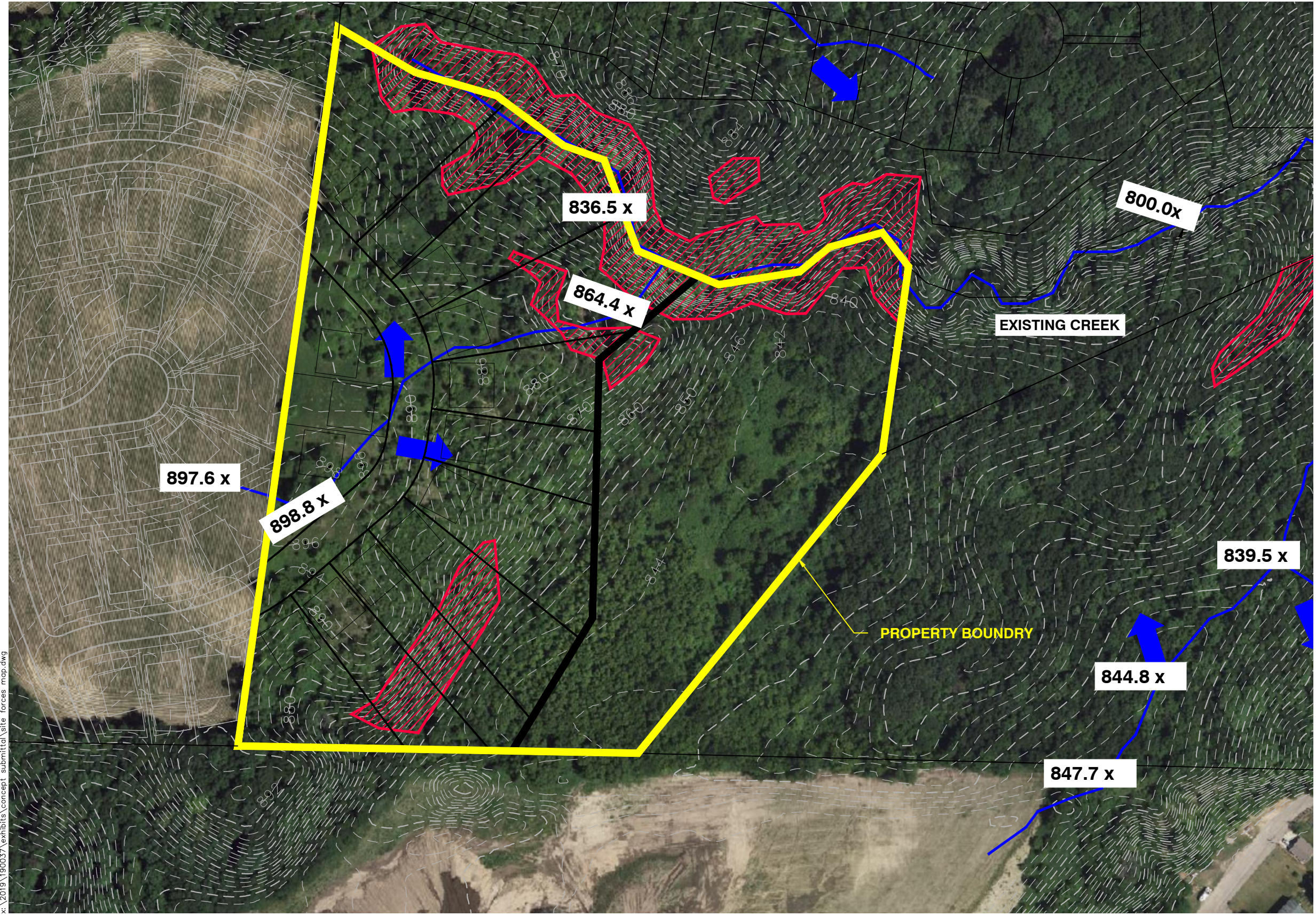




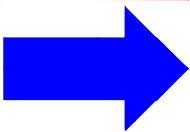
ADJACENT PROPERTY MAP EXHIBIT

CHASKA, MN





LEGEND:

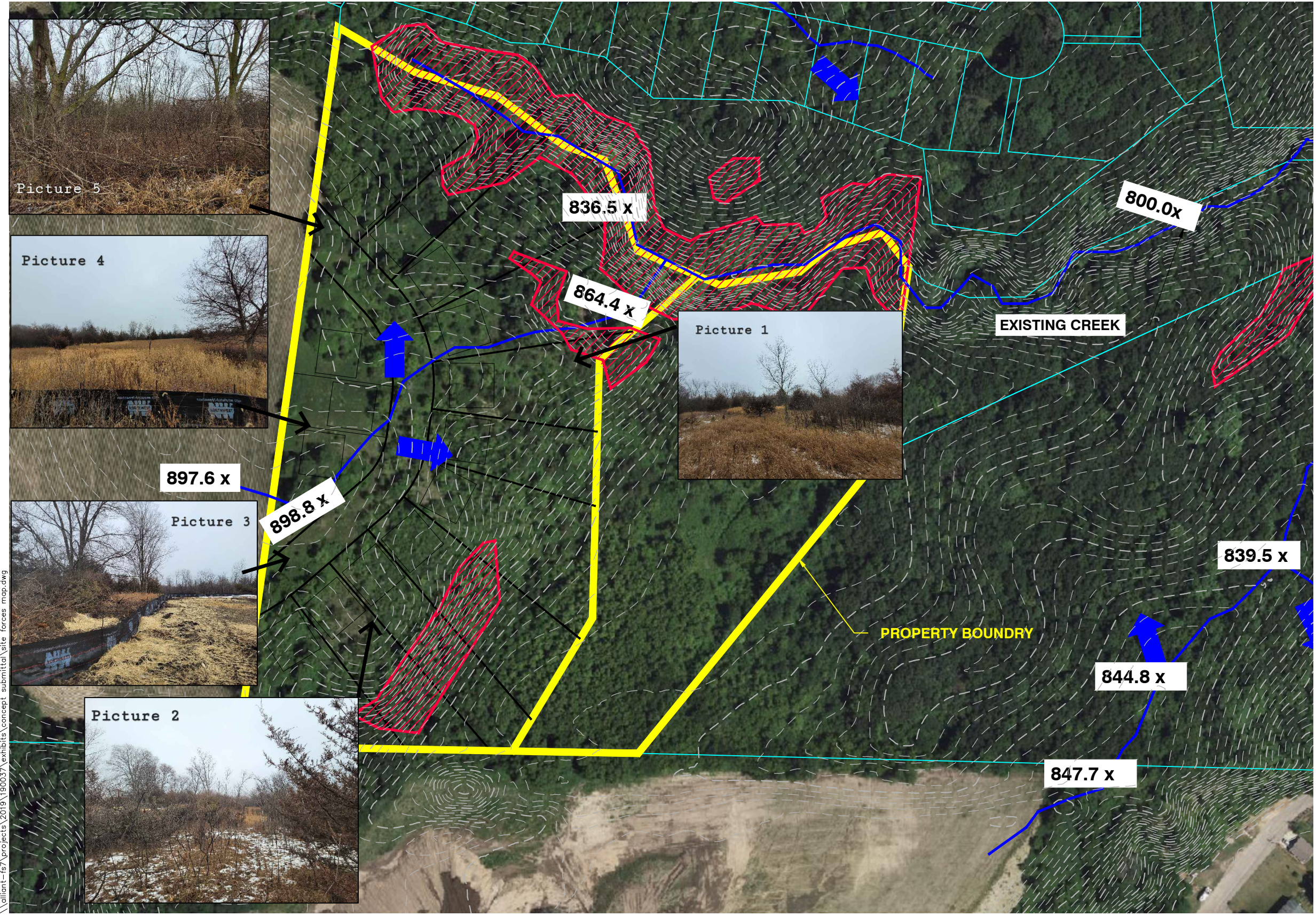
-  STEEP SLOPES >18%
-  DRAINAGE FLOW
-  DRAINAGE DIVIDES
-  EXISTING ELEVATIONS
-  PROPOSED PROJECT TO DRAIN TO EXISTING DR. HORTON POND

CARLSON PROPERTY - SITE FEATURES MAP
CHASKA, MINNESOTA

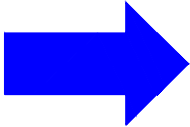


DATE: 12-28-2023
DRAWN BY: BJP
SCALE: 1" = 150'



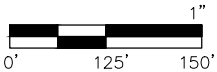


LEGEND:

-  STEEP SLOPES >18%
-  DRAINAGE FLOW
-  DRAINAGE DIVIDES
-  EXISTING ELEVATIONS

CARLSON PROPERTY - SITE FEATURES MAP

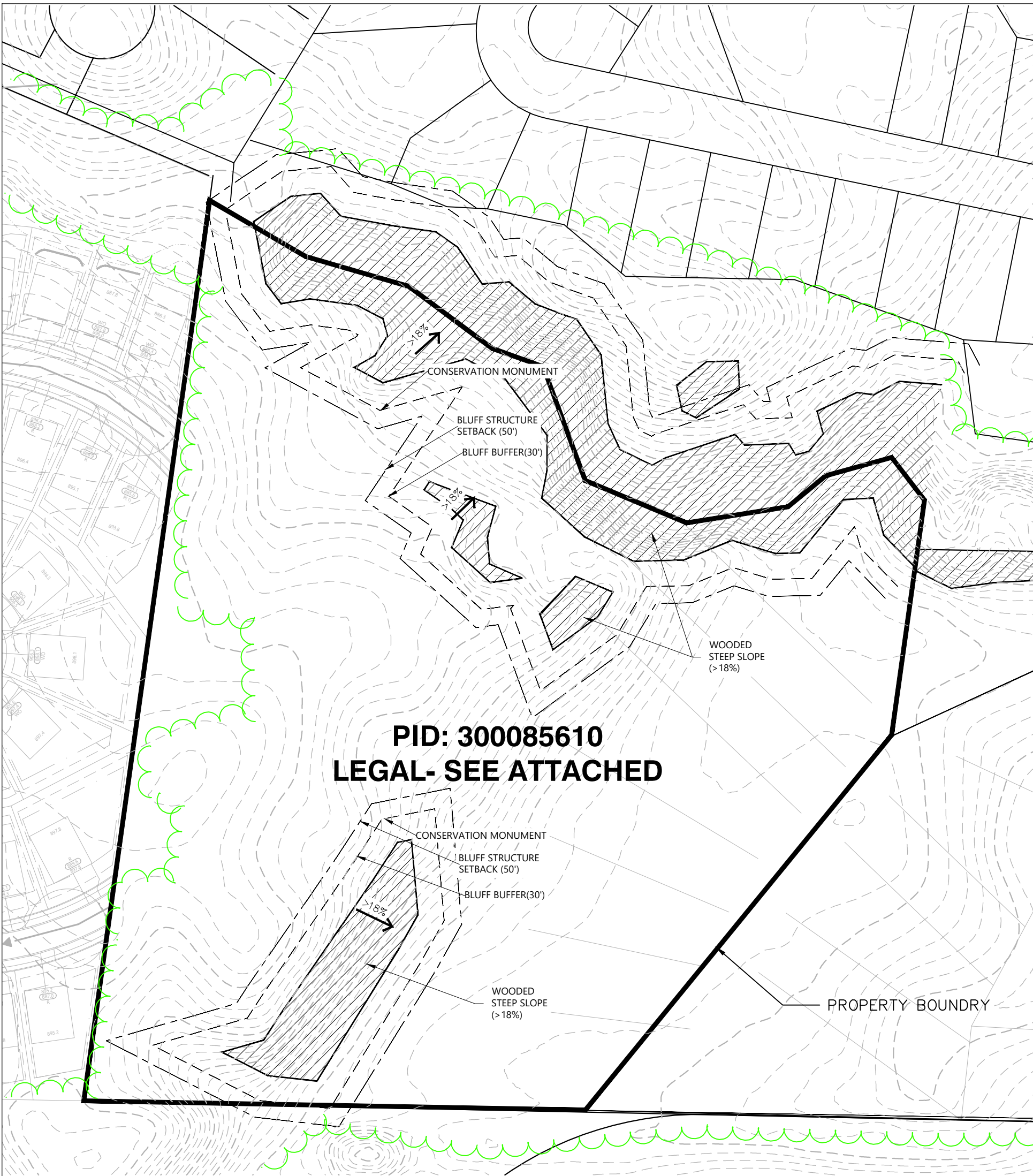
CHASKA, MINNESOTA



DATE: 12-28-2023
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 REVISED: JP 1.26.24
 SCALE: 1" = 150'



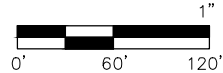
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LEGEND:

- RIVERTOWN HEIGHTS PROPOSED GRADING CONTOURS
- - - EXISTING CONTOURS
- - - EXISTING STORM SEWER
- - - EXISTING SANITARY SEWER
- - - EXISTING WATERMAIN
- WOODED AREA— INVENTORY AT PRELIMINARY PLAT
(SOUTHERN MESIC MAPLE—BASSWOOD FOREST
COVER TYPE IS MADE UP OF YOUNG TO
MATURE DECIDUOUS TREES)

CARLSON EXISTING CONDITIONS
CHASKA, MINNESOTA



DATE: 12-28-23
DRAWN BY: AKA
REVISED: 1/18/24 JP

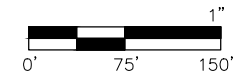




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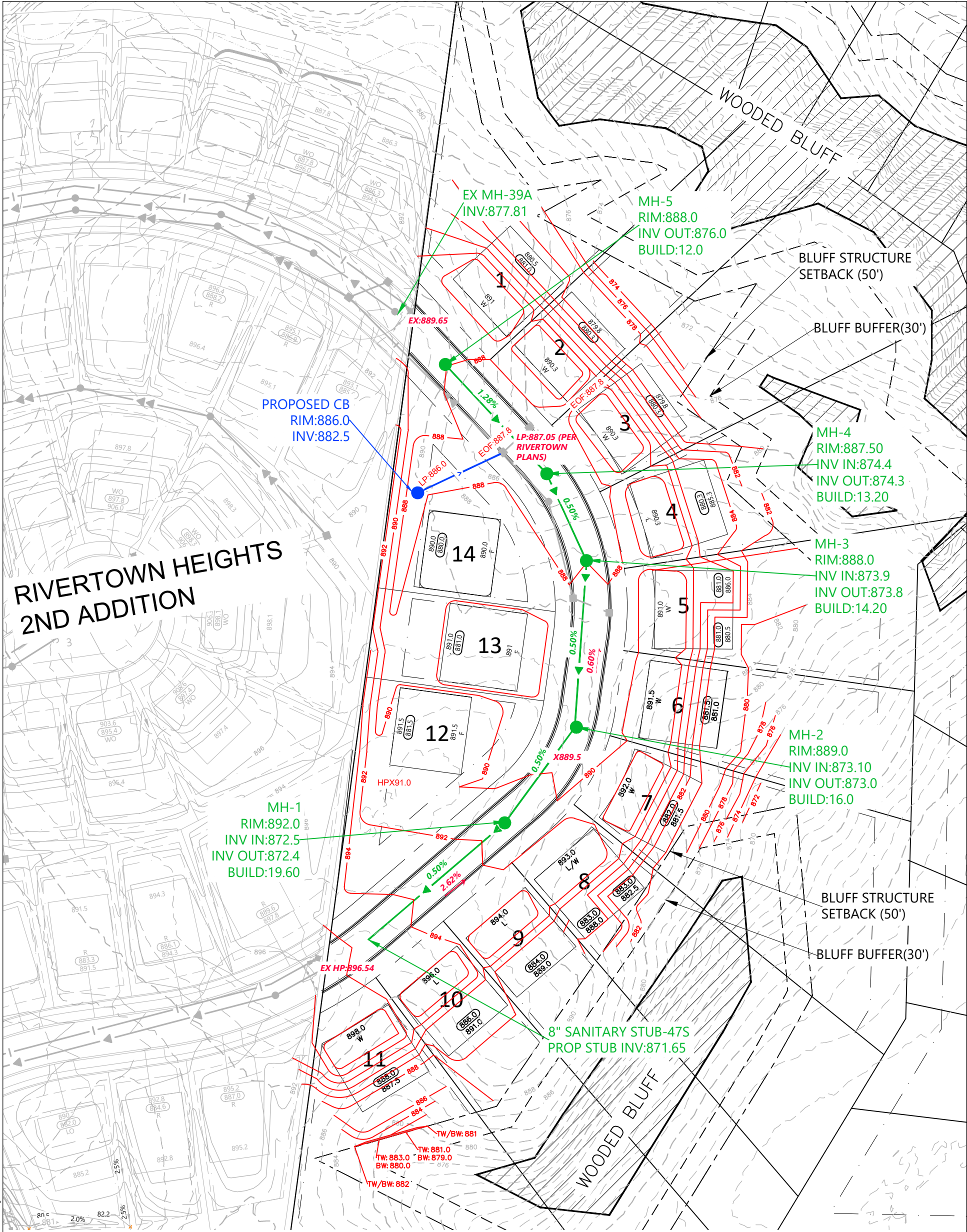
CARLSON PROPERTY GHOST PLAT

CHASKA, MN



DATE: 1/18/2024
DRAWN BY: JP
REVISION:

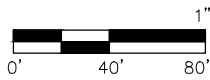




- PROPOSED SANITARY SEWER (MIN GRADE OF 0.5%)
- PROPOSED STORM SEWER (INVERT SET BASED OF RIVERTWON HEIGHTS 2ND PLANS)
- PROPOSED RIVERTOWN HEIGHTS SANITARY SEWER
- PROPOSED RIVERTOWN HEIGHTS STORM SEWER
- PROPOSED CONCEPT CONTOURS
- RIVERTOWN HEIGHTS PROPOSED GRADING CONTOURS
- EXISTING CONTOURS

* PROPOSED PADS ARE 65'X65' WITH 10' BASEMENTS. FRONT SETBACK = 23

CARLSON SANITARY SEWER AND GRADING CONCEPT
CHASKA, MINNESOTA



DATE: 11-15-2023
DRAWN BY: AKA
REVISED:



EXISTING ZONING: OPEN
PROPOSED ZONING: R1 PUD
2040 COMP PLAN- LOW DENSITY RESIDENTIAL
GROSS AREA: 674,576 SF (15.49AC)
LESS STEEP SLOPE AREA: 226,241 SF (5.19 AC)
NET AREA: 448,335 SF (10.29 AC)
NET DENSITY: 1.36 UNITS/AC

CONSERVATION MONUMENT SIGN

CONSERVATION AREA

No Mowing
No Spraying
No Vehicles

Questions?
Contact the CCWMO
www.co.carver.mn.us/water

SIGNS MUST BE IN PLACE BEFORE
INDIVIDUAL LOT CONSTRUCTION
BEGINS



RIVERTOWN HEIGHTS
2ND ADDITION

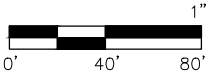
MONUMENT SIGN AND LOCATION



- PROPOSED SANITARY SEWER (MIN GRADE OF 0.5%)
- PROPOSED STORM SEWER (INVERT SET BASED OF RIVERTWON HEIGHTS 2ND PLANS)
- PROPOSED RIVERTOWN HEIGHTS SANITARY SEWER
- PROPOSED RIVERTOWN HEIGHTS STORM SEWER
- PROPOSED CONCEPT CONTOURS
- RIVERTOWN HEIGHTS PROPOSED GRADING CONTOURS
- EXISTING CONTOURS
- STEEP SLOPES (>18%)
- CONSERVATION MONUMENT SIGN

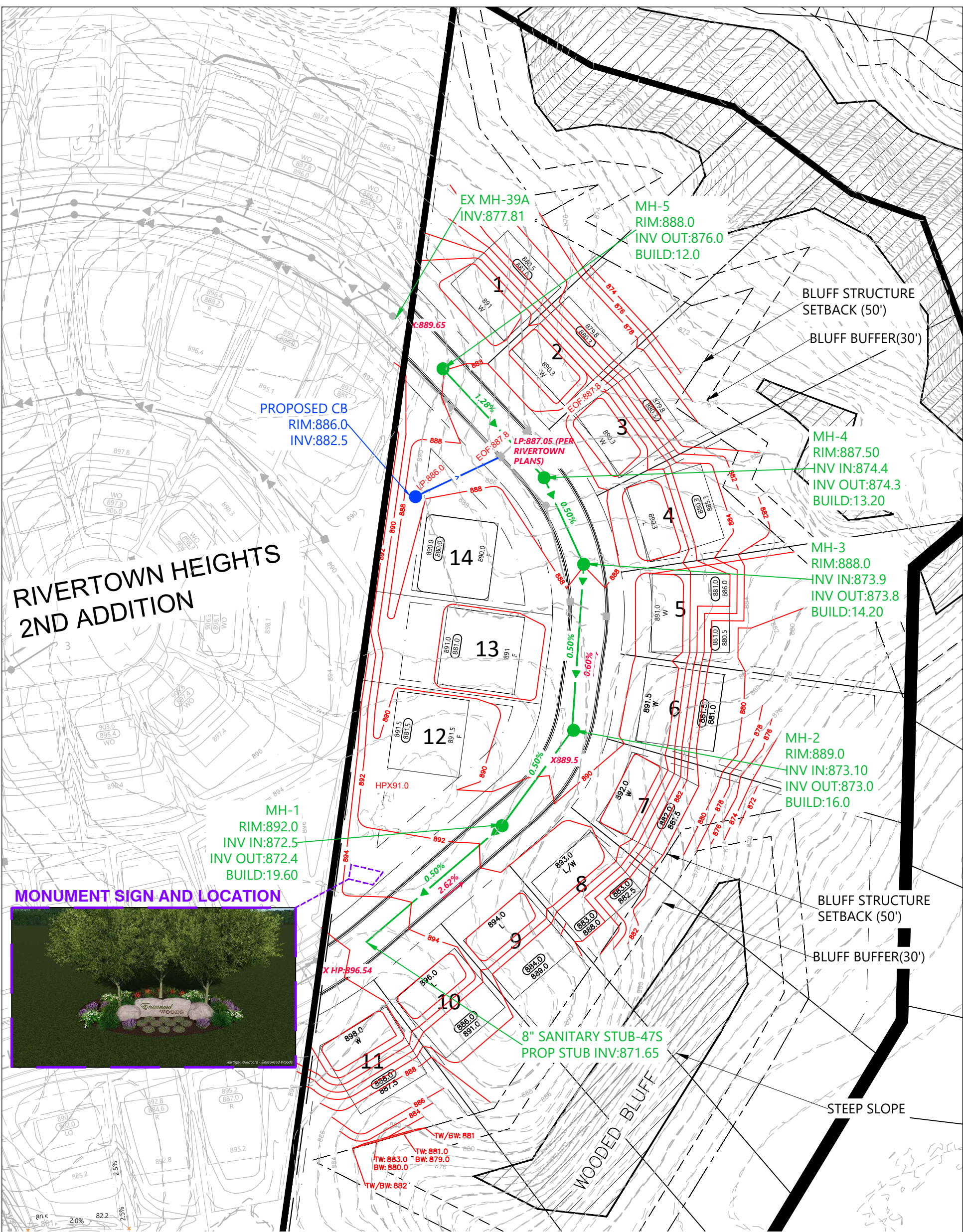
* PROPOSED PADS ARE 65'X65' WITH 10' BASEMENTS. FRONT SETBACK = 23', SIDE SETBACKS = 5' REAR=20'

CARLSON SITE, SANITARY SEWER AND GRADING CONCEPT
CHASKA, MINNESOTA



DATE: 9-28-2023
DRAWN BY: AKA
REVISED: 1/26/24 JP



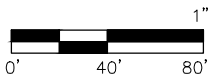


- PROPOSED SANITARY SEWER (MIN GRADE OF 0.5%)
- PROPOSED STORM SEWER (INVERT SET BASED OF RIVERTWON HEIGHTS 2ND PLANS)
- PROPOSED RIVERTOWN HEIGHTS SANITARY SEWER
- PROPOSED RIVERTOWN HEIGHTS STORM SEWER
- PROPOSED CONCEPT CONTOURS
- RIVERTOWN HEIGHTS PROPOSED GRADING CONTOURS
- EXISTING CONTOURS (LIDAR)

* PROPOSED PADS ARE 65'X65' WITH 10' BASEMENTS. FRONT SETBACK = 23', SIDE SETBACKS = 5'

CARLSON SANITARY SITE, UTILITY AND GRADING CONCEPT

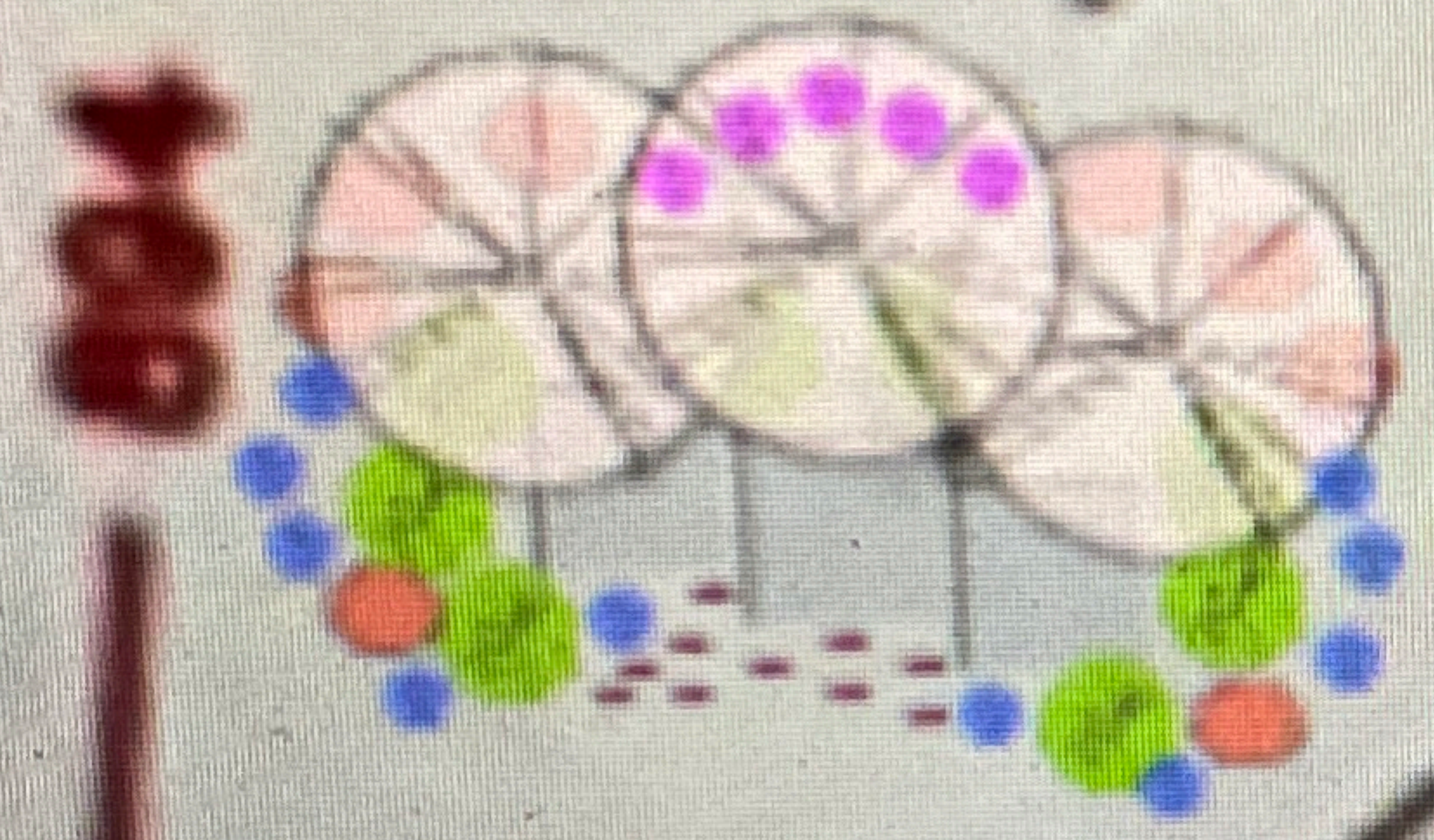
CHASKA, MINNESOTA



DATE: 9-28-2023
DRAWN BY: AKA
REVISED:



1
0
5
4
60



894

892

0.50%

2.62%

894.0

894

EX HP-B96.54



Sweetgum

Plan Summary



Ideal FAMILY LIVING

Welcome to this elegant, modern family home! Featuring a luxurious vaulted owners suite, three bathrooms, and comfortable family and entertainment spaces throughout. This age in place barrier-free design can work for any family. The main living area boast a large kitchen with a built in pantry, accompanied by vaulted ceilings in the dining area. The front study is complete with built in shelving. The lower level provides ample space for hobbies and personal activities. Along with plenty of entertainment value including the wet bar, wine cellar, sauna and access to a screened porch and 4 season patio with a large outdoor fire pit. Schedule a tour of our custom-built homes today!



Home DETAILS

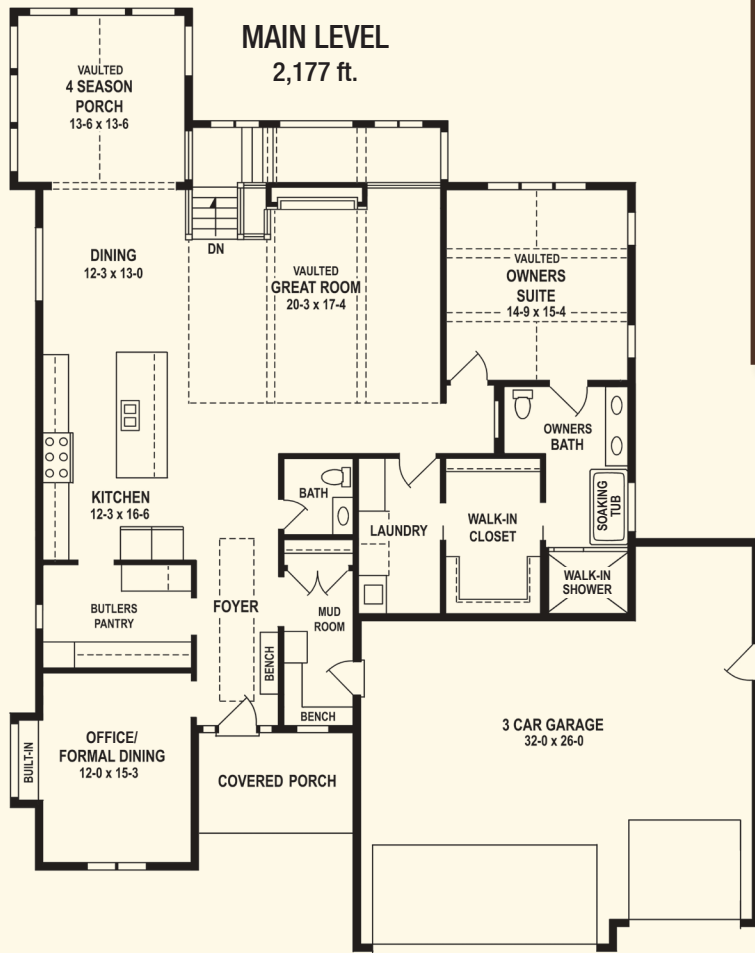
- 4,165 sq. ft., 3 stall garage with mud room access
- Luxurious owner's suite with vaulted ceilings and a roomy walk in closet
- Spacious family room with a wet bar, wine cellar, sauna, and extra space for a game or workout room
- Screened patio, outdoor kitchen, gas firepit, additional 4 season porch on the top level
- 3 to 5 bedrooms, 3 bathrooms, sizable laundry room
- Open concept living room and kitchen with large walk in pantry



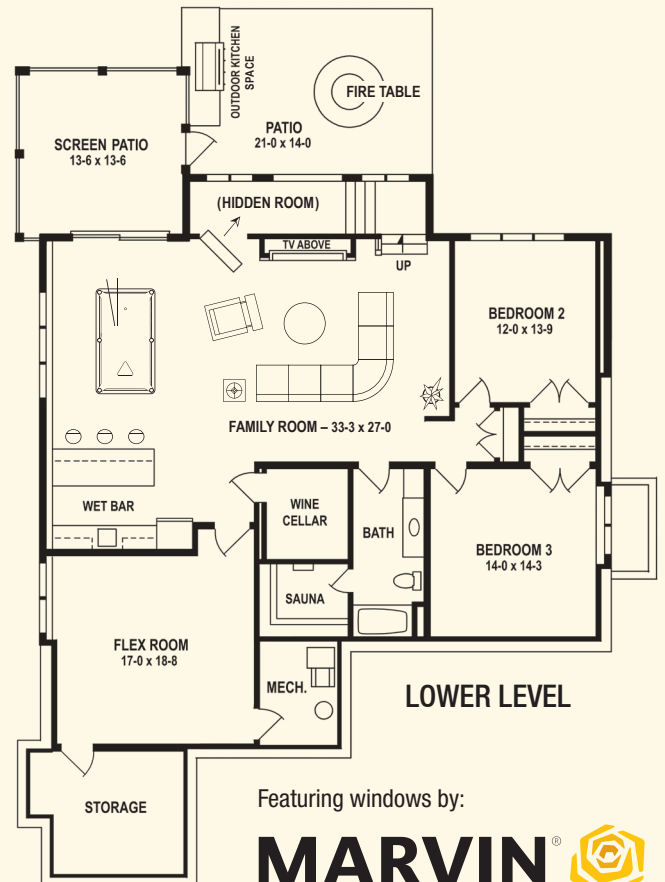
For almost 50 years Johnson-Reiland has been a family-owned custom build and design firm that is the winner of multiple Reggie awards from Housing 1st Twin Cities builders association.



Sweetgum Plan Layout



Elegant
Design Details
Exceptional
Craftsmanship



Featuring windows by:

MARVIN

JR JOHNSON-REILAND
BUILDERS & REMODELERS

Builders ID BC636389

507.366.1288 | jrbr.builders

REALTOR

Coneflower

Plan Summary

FARQUAR LAKE

APPLE VALLEY, MN



Ideal FAMILY LIVING

Welcome to this elegant, 6-bedroom family lake home! Conveniently located in Apple Valley, home of the Minnesota Zoo and just 5 minutes from Mall of America & Twin Cities premium outlets. Featuring 4 luxurious bedrooms, 2 guest rooms and a front study, plus spacious family and entertainment rooms throughout. The main living area has a large kitchen with a walk in pantry and dining area including comfortable access to the outdoors with a gorgeous deck overlooking the lake. The lower level provides ample space for hobbies, personal activities and plenty of entertainment value with additional space for storage. Schedule a tour of one of our custom-built homes today!

Home DETAILS

- 6 Bedrooms and 5 bathrooms, plus upstairs laundry
- 3 Stall garage with mud room access
- Spectacular lakeshore development with million dollar views and 1-acre lots
- Equal-distant from Minneapolis & St. Paul downtowns and is centrally located to most attractions

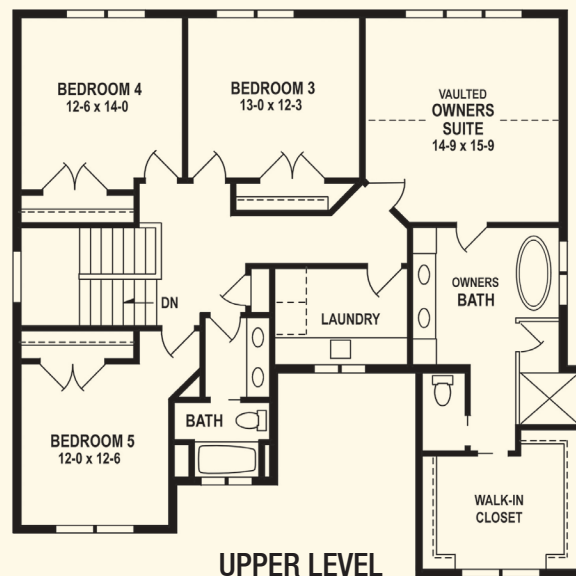


Johnson-Reiland is a family-owned custom build and design firm that is the winner of four Reggie awards – come design your custom home with us today!

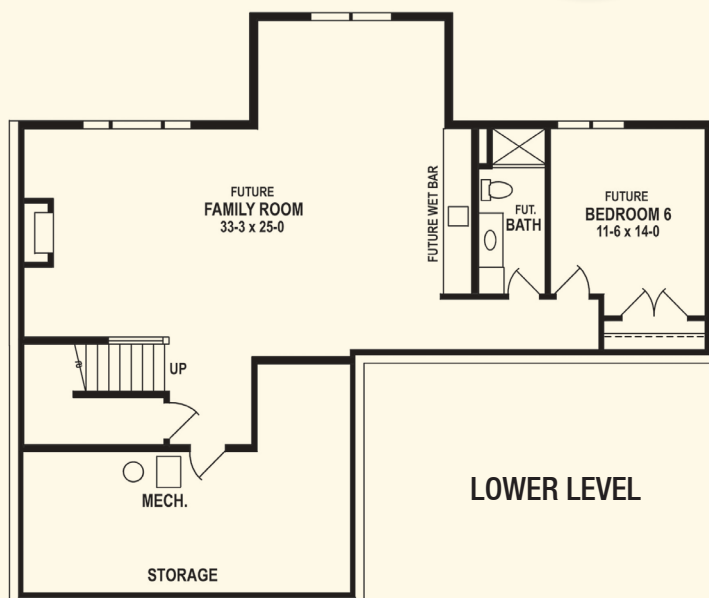


Coneflower Plan Layout

Featuring windows by:



*Elegant
Design Details &
Exceptional
Craftsmanship*



Builders ID BC636389

507.366.1288 | jrbr.builders





HOME DETAILS

- 4 bedrooms and 3 bathrooms on 2 levels
- 3,219 sq. ft. with 3 garage stalls
- Accessibility features, including 3' wide doorways, main floor laundry and no barrier walk-in shower, and no steps from garage into house
- Award Winning Northfield School District (ISD #659) – Sibley Elementary
- Miles of paved walking trails in the neighborhood
- Easy access to nearby Spring Creek Park Soccer Complex and planned regional park

Johnson-Reiland welcomes you to this four bedroom, three bath, single family home. Located in a growing neighborhood on the southeastern corner of Northfield, the property offers convenient access to miles of walking trails, nearby schools and soccer fields, and local and regional parks. The home also features Universal Design – accessibility options that provide a beautiful, creative and uplifting home for anyone looking to age in place.



Builders ID BC636389

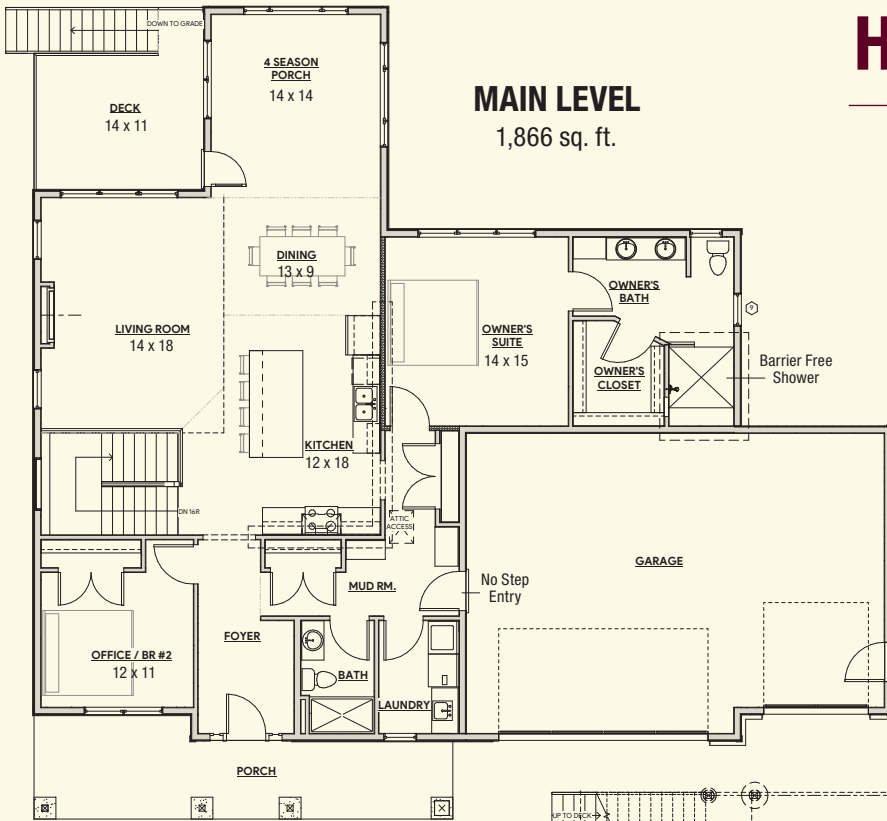
507.366.1288 | www.jrbandr.com



Hills of Spring Creek

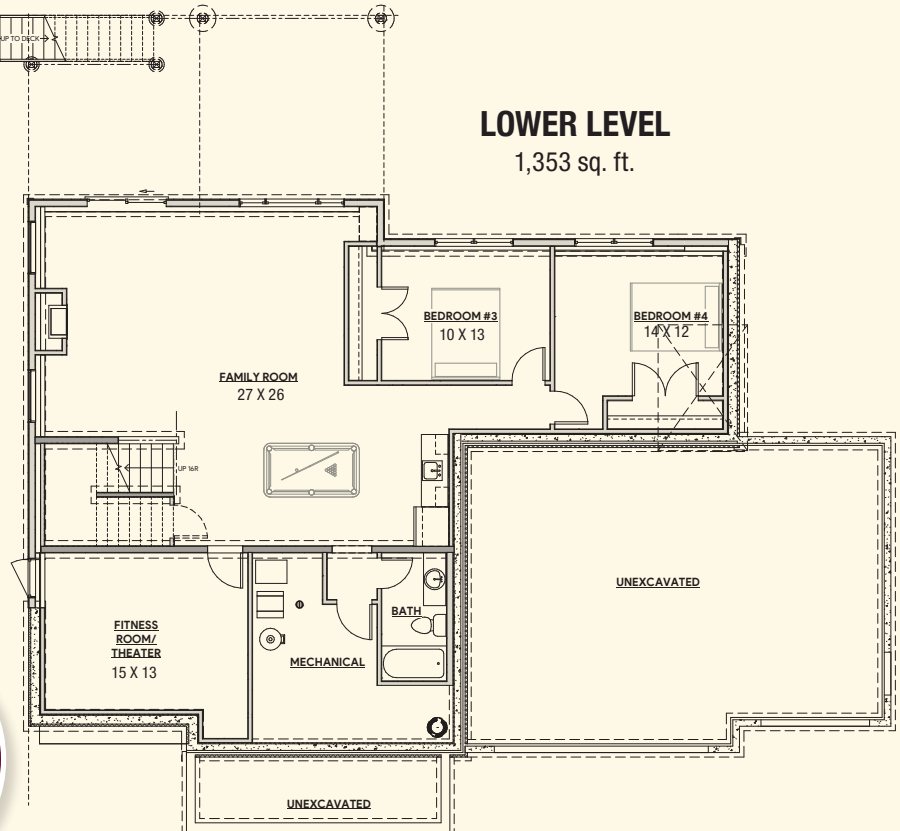
Featuring windows by:

MARVIN 



LOWER LEVEL

1,353 sq. ft.



*Elegant
Design Details &
Exceptional
Craftsmanship*

JR JOHNSON-REILAND
BUILDERS & REMODELERS

Builders ID BC636389



Johnson-Reiland is a family-owned custom build and design firm that is the winner of four Reggie awards – come design your custom home with us today!

507.366.1288 | www.jrbandr.com



REQUEST FOR ACTION

CHASKA PLANNING COMMISSION

02/14/2024

Subject: **Zoning Ordinance Amendment (ZOA) – Non-Conforming Structures And Uses (Section 15.04.050), Non-Conforming Lots of Record (Section 15.04.060), and Variances (15.08.080)**

Applicant: City of Chaska

Case No.: 2024-03

Synopsis: The City is requesting to amend certain sections of the zoning ordinance that pertain to Non-Conforming Structures And Uses, Non-Conforming Lots of Record and Variances

Prepared By: Elizabeth Hanson

Staff Recommendation: Motion to recommend approval of the Zoning Ordinance Amendment

BACKGROUND

In 2022, several land use applications came through that made the City aware of issues and inconsistencies in the zoning code. The City of Chaska identified the need for a comprehensive review and update of its zoning code. There have been updates to specific code sections over time, however, a comprehensive review of the zoning code has not occurred for many years and is overdue. In order to update the zoning code that has become outdated and increasingly challenging to use, a zoning code audit was initiated to incorporate changes from State/Federal laws, the City's comprehensive plan updates, contemporary development practices, and evolving community values.

On July 31, 2023, the City held a joint work session with the Planning Commission and City Council to discuss what the zoning audit scope needed to look like and contain. Since then, the City has been working with a consultant (HKGi) on the zoning audit and initiating the first phases of changes.

The first changes the City envisions for the audit contain what we would consider "small lifts". The City has been focusing on codes that are out of date with state statute requirements, like Non-Conformities and Variances. The changes that are coming forward this evening are necessary changes to align with state statute and clarify confusing language.

CURRENT REQUEST

The request this evening includes amendments to three sections of the zoning ordinance. Those include Non-Conforming Structures and Uses, Non-Conforming Lots of Record, and Variances. The following amendments are laid out in each section below.

For better clarity, the amendments proposed in the ordinances and below are identified as either:

1. Compliance with State Statute
2. Amendments initiated by the City for better clarity or alignment with City practice, plans, and/or values

NON-CONFORMING STRUCTURES AND USES (Section 15.04.050)

The following are changes in this zoning section:

A. Non-Conforming Structures.

- **Section 15.04.050.A.3 Restoration.** A non-conforming building or structure which is damaged by fire or other cause to the extent of more than 50% of its market value as estimated by the Building Official and approved by the City Council, shall not be restored except in conformity with the regulations of this Ordinance unless the owner applies for a building permit within 180 days of the damage.
 - *This change was made to align with State Statute.*
- **Section 15.04.050.A.4 Maintenance.** Normal maintenance of a non-conforming building or structure shall be permitted, including necessary repairs and incidental alterations which do not expand the non-conforming building or structure or extend a non-conforming use by structural alteration.
 - *This change was initiated by the City to include more clarity on maintenance of a non-conforming structure.*

B. Non-Conforming Use of Building or Land

- **Section 15.04.050.B.4 Change.** A non-conforming use of a building or parcel of land may be changed to a similar non-conforming use or to a more restrictive non-conforming use reduced or may be changed to a more conforming use when the change brings the entire parcel into better alignment with the requirements of the Code and the guidance of the Comprehensive plan. Once a structure or parcel of land has been placed in a more restrictive non-conforming use, it shall not return to a less restrictive non-conforming use. When any non-conforming use of a building or parcel of land has been changed to a conforming use, it shall not, thereafter, be changed to a non-conforming use.
 - *This change/addition was initiated by the City to include more clarity on change of non-conforming uses.*

NON-CONFORMING LOTS OF RECORD (Section 15.04.060)

The following are changes in this zoning section:

- **Section 15.04.060.A** In any district in which single family dwellings are permitted, a single family dwelling and customary accessory buildings may be erected on any single lot which existed of record as of the effective date of the Ordinance or any amendment thereto which imposed area or width restrictions upon lots, provided that all other dimensional requirements except area or width requirements must be met. This

provision shall not apply to lots which are held in common ownership with any adjoining lot on which a single family dwelling may be constructed without application of this section, or on which a single family dwelling is already present. Notwithstanding this section, no building shall be permitted on a lot less than 50 feet in width, unless allowed by the underlying zoning. Deviation from yard or setback requirements shall require a variance using the procedures set by the Ordinance.

If, in reliance on this section, a single-family dwelling is built on any lot which is contiguous with lots held in the same ownership, of which none conform to applicable area or width requirements of the Ordinance, such lots shall be considered as one contiguous parcel of land for determining the lots' compliance with minimum lot area requirements of the Ordinance. Such lots shall not be subsequently subdivided or sold in a manner which decreases the combined lots' conformance with lot width or area requirements.

- *This section was completely reworded by the City to provide clearer language to Non-Conforming Lots of Record.*

- **Section 15.04.060.B Non-Conforming Lots in Shoreland**

(a) A nonconforming single lot of record located within a shoreland area may be allowed as a building site without variances from lot size requirements, provided that:

- (1) all structure and septic system setback distance requirements in the applicable zoning district can be met;
- (2) a Type 1 sewage treatment system consistent with Minnesota Rules, chapter 7080, or its successor, can be installed or the lot is connected to a public sewer; and
- (3) the impervious surface coverage does not exceed 25 percent of the lot.

(b) In a group of two or more contiguous lots of record under a common ownership where one or more of them is nonconforming, an individual lot must be considered as a separate parcel of land for the purpose of sale or development, if it meets the following requirements:

- (1) the lot must be at least 66 percent of the dimensional standard for lot width and lot size for the shoreland classification consistent with Minnesota Rules, chapter 6120;
- (2) the lot must be connected to a public sewer, if available, or must be suitable for the installation of a Type 1 sewage treatment system consistent with Minnesota Rules, chapter 7080, or its successor, and the Ordinance;
- (3) impervious surface coverage must not exceed 25 percent of each lot; and
- (4) development of the lot must be consistent with the City's Comprehensive Plan.

(c) A lot subject to paragraph (b) not meeting the requirements of paragraph (b) must be combined with the one or more contiguous lots so they equal one or more conforming lots as much as possible.

(d) Notwithstanding paragraph (b), contiguous nonconforming lots of record in shoreland areas under a common ownership may be sold or purchased

individually if each lot contained a habitable residential dwelling at the time the lots came under common ownership and the lots are suitable for, or served by, a sewage treatment system consistent with the requirements of Minnesota Statutes section 115.55 and Minnesota Rules, chapter 7080 (or their successor statutes or rules), or connected to a public sewer.

(e) In evaluating all variances, zoning and building permit applications, or conditional use requests, the City shall require the property owner to address, when appropriate, stormwater runoff management, reducing impervious surfaces, increasing setback, restoration of wetlands, vegetative buffers, sewage treatment and water supply capabilities, and other conservation-designed actions.

(f) A portion of a conforming lot may be separated from an existing parcel as long as the remainder of the existing parcel meets the lot size and sewage treatment requirements of the zoning district for a new lot and the newly created parcel is combined with an adjacent parcel.

- *This entire addition was made to align with State Statute.*

VARIANCES (Section 15.08.080)

- *All sections changing "Undue Hardship" to "Practical Difficulties" to align with State Statute*
 - The state legislature implemented this change in 2011.
 - The comparison between Undue Hardship and Practical Difficulty is as follows:
 - **Undue Hardship:** "... means the property in question cannot be put to a reasonable use if used under conditions allowed the official controls, the plight of the landowner is due to circumstances unique to the property not created by the landowner, and the variance, if granted, will not alter the essential character of the locality. Economic considerations alone shall not constitute an undue hardship if reasonable use of the property exists under the terms of the ordinance."
 - **Practical Difficulty:** "... means that the property owner proposes to use the property in a reasonable manner not permitted by an official control; the plight of the landowner is due to circumstances unique to the property not created by the landowner; and the variance, if granted, will not alter the essential character of the locality. Economic considerations alone do not constitute practical difficulties. Practical difficulties include, but are not limited to, inadequate access to direct sunlight for solar energy systems."
 - Staff Interpretation of the Change: the change between Undue Hardship and Practical Difficulty is considered a minimal change from staff's perspective.

Undue Hardship stated that the property cannot be put to reasonable use under certain zoning regulations. In other words, a property could be eligible for a variance if the property could not be reasonably used. If the property could be put to reasonable use without the variance then it would not be a good

candidate for a variance. Staff understands this definition to be “more restrictive” in granting a variance.

For *Practical Difficulty*, the definition states that the property owner proposes to use the property in a reasonable manner but is not permitted by certain zoning regulations. In other words, the request proposed has to be considered reasonable (i.e. something that is permitted, or normal, under the zoning for the property) in order for it to be considered for a variance. Staff understands this definition to be “less restrictive” in granting a variance.

The 2011 law renamed the municipal variance standard from “undue hardship” to “practical difficulties” but otherwise retained the three-factor criteria for granting variances which are the following:

- Reasonableness
- Uniqueness
- Essential Character

The ordinance amendment to include “Practical Difficulty” will not be a significant change in terms of what’s already practiced at the City. The evaluation criteria for variances is still the same and will provide consistency as more variance requests come in.

The City has already started to use “Practical Difficulty” to evaluate variance requests. For example, in 2022 there were a number of variance requests like the Clover Ridge (aka Fenview Flats) and Clover Field (aka The Gallery) apartments that used the new terminology. And all variances since those requests have also been using “Practical Difficulty” for evaluation. In that regard, the ordinance amendments proposed will not change what the City is already doing.

- **Remove Section 15.08.080.E.4.** stating “*No such variance is transferable without authorization by the City Council while same is personal with applicant.*”
 - This regulation states that a variance can be transferred to a new property owner when the property is sold (the same property the variance was granted on). This only applies to a property if the variance was not executed before the sale of the property. Staff wishes to eliminate this provision as there is an impractical onus (and likely oversight) on staff to track these types of sales. If the property owner does not implement the variance on the property before the sale then they lose the validity of the variance. The new property owner would have to apply for their own variance for that specific request.
 - *This change/addition is initiated by the City. It is not a required provision in State Statute.*

In sum, the new ordinance changes for Non-Conforming Structures and Uses, Non-Conforming Lots of Record, and Variances will align with state statute requirements and provide clearer regulations that both staff and users can benefit from.

PLANNING COMMISSION ACTION REQUESTED

Motion to recommend approval of the Zoning Ordinance Amendment that would modify Section 15.04.050 (Non-Conforming Structures & Uses) and Section 15.04.060 (Non-Conforming Lots of Record) of the Zoning Ordinance to read as the attached draft Ordinance.

Motion to recommend approval of the Zoning Ordinance Amendment that would modify Section 15.08.080 (Variances) of the Zoning Ordinance to read as the attached draft Ordinance.

15.04.050 Non-Conforming Structures And Uses

The lawful use of any land or buildings existing at the time of the adoption of this Ordinance may be continued, at the size and in the manner of operation existing on such date, even if such use does not conform to the regulations of this Ordinance, except as provided below:

All matters relevant to the use of land or buildings, such as size, manner of operation, etc., which was a non-conforming use under ~~Chaska Ordinance No. 163~~this Ordinance or prior City ordinances or any amendments thereof, and which is a non-conforming use hereunder, shall relate back to the time when such land or building became non-conforming.

1. Non-Conforming Structures.

1. *Alterations.* A non-conforming building or structure shall not be reconstructed or altered to an extent exceeding 50% of its market value for assessment purposes unless said building or structure is changed to conform with the regulations of this Ordinance.
2. *Enlargement.* A non-conforming building or structure shall not be added to or enlarged in any manner unless such additions or enlargements are made so as to bring said building or structures into conformity with the regulations of this Ordinance.
3. *Restoration.* A non-conforming building or structure which is damaged by fire or other cause to the extent of more than 50% of its market value as estimated by the Building Official ~~and approved by the City Council~~, shall not be restored except in conformity with the regulations of this Ordinance unless the owner applies for a building permit within 180 days of the damage.
4. *Maintenance.* Normal maintenance of a non-conforming building or structure shall be permitted, including necessary ~~nonstructural~~ repairs and incidental alterations which do not expand the non-conforming building or structure or extend a non-conforming use by structural alteration.

2. Non-Conforming Use of Building or Land.

1. *Extension.* A non-conforming use of a building may be extended throughout said building provided no structural alterations are made therein except as required by other codes or ordinances.
2. *Relocation.* A non-conforming use shall not be moved to any other part of the parcel of land upon which the same was conducted at the time of passage of this Ordinance.
3. *Abandonment.* A non-conforming use of building or parcel of land which has been discontinued for a period of one year shall not be re-established and any future use shall be in conformity with the regulations of this Ordinance. The aforementioned one (1) year discontinuance shall not apply to two-family dwellings, which dwellings shall be permitted to be discontinued for a period of five (5) years provided the dwelling continues to contain two (2) physically separate living units and is not converted back to a one-family dwelling.
4. *Change.* A non-conforming use of a building or parcel of land may be ~~changed to a similar non-conforming use or to a more restrictive non-conforming use~~reduced

or may be changed to a more conforming use when the change brings the entire parcel into better alignment with the requirements of the Code and the guidance of the Comprehensive plan. Once a structure or parcel of land has been placed in a more restrictive non-conforming use, it shall not return to a less restrictive non-conforming use. When any non-conforming use of a building or parcel of land has been changed to a conforming use, it shall not, thereafter, be changed to a non-conforming use.

15.04.060 Non-Conforming Lots Of Record

- ~~1. In any district in which single family dwellings are permitted, a single family dwelling and customary accessory buildings may be erected on any single lot of record at the effective date of adoption or amendment of this Ordinance, notwithstanding limitations imposed by _____ other _____ provisions _____ of _____ this _____ Ordinance.~~

~~Such lot must be in separate ownership and not of continuous frontage with lots in the same ownership. This provision shall apply even though such lot fails to meet the requirements for area or width, or both, that are generally applicable in the district, provided that yard dimensions and requirements other than those applying to area or width, or both, of the lot shall conform to the regulations for the district in which such lot is located; however, in no case shall building be permitted on a site less than 50 feet in width. Variance of yard requirements shall be obtained only through action of the Board of Appeals.~~

1. In any district in which single family dwellings are permitted, a single family dwelling and customary accessory buildings may be erected on any single lot which existed of record as of the effective date of the Ordinance or any amendment thereto which imposed area or width restrictions upon lots, provided that all other dimensional requirements except area or width requirements must be met. This provision shall not apply to lots which are held in common ownership with any adjoining lot on which a single family dwelling may be constructed without application of this section, or on which a single family dwelling is already present. Notwithstanding this section, no building shall be permitted on a lot less than 50 feet in width, unless allowed by the underlying zoning. Deviation from yard or setback requirements shall require a variance using the procedures set by the Ordinance.

If, in reliance on this section, a single-family dwelling is built on any lot which is contiguous with lots held in the same ownership, of which none conform to applicable area or width requirements of the Ordinance, such lots shall be considered as one contiguous parcel of land for determining the lots' compliance with minimum lot area requirements of the Ordinance. Such lots shall not be subsequently subdivided or sold in a manner which decreases the combined lots' conformance with lot width or area

requirements. The owner of such lots shall, prior to issuance of a building permit for a single-family dwelling, cause them to be combined as a single tax parcel which conforms as much as possible to the Ordinance and such lots shall not be subsequently subdivided or sold in a manner which decreases the combined Lots' conformance with lot width or area requirements.

- ~~2. If two (2) or more lots or combinations of lots and portions of lots with continuous frontage in single ownership are of record at the time of passage or amendment of this Ordinance, and if all or part of the lots do not meet the requirements established for lot width and area, the lands involved shall be considered to be an undivided parcel for the purpose of this Ordinance, and no portion of said parcel shall be used or sold in a manner which diminishes compliance with lot width and area requirements established by this Ordinance, nor shall any division of any parcel be made which creates a lot with width or area below the requirements stated in this Ordinance.~~

2. Non-Conforming Lots in Shoreland

(a) A nonconforming single lot of record located within a shoreland area may be allowed as a building site without variances from lot size requirements, provided that:

- (1) all structure and septic system setback distance requirements in the applicable zoning district can be met;
- (2) a Type 1 sewage treatment system consistent with Minnesota Rules, chapter 7080, or its successor, can be installed or the lot is connected to a public sewer; and
- (3) the impervious surface coverage does not exceed 25 percent of the lot.

(b) In a group of two or more contiguous lots of record under a common ownership where one or more of them is nonconforming, an individual lot must be considered as a separate parcel of land for the purpose of sale or development, if it meets the following requirements:

- (1) the lot must be at least 66 percent of the dimensional standard for lot width and lot size for the shoreland classification consistent with Minnesota Rules, chapter 6120;
- (2) the lot must be connected to a public sewer, if available, or must be suitable for the installation of a Type 1 sewage treatment system consistent with Minnesota Rules, chapter 7080, or its successor, and the Ordinance;
- (3) impervious surface coverage must not exceed 25 percent of each lot; and
- (4) development of the lot must be consistent with the City's Comprehensive Plan.

(c) A lot subject to paragraph (b) not meeting the requirements of paragraph (b) must be combined with the one or more contiguous lots so they equal one or more conforming lots as much as possible.

(d) Notwithstanding paragraph (b), contiguous nonconforming lots of record in shoreland areas under a common ownership may be sold or purchased individually if each lot contained a habitable residential dwelling at the time the lots came under common ownership and the lots are suitable for, or served by, a sewage treatment system consistent with the requirements of Minnesota Statutes section 115.55 and Minnesota Rules, chapter 7080 (or their successor statutes or rules), or connected to a public sewer.

(e) In evaluating all variances, zoning and building permit applications, or conditional use requests, the City shall require the property owner to address, when appropriate, stormwater runoff management, reducing impervious surfaces, increasing setback, restoration of wetlands, vegetative buffers, sewage treatment and water supply capabilities, and other conservation-designed actions.

(f) A portion of a conforming lot may be separated from an existing parcel as long as the remainder of the existing parcel meets the lot size and sewage treatment requirements of the zoning district for a new lot and the newly created parcel is combined with an adjacent parcel.

15.04.050 Non-Conforming Structures And Uses

The lawful use of any land or buildings existing at the time of the adoption of this Ordinance may be continued, at the size and in the manner of operation existing on such date, even if such use does not conform to the regulations of this Ordinance, except as provided below:

All matters relevant to the use of land or buildings, such as size, manner of operation, etc., which was a non-conforming use under this Ordinance or prior City ordinances or any amendments thereof, and which is a non-conforming use hereunder, shall relate back to the time when such land or building became non-conforming.

1. Non-Conforming Structures.

1. *Alterations.* A non-conforming building or structure shall not be reconstructed or altered to an extent exceeding 50% of its market value for assessment purposes unless said building or structure is changed to conform with the regulations of this Ordinance.
2. *Enlargement.* A non-conforming building or structure shall not be added to or enlarged in any manner unless such additions or enlargements are made so as to bring said building or structures into conformity with the regulations of this Ordinance.
3. *Restoration.* A non-conforming building or structure which is damaged by fire or other cause to the extent of more than 50% of its market value as estimated by the Building Official, shall not be restored except in conformity with the regulations of this Ordinance unless the owner applies for a building permit within 180 days of the damage.
4. *Maintenance.* Normal maintenance of a non-conforming building or structure shall be permitted, including necessary repairs and incidental alterations which do not expand the non-conforming building or structure or extend a non-conforming use by structural alteration.

2. Non-Conforming Use of Building or Land.

1. *Extension.* A non-conforming use of a building may be extended throughout said building provided no structural alterations are made therein except as required by other codes or ordinances.
2. *Relocation.* A non-conforming use shall not be moved to any other part of the parcel of land upon which the same was conducted at the time of passage of this Ordinance.
3. *Abandonment.* A non-conforming use of building or parcel of land which has been discontinued for a period of one year shall not be re-established and any future use shall be in conformity with the regulations of this Ordinance. The aforementioned one (1) year discontinuance shall not apply to two-family dwellings, which dwellings shall be permitted to be discontinued for a period of five (5) years provided the dwelling continues to contain two (2) physically separate living units and is not converted back to a one-family dwelling.
4. *Change.* A non-conforming use of a building or parcel of land may be reduced or may be changed to a more conforming use when the change brings the entire

parcel into better alignment with the requirements of the Code and the guidance of the Comprehensive plan. Once a structure or parcel of land has been placed in a more restrictive non-conforming use, it shall not return to a less restrictive non-conforming use. When any non-conforming use of a building or parcel of land has been changed to a conforming use, it shall not, thereafter, be changed to a non-conforming use.

15.04.060 Non-Conforming Lots Of Record

1. In any district in which single family dwellings are permitted, a single family dwelling and customary accessory buildings may be erected on any single lot which existed of record as of the effective date of the Ordinance or any amendment thereto which imposed area or width restrictions upon lots, provided that all other dimensional requirements except area or width requirements must be met. This provision shall not apply to lots which are held in common ownership with any adjoining lot on which a single family dwelling may be constructed without application of this section, or on which a single family dwelling is already present. Notwithstanding this section, no building shall be permitted on a lot less than 50 feet in width, unless allowed by the underlying zoning. Deviation from yard or setback requirements shall require a variance using the procedures set by the Ordinance.

If, in reliance on this section, a single-family dwelling is built on any lot which is contiguous with lots held in the same ownership, of which none conform to applicable area or width requirements of the Ordinance, such lots shall be considered as one contiguous parcel of land for determining the lots' compliance with minimum lot area requirements of the Ordinance. The owner of such lots shall, prior to issuance of a building permit for a single-family dwelling, cause them to be combined as a single tax parcel which conforms as much as possible to the Ordinance and such lots shall not be subsequently subdivided or sold in a manner which decreases the combined Lots' conformance with lot width or area requirements.

2. Non-Conforming Lots in Shoreland

(a) A nonconforming single lot of record located within a shoreland area may be allowed as a building site without variances from lot size requirements, provided that:

- (1) all structure and septic system setback distance requirements in the applicable zoning district can be met;
- (2) a Type 1 sewage treatment system consistent with Minnesota Rules, chapter 7080, or its successor, can be installed or the lot is connected to a public sewer; and

(3) the impervious surface coverage does not exceed 25 percent of the lot.

(b) In a group of two or more contiguous lots of record under a common ownership where one or more of them is nonconforming, an individual lot must be considered as a separate parcel of land for the purpose of sale or development, if it meets the following requirements:

(1) the lot must be at least 66 percent of the dimensional standard for lot width and lot size for the shoreland classification consistent with Minnesota Rules, chapter 6120;

(2) the lot must be connected to a public sewer, if available, or must be suitable for the installation of a Type 1 sewage treatment system consistent with Minnesota Rules, chapter 7080, or its successor, and the Ordinance;

(3) impervious surface coverage must not exceed 25 percent of each lot; and

(4) development of the lot must be consistent with the City's Comprehensive Plan.

(c) A lot subject to paragraph (b) not meeting the requirements of paragraph (b) must be combined with the one or more contiguous lots so they equal one or more conforming lots as much as possible.

(d) Notwithstanding paragraph (b), contiguous nonconforming lots of record in shoreland areas under a common ownership may be sold or purchased individually if each lot contained a habitable residential dwelling at the time the lots came under common ownership and the lots are suitable for, or served by, a sewage treatment system consistent with the requirements of Minnesota Statutes section 115.55 and Minnesota Rules, chapter 7080 (or their successor statutes or rules), or connected to a public sewer.

(e) In evaluating all variances, zoning and building permit applications, or conditional use requests, the City shall require the property owner to address, when appropriate, stormwater runoff management, reducing impervious surfaces, increasing setback, restoration of wetlands, vegetative buffers, sewage treatment and water supply capabilities, and other conservation-designed actions.

(f) A portion of a conforming lot may be separated from an existing parcel as long as the remainder of the existing parcel meets the lot size and sewage treatment requirements of the zoning district for a new lot and the newly created parcel is combined with an adjacent parcel.

15.08.80 Variances

- A. *Purpose/Standards.* The City Council may grant variances from the literal provisions of this Ordinance where ~~their strict enforcement would cause undue hardship because of circumstances unique to the individual property under consideration, and to grant such variances~~ applicant for the variance establishes that there are practical difficulties in complying with the zoning only when it is demonstrated that such ~~actions will be a variance is~~ in keeping harmony with the ~~spirit~~ general purposes and intent of this ~~Ordinance.~~

~~“Undue hardship”~~ the zoning code and will be consistent with the comprehensive plan.

~~“Practical Difficulties” as used in connection with the granting of a variance means the property in question cannot be put to owner proposes to use the property in a reasonable use if used under conditions required~~ manner not permitted by the official control ~~this Ordinance,~~ the plight of the landowner is due to circumstances unique to ~~his~~ the property not created by the landowner, and the variance, if granted, will not alter the essential character of the locality. ~~Undue hardship~~ Practical difficulties also includes, but is not limited to, inadequate access to direct sunlight for solar energy systems.

Economic considerations alone shall not constitute ~~an undue hardship if reasonable use for the property exists under the terms of this Ordinance.~~ practical difficulties. Variances shall be granted for earth sheltered construction as defined herein when in harmony with this Ordinance.

The City Council may not permit as a variance any use that is not permitted under the Ordinance for property in the district where the affected person’s land is located. The City Council may permit as a variance the temporary use of a one family dwelling as a two family dwelling. The City Council may impose conditions in the granting of a variance to ~~insure~~ ensure compliance and to protect adjacent properties.

- B. *Exhibits.* Applications for variances shall describe the ~~undue hardships~~ practical difficulties and unique circumstances claimed as a basis for the variance. In addition, the following exhibits shall be submitted if required by the Zoning Administrator:
1. A boundary survey and/or site plan as required for building permits;
 2. Other material as may be required by the Zoning Administrator.
- C. *Procedure.* The procedure for applying for a variance from the regulations of this Ordinance shall be as follows:
1. The property owner or ~~his~~ the property owner’s agent shall meet with the Zoning Administrator to explain ~~his~~ the situation, learn the procedures, and obtain an application form;
 2. The applicant shall file the completed application form together with the required exhibits with the Zoning Administrator and shall pay the required filing fee;
 3. The Zoning Administrator shall transmit the application and exhibits together with staff/consultant reports to the Planning Commission and shall give notice of the public hearing, if applicable, as provided by CZO 15.08.050 paragraph A;
 4. Public hearings shall be held for variances which exceed the applicable zoning requirements by more than 30 percent;
 5. The Planning Commission shall transmit its recommended action to the City Council ~~within 45 days of filing;~~
 6. The City Council shall act on the application within ~~45~~ 60 days after ~~receiving the recommendation from~~ City receives the Planning Commission complete application filing unless the timeline for a response is extended in a manner consistent with Minnesota Statutes Chapter 15.99;

7. Within all shoreland areas defined by CZO 15.24.020 paragraph B, a copy of every variance application along with supporting materials required by paragraph B, shall be submitted to the Minnesota Department of Natural Resources and also shall have received at least ten (10) days notice prior to the meeting date to consider the variance.
- D. *Procedure For Minor Variance.* A property owner may file an application for a minor variance if the applicant demonstrates practical difficulties and the variance meets any of the following requirements:
1. If it relates to setbacks for driveway, garage, or swimming pool;
 2. If it is less than five (5) feet; or
 3. If it relates to the size and location of signs that deviate from the Ordinance by less than 10%.

The procedure for applying for a minor variance from the regulations of this Ordinance shall be as follows:

- ~~4.1.~~ The property owner or ~~his/her~~ the property owner's agent shall meet with the Zoning Administrator to explain the situation, learn the procedures, and obtain an application form.
 - ~~5.2.~~ The applicant shall file the completed application form together with the required exhibits with the Zoning Administrator and shall pay the required fee.
 - ~~6.3.~~ The applicant shall secure and present signatures from property owners contiguous to the affected yard for which the variance is requested, specifically noting awareness of the minor variance request. The Zoning Administrator shall determine the adequacy and accuracy of the names and addresses of such property owners.
 - ~~7.4.~~ The Minor Variance Board shall be composed of the Planning Director (or designee), Community Development/Code Administrator (or designee) and Building Official (or designee).
 - ~~8.5.~~ The Minor Variance Board shall unanimously recommend approval or denial of the application within five (5) days of filing with the Zoning Administrator. In the event the application is not recommended for approval by the Board, the applicant may proceed as provided in paragraph C, and the original fee shall be applied to the fee as required for a standard variance.
 - ~~9.6.~~ If recommended for approval by the Minor Variance Board, the application shall be placed on the City Council's consent agenda within 21 days of filing. The Minor Variance Board may recommend conditions upon the approval which relate directly to the variance request.
 - ~~10.7.~~ Within all shoreland areas defined by CZO 15.24.020 paragraph B, a copy of every variance application along with supporting materials required by paragraph B, shall be submitted to the Minnesota Department of Natural Resources and also shall have received at least ten (10) days notice prior to the meeting date to consider the variance. (Ord. No. 644, 10/19/98)
- E. *Revocation Of Variance.* The granting of a variance from the provisions of this Ordinance shall be subject to the following conditions, which conditions shall apply to all variances granted and said conditions shall be continuing:
- ~~1.8.~~ The variance shall be effective only for the specific purposes set forth in the variance grant. A violation of any condition set forth in granting a variance shall be a violation of this Ordinance and shall automatically terminate the variance;
 - ~~2.9.~~ The variance shall be personal to the applicant for the specific purpose set forth in the variance grant until the construction or installation of such specific purpose has been

completed, at which time said variance shall attach to the land; furthermore, said attachment to the land shall continue until such specific purpose is discontinued, at which time said variance shall be null and void;

3.10. The variance shall become null and void without further action by the Planning Commission or City Council upon failure of applicant to utilize such variance by commencement of construction or installation of the specific purpose within 180 days of variance grant and completion within a reasonable time after commencement. A variance may be renewed by the City Council for good cause;

~~4. No such variance is transferable without authorization by the City Council while same is personal with applicant.~~

- F. *Filing.* A certified copy of any variance shall be filed with the Carver County Recorder or Registrar of Titles and shall include a legal description of the subject property.

15.08.80 Variances

- A. *Purpose/Standards.* The City Council may grant variances from the literal provisions of this Ordinance where the applicant for the variance establishes that there are practical difficulties in complying with the zoning only when it is demonstrated that such a variance is in harmony with the general purposes and intent of the zoning code and will be consistent with the comprehensive plan.

“Practical Difficulties” as used in connection with the granting of a variance means the property owner proposes to use the property in a reasonable manner not permitted by this Ordinance, the plight of the landowner is due to circumstances unique to the property not created by the landowner, and the variance, if granted, will not alter the essential character of the locality. Practical difficulties also includes, but is not limited to, inadequate access to direct sunlight for solar energy systems.

Economic considerations alone shall not constitute practical difficulties. Variances shall be granted for earth sheltered construction as defined herein when in harmony with this Ordinance.

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1. The property owner or the property owner’s agent shall meet with the Zoning Administrator to explain the situation, learn the procedures, and obtain an application form;
 2. The applicant shall file the completed application form together with the required exhibits with the Zoning Administrator and shall pay the required filing fee;
 3. The Zoning Administrator shall transmit the application and exhibits together with staff/consultant reports to the Planning Commission and shall give notice of the public hearing, if applicable, as provided by CZO 15.08.050 paragraph A;
 4. Public hearings shall be held for variances which exceed the applicable zoning requirements by more than 30 percent;
 5. The Planning Commission shall transmit its recommended action to the City Council;
 6. The City Council shall act on the application within 60 days after the City receives the complete application filing unless the timeline for a response is extended in a manner consistent with Minnesota Statutes Chapter 15.99;
 7. Within all shoreland areas defined by CZO 15.24.020 paragraph B, a copy of every variance application along with supporting materials required by paragraph B, shall be submitted to the Minnesota Department of Natural Resources and also shall have received at least ten (10) days notice prior to the meeting date to consider the variance.
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The procedure for applying for a minor variance from the regulations of this Ordinance shall be as follows:

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2. The applicant shall file the completed application form together with the required exhibits with the Zoning Administrator and shall pay the required fee.
3. The applicant shall secure and present signatures from property owners contiguous to the affected yard for which the variance is requested, specifically noting awareness of the minor variance request. The Zoning Administrator shall determine the adequacy and accuracy of the names and addresses of such property owners.
4. The Minor Variance Board shall be composed of the Planning Director (or designee), Community Development/Code Administrator (or designee) and Building Official (or designee).
5. The Minor Variance Board shall unanimously recommend approval or denial of the application within five (5) days of filing with the Zoning Administrator. In the event the application is not recommended for approval by the Board, the applicant may proceed as provided in paragraph C, and the original fee shall be applied to the fee as required for a standard variance.
6. If recommended for approval by the Minor Variance Board, the application shall be placed on the City Council's consent agenda within 21 days of filing. The Minor Variance Board may recommend conditions upon the approval which relate directly to the variance request.
7. Within all shoreland areas defined by CZO 15.24.020 paragraph B, a copy of every variance application along with supporting materials required by paragraph B, shall be submitted to the Minnesota Department of Natural Resources and also shall have received at least ten (10) days notice prior to the meeting date to consider the variance. (Ord. No. 644, 10/19/98)

- E. *Revocation Of Variance.* The granting of a variance from the provisions of this Ordinance shall be subject to the following conditions, which conditions shall apply to all variances granted and said conditions shall be continuing:

8. The variance shall be effective only for the specific purposes set forth in the variance grant. A violation of any condition set forth in granting a variance shall be a violation of this Ordinance and shall automatically terminate the variance;
9. The variance shall be personal to the applicant for the specific purpose set forth in the variance grant until the construction or installation of such specific purpose has been completed, at which time said variance shall attach to the land; furthermore, said attachment to the land shall continue until such specific purpose is discontinued, at which time said variance shall be null and void;
10. The variance shall become null and void without further action by the Planning Commission or City Council upon failure of applicant to utilize such variance by commencement of construction or installation of the specific purpose within 180 days of variance grant and completion within a reasonable time after commencement. A variance may be renewed by the City Council for good cause;

- F. *Filing.* A certified copy of any variance shall be filed with the Carver County Recorder or Registrar of Titles and shall include a legal description of the subject property.

REQUEST FOR ACTION
CHASKA PLANNING COMMISSION
02/14/2024

Subject: Recommend appointment of Chair and Vice-Chair to City Council

Prepared By: Nate Kabat

BACKGROUND

Chaska Ordinance states that the City Council shall annually appoint the Planning Commission Chairperson and Vice-Chair. By practice, the City Council has sought a recommendation from the Planning Commission for the annual appointment.

Rob Brass is the current Chair and was appointed by City Council on February 27, 2023 per the Planning Commission's recommendation on February 8, 2023.

Todd Urbanski is the current Vice-Chair and was appointed by City Council on February 27, 2023 per the Planning Commission's recommendation on February 8, 2023.

Per practice, the Planning Commission should make a recommendation for both Chairperson and Vice-Chairperson at tonight's meeting. The recommendation will be brought to the City Council at their next meeting on February 26 to make the appointment.

PLANNING COMMISSION ACTION REQUESTED:

Motion to recommend _____ to serve as Chairperson of the Planning Commission for calendar year 2024.

Motion to recommend _____ to serve as Vice-Chairperson of the Planning Commission for calendar year 2024.

- MINUTES -
CHASKA CITY COUNCIL
DECEMBER 4, 2023

1. Call to Order

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

2. Pledge of Allegiance

3. Roll Call

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

Absent: None.

Also Present: Matt Podhradsky, City Administrator; Noel Graczyk, Administrative Services Director; Kevin Wright, Community Engagement Manager; Elise Durbin, Assistant Administrator; Stephen Kraus, Fire Chief; Ryan Seibert, Police Chief; Matt Burt, Accountant II; and Christophe Morschen, City Attorney;.

4. Adopt the Agenda

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

5. Visitor Presentation

Mayor Windschitl introduced the new *Chaska Herald* reporter, Graham Johnson.

6. Approve Previous Meeting Minutes

6.A. Approve the November 20, 2023 City Council Meeting Minutes

Motion by Councilmember Hatfield, second by Councilmember Grau, to approve the minutes of the November 20, 2023 City Council meeting.

Motion carried.

7. Consent Agenda

Councilmember Hatfield stated that she was excited to see the Bluffs Trail continue moving forward.

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

A. Business License Renewals

Motion to approve renew annual business licenses for Games of Skill, Refuse Haulers, Massage Therapists, Massage Therapy Commercial Business Sites, and Tobacco Sale for the upcoming business license period beginning January 1, 2024, and ending December 31, 2024.

B. Adopt Resolution No. 2023-94 Authorizing Eminent Domain for MN River Bluffs Regional Trail

Motion to adopt Resolution No. 2023-94 to authorize city staff to initiate eminent domain proceedings for the affected property owner for the Minnesota River Bluffs Regional Trail – Chaska Connection.

C. Adopt Resolution No. 2023-93 Bond Sale Reimbursement

Motion to adopt Resolution 2023-93, relating to financing certain proposed projects and establishing compliance with reimbursement bond regulations under the Internal Revenue Code
Motion carried.

8. Action Items

8.A. Public Hearing – Truth in Taxation – 2024 Tax Levy and Budget

City Administrator Podhradsky introduced the item to the Council and provided a presentation on the 2024 Tax Levy and Budget. He explained that the Council would hold the public hearing for this item tonight, but would take action to adopt the final budgets on December 18, 2023.

Mayor Windschitl opened the public hearing at 8:19 p.m.

Randy Bush, 3200 McKnight Road, expressed his appreciation for the thorough and clear explanation that City Administrator Podhradsky had done for this item. He explained his concern that there was a lot of growth happening which sometimes results in spending money without looking back to see where they may be able to save money. He asked if there had been audits done for how things are used, how long they are used, or surrounding owning versus leasing equipment. He stated that he would like to know that these audits are happening so the City doesn't have a \$300,000 backhoe that just sits for long periods of time without being used.

City Administrator Podhradsky explained that he had two examples that may answers Mr. Bush's questions. The first concerns the stormwater system and noted that for years they contracted out for a batcher vehicle come out and suck out their drains but they took a look at how much they were spending contracting this work out and also looked at another department that could also use this type of vehicle and found it would be better if the City went ahead and purchased this vehicle themselves. The second example is how the City has extended the life of their replacements for things like plow trucks which saves them a lot of money over the life of these things. He assured Mr. Bush that the City is always looking at things to determine if they would be better off doing things themselves or contracting it out.

Mayor Windschitl noted that many of the City's purchases are done through State contracts, which generally provides a huge savings. He stated that he thinks the City has looked at a lot of this type of thing throughout the years and believes that they have very sharp people on their crews and as directors of the departments that look into this to see if the City may be able to better their services. He stated that Chaska has always run pretty lean with both equipment and personnel, but they have also added better equipment into the mix.

Mr. Bush stated that he just wanted to make sure the City was looking at their operations and making they were operating efficiently.

City Administrator Podhradsky shared the other example of City staff handling all the prep work for overlay projects rather than having the contractor do that work, which saves them money.

Mr. Bush asked if there was a reason that the City had not contracted out for payroll services.

Administrative Services Director Graczyk stated that they have looked at options for contracting this service out, but because they differ from a commercial industry, there are a lot of specialized reporting requirements, so having their payroll system integrated with the City's overall financial system is more cost effective than contracting out.

Jay Roe, 3621 Cavallo Pass, noted that he had shared his tax statement last year and had made a promise to also share this years' statement as well. He explained that he had shared it on social media and noted that his taxes went up over 40% in the last two years. He stated that this is due to their valuation increasing and the 17.4% increase in the levy. He noted that when you dilute the City taxes out of the overall tax bill that includes the County and the school district, his increase would be 24.1% which equates to almost \$2,700/year. He stated that he feels they need to have accountability and noted that they appear to be planning for 20% increases over the next two years. He explained that he was not sure if he could afford to remain living in Chaska with those type of increases and suspects that there are many others in the City who feel the same way. He shared the example of his daughter, who is a single mother, whose valuation went up 17% over the last two years. He stated that he feels what is driving this is primarily the new buildings which are large expenditures which are usually talked about and planned for many years in advance. He explained that he had sat through the strategic planning process in 2018 as a City Councilmember and there was no mention of those buildings at that time. He stated that the elected officials should have seen them coming years ahead of time and had a plan in place for capital improvements. He stated that he feels that there is a way to manage the tax impacts while still getting the results that the City needs. He explained that the attitude of the Council seems to be 'grin and bear it' and asked if the City had a strategic plan and priority for effectively managing property taxes. He stated that the City accomplished a lot of great things even back when their taxes were kept low and listed off a variety of examples. He stated that Chaska has surpassed Chanhassen when it comes to taxes now and also referenced a property in Bear Path that is part of a gated community in Eden Prairie that is valued at \$150,000 more than his home in Chaska but pays less in property taxes to the City, which, to him, shows that there is something wrong. He referenced the fire station and explained that he had done some research and found that on June 1, 2015 the Council approved redevelopment of the upstairs of the fire station which cost \$251,000 and noted that part of the plan was to build five new sleeping rooms and now they are being told that the reason they need to build a new one is because they need a place for them to sleep and cannot handle the duty crews. He noted that he believes others cities can handle duty crews with less than what is available here. He explained that when he was first elected there was an initiative to keep the taxes low and there was even an article in the Star Tribune in February of 2009 that talked about the frugality of Chaska because they were the lowest in the State. He asked what had happened in the last 14 years to change that strategic thought. He stated that he had seen comparative tax data and feels that people need to have a better understanding of what their money is being spent on. He stated that he believes in the earlier presentation he heard that the City was bringing in about \$1.6 million in revenue related to building permits and asked what had happened with that money. He stated that his overarching question is where and what the vision and plan is for the City. He explained that he left the City Council in 2018 and

does not remember having any discussions about building all of the new buildings that are being proposed. He stated that he would like a pledge from the Council and City Administrator Podhradsky that the \$75 million for the community center that he has read about will not be coming out of his pocket as a taxpayer. He stated that he would like to know when the idea of all these new buildings came up and noted that the current economy is very bad, but yet the City just seems to continue to spend money. He stated that he thinks it is going to get to a saturation point where people will not be able to take on anymore. He stated that he was here talking to the Council tonight because he cares about this community and when he had served on the Council, he was proud that they kept taxes low in Chaska but that it no longer the case. He stated that changing the City to a high tax city will change what they have been for many years which was a community for all and that all were welcome here because all of the people will not be able to afford to live in Chaska.

Jim Judd, 134 Liberty Heights Drive, stated that he lives in a 55+ community and explained the reason he had sold 2 acres on the edge of town. He stated that he loved it out there, but loves where he is now too; however, there is no adjustment within the tax statement for those that live in the 55+ community. He noted that when they go to resell this home, the buyer will need to be 55+ as well and asked the Council to keep that in mind. He stated that he understands that the County does the valuations, but explained that he and his neighbors need some help because his taxes will be well over \$10,000. He noted that when he had 2 acres out in the country, his taxes were a lot less than that and stated that while they enjoy living here, financially, it was a terrible decision for him to make that move.

There being no additional comment, Mayor Windschitl closed the public hearing at 8:40 p.m.

Councilmember Grau thanked the residents for attending tonight's meeting and sharing their thoughts with the Council. He stated that in looking at this information, the dollar values make a lot of sense to him, but understands that other people may see this differently and also understands that it will impact everyone differently. He stated that there was a question raised about the plan and vision for the City and explained that he was very proud of their vision and strategic plan moving forward. He stated that the thoughts shared that people will not be able to afford to live here and will need to leave was not something that he was denying, but feels that people also choose to live here because of the services they receive in the City, for example a strong Police and Fire Department, or well maintained roads. He stated that he viewed the budget as taking care of the people that he wants to take care of him. He noted that he didn't necessarily want to raise taxes and will have to pay them himself, but has realized that they are in a situation where there is aging infrastructure that does not support the size of the community and unfortunately there is not magic fund that they can dip into in order to pay for it. He assured the residents that he was listening to their concerns but also recognizes that they need to take care of their police, fire, and City Hall in a responsible way. He stated that he feels the Council has been very transparent through this process, but understands that not everyone will like the numbers. He explained that he wanted to make sure that the City was building for the future and its growth.

Councilmember Huang stated that he also had concerns about the numbers because they are pretty significant. He explained that he had looked at it from the perspective of 'needs' and

noted that there are real structural problems happening. He shared examples of needs that exist for the firefighters and police force and stated that he feels the City needs to take care of these things and make it right. He stated that they also need to get the point where they can hire good officers and firefighters to take care of their citizens. He stated that the cost is absolutely painful and explained that when he first saw them he was not comfortable with them and had made a call and asked to look at other options. He stated that they discussed other options, at length, at one of their Work Sessions, including delaying and pushing it further out, however, the biggest problem is economics and inflation which means that if they push it out a year or two, then the costs end up being more. He explained that as much as he really abhors raising taxes, there are real needs present, so this is a painful call for the Council to make. He stated that he was trying to look at the long game and find a way to make an investment in the City that will last for another 30-40 years. He stated that his hope is that through the years there will be new businesses and residents that it will help spread out those costs and help bring the overall tax rate back down again. He noted that the downside of this is that they have to take a bit of a hit right now, financially and assured residents that raising taxes was not something he took lightly.

Councilmember Hubbard stated that she also appreciated the residents who were in attendance at tonight's meeting and took the time to share their concerns. She stated that she shares their pain and explained that her statement showed a 9.3% increase, which is a hard hit to her household finances, but as Councilmembers Grau and Huang explained, she also understands the 'why' behind the 'ask' but that still did not make it an easy decision. She explained that when she was elected in 2019, she made a point to tour all the facilities and have conversations with all of the departments. She shared the example of touring the Police Department and her feeling dumbfounded that they were able to function so well with the space that they had. She stated that she has stated that it was like they were operating out of a match box and gave examples of shower curtains separating desk areas and the evidence and break room sharing space. She listed other examples of the municipal facility and having equipment outdoors and the challenges that can create. She reiterated that it is difficult to sit on the Council and make the decision to raise taxes, but agreed with Councilmember Huang that this is the right time to do it. She stated that while it was unfortunate that it seemed like everything was coming all at once, it does not change the fact that the need is truly there for the existing buildings which were constructed in the 1980s and 1990s and their capacity has been met or exceeded. She stated that there are unintended costs that would be incurred if they choose not to act which are harder to quantify and does not want people to worry about whether or not the police will be able to respond quickly or that a watermain break could be serviced and repaired quickly. She stated that was why she felt this was important and would take full accountability for knowing all the facts and figures that have been presented to the Council and the reasons behind their decisions. She stated that she also feels that the Council is really taking on the responsibility of truly caring for the community, keeping everyone safe, and keeping all their services functioning.

Councilmember Hatfield stated that when she was 27 she decided she wanted to run for Council because she felt that she did not really see a group of people serving that represented her. She explained that she lives on one income in a small house in downtown Chaska and has a heap of student loans. She stated that she wanted to see proactive leaders that were addressing the

community needs. She noted that she wished that the Council would have been talking about these buildings 5 years ago too, but that is easy to say when you are looking backwards. She stated that she wants to be kind and understanding about what she wished they would have done that may now be leading to what is happening. She stated that when they gain knowledge, it is important to apply it so when they know better, they do better, which is where she feels they are today. She stated that being on one income, she also does not like the idea of raising taxes, because it makes things very difficult for her personally, but also thinks of those that are on fixed incomes and the difficulties that it may bring. She noted that low taxes are not synonymous with living in a community that meets your needs and explained that she wants to live in a community where the leaders are thoughtfully considering what is needed in order to keep it somewhere she wants to live, which is what she feels they are doing. She reiterated that supporting this was not an easy decision, but they have been talking about this for a long time and now that they know more, they need to do better.

Mayor Windschitl stated that there is nothing worse than dealing with the budget this time of year, but agreed with statements made by other Councilmembers that this has not been taken lightly. He explained that they have been talking about this for a long time and noted that when he became mayor in 2010 they talked about their buildings and various needs but they were in the middle of a recession. He stated that it took seven years to get back to where they were prior to the recession. He noted that there were four years where the City never raised taxes because at the time they didn't think they could do it, but looking back now, he believes that was a mistake. He stated that he takes ownership because he was part of that decision and now feels that they should have been doing modest increases. He stated that he did not think that Chaska had ever had the lowest tax rate in the metro area, but agreed that they were among the lowest. He noted that in 2018 or 2019 they had proposed a new library and had various plans in place to move forward until the referendum failed. He stated that looking back now, that may have been a good thing because then Covid hit. He explained that he feels the statement that the City had not been talking about new buildings was not accurate because they have been and this was not happening 'all of a sudden'. He gave the example of 30% of their equipment being stored outside and unsecured. He stated that the City is growing and agreed that this would be a bad idea if they were stale and not growing. He stated that they have been working really hard to bring industrial growth to the City and noted that the example given earlier about a home in Eden Prairie that paid less in taxes was partly due to the fact that they have so much industry there. He stated that the question raised about doing this now can be traced back to something he feels is important which is recruitment and retention of police officers, but also for City employees, in general. He shared examples of City building issues that the employees have to deal with and wants them to feel comfortable and safe. He stated that he understands that this is not easy but feels that they have hit a wall and is not about 'wants', but is truly about 'needs' at this point. He expressed his appreciation for the residents that took the time to come in and address the Council and noted that he believes that in all his time serving the City, this was the most he had ever seen attend the Truth in Taxation hearing. He assured residents that the Council has spent a lot of time talking about this and, while difficult, feel it is important.

Mayor Windschitl reiterated that he understood this was difficult and noted that if people feel as though their property values were not accurate that they contact the County. He stated the

Council does not take this decision lightly and both they and City staff have spent a lot of time looking at all the options. He stated that if there were any residents that would like to come and tour the existing facilities he asked that they reach out because they would be happy to make those arrangements for them.

Councilmember Hubbard noted that there were also virtual tours available.

Mayor Windschitl recessed the meeting at 9:19 p.m. and reconvened at 9:21 p.m.

8.B. Adopt Resolution No. 2023-92 Authorizing Issuance and Awarding Sale of G.O. Bonds, Series 2023A

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

Motion by Councilmember Huang, second by Councilmember Hatfield to adopt Resolution No. 2023-92 Awarding \$10,065,000 of General Obligation Bonds, Series 2023A to Robert W. Baird based on their low bid of 3.509%.

Motion carried.

9. Bills

9.A. Accounts Payable Claims Roster 12-4-2023

The Council requested further information about bills related to storm drain cleaning, updated irrigation, Standard and Poor's, and purchase card (P-card) usage.

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.

10. Other Business

Councilmember Hubbard:

- Attended the Tree Lighting ceremony and appreciated the mild temperatures
- Volunteered at the Heroes and Helpers event last week and expressed appreciation to the Rotary Club and the Lions Club for their financial support
- She encouraged residents to Shop Local if they still had gifts to buy for the holidays
- Outlined her suggestion for combining the Santa Parade with the Tree Lighting event, in the future, in order to draw more people and create more 'buzz' for the City

Councilmember Hatfield:

- Thanked everyone that attended the Hometown Holiday event
- Coffee with a Cop will take place at 9:00 a.m. on December 20, 2023 at the Gateway Drive Caribou Coffee.
- Food distribution will be on December 21, 2023 at noon

Councilmember Huang:

- Attended the Hometown Holiday Lighting Ceremony and the Tree Lighting Event which both had a great turnout.
- Santa Parade will be on December 20, 2023
- Outlined the request from Senator Coleman for a representative to speak at the Metropolitan Governance Task Force on January 9, 2024 in Shakopee

The Council discussed options for this giving feedback and suggested that it be discussed at their upcoming Work Session.

- Asked about the plans from the new owners of the Town Square space from hotel to residential

City Administrator Podhradsky explained that the sale has not closed and staff has informed them that they need to contact the City, because it is zoned as a hotel.

- Noted that there are plans to replace his neighborhood monument sign that had been damaged in a car accident this fall and explained that they were still working through the insurance process for repairs

Councilmember Grau:

- Expressed his appreciation for those that have chosen to serve on the Council and their honest and transparency in the face of difficult decisions

Mayor Windschitl:

- Outlined the upcoming meeting schedule for the next few months.
- Reminded residents of the Santa Parade coming up on December 20, 2023 and encouraged them to follow the City on social media and the City's webpage for updates. He noted that there will be a Santa tracker so arrival time in the neighborhoods will be easy to follow.
- Attended the Tree Lighting Ceremony and was amazed at how many people were in attendance.
- Suggested that the City take a look at a possibility for families to decorate trees throughout the park perhaps through some sort of lottery selection
- Extended his congratulations to the Chanhassen football team for winning the State title. He explained that his grandson plays on the team and it was fun to see them mature and progress through the season.

11. Adjourn

Motion by Councilmember Huang, second by Councilmember Hubbard to adjourn the meeting at 10:15 p.m.

Motion carried.

- MINUTES -
CHASKA CITY COUNCIL
DECEMBER 18, 2023

1. Call to Order

The meeting was called to order by Mayor Pro Tem Huang at 7 p.m.

2. Pledge of Allegiance

3. Roll Call

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

Absent: Mayor Windschitl.

Also Present: Matt Podhradsky, City Administrator; Noel Graczyk, Administrative Services Director; Kevin Wright, Community Engagement Manager; Elise Durbin, Assistant Administrator; Nate Kabat, Community Development Director; Ashley Cauley, City Planner; Christophe Morschen, City Attorney; Matt Clark, City Engineer; Ryan Seibert, Police Chief; and Matt Burt, Accounting Supervisor.

4. Adopt the Agenda

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

5. Visitor Presentation

No one wished to present to the Council.

6. Approve Previous Meeting Minutes

6.A. Approve the December 4, 2023 City Council Meeting Minutes

Motion by Councilmember Hubbard, second by Councilmember Hatfield to approve the minutes of the December 4, 2023 City Council meeting.
Motion carried.

7. Consent Agenda

Councilmember Grau asked staff to give a general overview regarding items A. and B.

Police Chief Seibert gave a brief overview of the Tri-City Tactical Team JPA and the Southwest Metro Drug Task Force JPA.

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

A. Tri-City Tactical Team Joint Power Agreement

Motion to authorize the Mayor and City Administrator of the City of Chaska to act as the signing authority to approve the Tri-City Tactical Team Joint Powers Agreement

B. Southwest Metro Drug Task Force Joint Power Agreement

Motion to authorize the Mayor and City Administrator of the City of Chaska to act as the signing authority to approve the Southwest Metro Drug Task Force Joint Powers Agreement.

C. Adopt Resolution No. 2023-101 Approving an Amendment and Assignment of a Tax Abatement Agreement

Motion to adopt Resolution No. 2023-101 Approving an Amendment and Assignment of a Property Tax Abatement Agreement between the City of Chaska and IP Stream Minneapolis, LLC to LightEdge Solutions, LLC

D. Adopt Resolution No. 2023-102 Finance Policies

Motion to adopt Resolution No. 2023-102 to Adopting Financial Policies for Federal Awards Administration, Capital Assets, and Purchasing Card

E. Adopt Resolution No. 2023-103 Establish 2023 Interfund Tax Increment Loans

Motion to adopt Resolution No. 2023-103 Providing 2023 Interfund Tax Increment Project Financing

F. Adopt Resolution No. 2023-104 Approving Lot Split and Minor Variance for 303 & 305 Hickory Street/Daniel Schepers/PC #2023-27

Motion to adopt Resolution No. 2023-104 Resolution to approve a lot split and minor variance to allow an existing driveway to encroach into the side yard setback and up to 3.4 feet/ Daniel Schepers/PC #2023-27

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

Motion to approve the renewal of the Carver Recreational Agreement between the City of Carver and the City of Chaska as defined in the Memorandum of Understanding

H. Adopt Resolution No. 2023-106 Approving the Feasibility Report for the NE Collector in the SW Area

Motion to adopt Resolution No. 2023-106 Accepting the Feasibility Report Amendment for the NE Collector in SW Chaska Development Area

Motion carried.

8. Action Items

8.A. Adopt Resolution 2023-105 approving the Final Site and Building Plan for the Public Safety Facility/City of Chaska/PC #2023-26

City Administrator Podhradsky introduced the item to the Council and asked Quinn Hutson, CNH Architects to provide a presentation and virtual tour of the space.

Motion by Councilmember Hatfield, second by Councilmember Hubbard to adopt Resolution 2023-105 Approving the Final Site Plan for the Public Safety Facility/City of Chaska/PC #2023-26.

Motion carried.

8.B. Adoption of 2024 Tax Levy and General/Enterprise Fund Budgets

8.B.i. Resolution 2023-95 – 2024 Tax Levy

City Administrator Podhradsky introduced the item to the Council and reviewed various budget and levy details.

Mayor Pro Tem Huang stated that the Council has been discussing the tax levy and budget for the last 5 months, so tonight's information was not new to them.

Councilmember Hatfield expressed her appreciation to the residents for being vocal and sharing their thoughts with the Council on these items.

Mayor Pro Tem Huang stated he would echo Councilmember Hatfield's comments and explained he had some very constructive conversations with residents. He stated that having these conversations allows them to convey to the residents that these decisions had not been made on a whim, followed a very thoughtful process, and was being done for the long-term benefit of the community.

Councilmember Grau stated these are not always easy conversations, but felt that he was able to have many good conversations with residents on this information.

Councilmember Hubbard stated that she thinks this has been a great process and thanked City staff for their work pulling together the budget information for consideration and their willingness to help the Council and residents understand it.

Motion by Councilmember Grau, second by Councilmember Hubbard to adopt Resolution 2023-95 Adopting Property Tax Levies for Payable 2024.

Motion carried.

8.B.ii. Resolution 2023-96 – General/Enterprise Fund Budgets

Motion by Councilmember Hatfield, second by Councilmember Grau to adopt Resolution 2023-96 Adopting 2024 Fund Budgets.

Motion carried.

8.C. Establishing 2024 Utility Rates

8.C.i. Adopt Ordinance No. 2023-1039 Establishing 2024 Electric Utility Rates

Motion by Councilmember Hubbard, second by Councilmember Hatfield to adopt Ordinance No. 2023-1039 Establishing 2024 Electric Utility Rates. Motion carried.

8.C.ii. Adopt Resolution No. 2023-98 Approving Summary Publication for Ordinance 2023-1039

Motion by Councilmember Hatfield, second by Councilmember Grau to adopt Resolution No. 2023-98 Approving Summary Publication of Ordinance 2023-1039. Motion carried.

8.C.iii. Adopt Ordinance No. 2023-1040 Establishing 2024 Water Sewer Utility Rates

Motion by Councilmember Hubbard, second by Councilmember Hatfield, to adopt Ordinance No. 2023-1040 Establishing 2024 Water Sewer Utility Rates. Motion carried.

8.C.iv. Adopt Resolution No. 2023-99 Approving Summary Publication for Ordinance 2023-1040

Motion by Councilmember Grau, second by Councilmember Hubbard to adopt Resolution No. 2023-99 Approving Summary Publication of Ordinance 2023-1040. Motion carried.

8.C.v. Adopt Resolution No. 2023-100 Establishing 2024 Storm Water Utility Rates

Motion by Councilmember Hatfield, second by Councilmember Grau, to adopt Resolution No. 2023-100 Adopting a Stormwater Utility Residential Equivalency Factor. Motion carried.

9. Bills

9.A. Accounts Payable Claims Roster 12-18-2023

The Council requested further information about bills on pages 4, 9, 21, and 31.

City Administrator Podhradsky provided further information regarding those bills.

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

10. Other Business

10.A. City Administrator's Report

10.A.i Biweekly 12-18-2023

Councilmember Hubbard:

- Chaska Human Rights Awards will be on January 15, 2024 at the Chaska Event Center from 7:45 to 9:30 a.m.
- Firemen's Ice Fishing contest will be held on February 3, 2024 from 1:00 to 3:00 p.m.
- Applications were still open for various Commissions and encouraged people to apply

Councilmember Hatfield:

- Free food distribution will be held on December 21st at the old Gedney
- Coffee with a Cop will be December 20th at 9:00 a.m. – South Caribou Coffee
- Santa Parade on December 20th from 4:30 p.m. to 8:30 p.m. and will begin at the fire station
- Citizens Academy classes (free) will be held on Thursday evenings from 6:00-8:30 p.m.

10.B. Metropolitan Governance Task Force Update

10.C. Mosquito Control District Summary 2023

10.D. Financial Reports as of 10/31/2023

11. Adjourn

Motion by Councilmember Hubbard, second by Councilmember Grau to adjourn the meeting at 8:10 p.m.

Motion carried.

- MINUTES -
CHASKA CITY COUNCIL
JANUARY 8, 2024

1. Call to Order

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

2. Pledge of Allegiance

The Pledge of Allegiance was led by Boy Scout Troop #174.

3. Roll Call

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

Absent: None.

Also Present: Matt Podhradsky, City Administrator; Noel Graczyk, Administrative Services Director; Kevin Wright, Community Engagement Manager; Elise Durbin, Assistant City Administrator; Nate Kabat, Community Development Director; Christophe Morschen, City Attorney; Matt Haefner, Water and Sewer Director; Pete Wyffels, Electric Director; and Krista Mark, Communications Coordinator.

4. Adopt the Agenda

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

5. Proclamation

5.A. 50TH Anniversary of Chaska Boy Scouts Troop #174

Mayor Windschitl read in full a Proclamation in recognition of the 50th Anniversary of Chaska Boy Scouts Troop #174.

Mark LaBaw, Scoutmaster for Boy Scout Troop #174, introduced their very first Eagle Scout, Eric Larson, as well as the first female Eagle Scout, Abigail Moldenhauer. The Troop invited the City Council to a reception that will be held on January 27, 2024 at Crown of Glory Lutheran Church from 9:00 to 11:00 a.m.

6. Visitor Presentation

No one wished to present to the Council.

7. Approve Previous Meeting Minutes

7.A. Approve the December 18, 2023 City Council Meeting Minutes

Motion by Councilmember Hatfield, second by Councilmember Hubbard to approve the minutes of the December 18, 2024 City Council meeting.

Motion carried.

8. Consent Agenda

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

A. Appointment of Acting Mayor

Motion to appoint Council Member Jon Grau as Acting Mayor for the City of Chaska for the calendar year 2024.

B. Appointment of City Attorney

Motion to appoint the law firm Melchert, Hubert, Sjodin, as the Chaska City Attorney for 2024.

C. Appointment of Official Newspaper

Motion to appoint the *Chaska Herald* as the official newspaper of the City of Chaska for 2024.

D. Public Improvements – Final Release of Sureties for Club West 7th, 8th, 9th, and 10th

Motion to accept public improvements in Club West 7th, 8th, 9th, and 10th Additions as municipal facilities, and release the letters of credit in their entirety.

E. Public Improvements – Harvest West 1st and 2nd Addition

Motion to approve accept public improvements in Harvest West 1st and 2nd Addition as municipal facilities and adjust letter of credit accordingly.

F. Adopt Resolution 2024-01 Awarding the Bid for Construction of Well #10

Motion to adopt Resolution 2024-01 Awarding the Bid for Construction of Well #10, with the low bid of \$424,997.

G. Adopt Resolution 2024-02 Awarding the Bid for Construction of Wells #11 & #12

Motion to adopt Resolution 2024-02 Awarding the Bid for Construction of Wells #11 & #12, with the low bid of \$829,475.

H. Approve Massage Business License – Amber Lauret

Motion to approve a Massage Therapy Business License No. MTB. 24-04 for Amber Laurent as Amber Laurent Massage Therapy, located at 546 Bavaria Lane, Chaska, Minnesota.

I. Designate City Depositories and Investment Institutions for 2024

Motion to designate the following official depositories and financial institutions. Depositories: Bank Vista; Chase Bank, Center National Bank; Nicolet National Bank; Old National Bank; Security Bank; USBank; Wells Fargo Bank; and Wings Financial Credit Union. Financial Institutions: Computershare Corporate Trust; Moreton Capital Markets, LLC; League of Minnesota Cities and PMA Financial Network (4M Fund); Northland Securities, Inc; Oppenheimer & Co, Inc; Pipe Sandler Companies; Public Financial Management (PFM); RBC Capital Markets, Inc; UBS, and U.S. Bank Investment Services, Inc.

J. Adopt Resolution 2024-3 Authorizing Account Signers and Electronic Funds Transfer

Motion to a adopt Resolution 2024-3 authorizing bank account signers and authorizing electronic funds transfer.

K. Appointment of City Trustees to the Chaska Fire Department Relief Association Board for 2024

Motion to appoint Taylor Hubbard as a required elected-official Trustee and Noel Graczyk as a City Trustee to the Chaska Fire Department Relief Association Board for 2024.

L. Approve the City of Chaska Employee Handbook

Motion to approve the *City of Chaska Employee Handbook*
Motion carried.

9. Action Items

9.A. Public Hearing: 2024 Development Fees, Planning Application Fees, Building and Fire Permit Fees

City Administrator Podhradsky introduced the item to the Council and Community Development Director Kabat provided a presentation on it.

Mayor Windschitl asked for confirmation that the City's fees were pretty much in line with the neighboring cities.

Community Development Director Kabat explained that every few years the City conducts a more in depth study in order to look at peer communities and their fee structures to make sure they align and aren't severely different. He explained that this was done last year and they did find that they were in alignment with those communities.

Mayor Windschitl opened the public hearing at 7:15 p.m. No one appeared to address the Council. Mayor Windschitl closed the public hearing at 7:16 p.m.

9.A.i. Adopt Ordinance 2024-1041 Amending Development, Planning, Building, and Fire Permit Fee Schedules

Motion by Councilmember Huang, second by Councilmember Grau to adopt Ordinance 2024-1041 Amending Chapters 5 and 11 of the Chaska Code of Ordinances to Include 2024 Development Fees.

Motion carried.

9.B. Adopt Resolution 2024-04 Award Bid for Chaska Advanced Metering Infrastructure

City Administrator Podhradsky introduced the item to the Council and outlined the bidding process that the City used and introduced Kyle Kopczyk of Power Systems Engineering who has helped the City with this process.

Kyle Kopczyk, Power Systems Engineering, gave a presentation on the AMI system procurement process and their recommendation of the Eaton system which they felt was the best fit for the City as the lowest responsible bidder.

City Administrator Podhradsky reminded the Council that this item had been included in their 2024 budget already.

Councilmember Hatfield asked if this system had anything missing that the various department heads had hoped to see.

Water and Sewer Director Haefner stated that from a water perspective it will meet all of their needs and believes that people will like the customer portal because they will be able to set alerts for themselves.

Councilmember Huang asked about the deployment timeframe for when customers would begin to see this activity begin.

Water and Sewer Director Haefner explained that they will still need to reach a final agreement with Eaton.

Mr. Kopczyk stated that he believes they are about 20-24 weeks out for lead time on electric units.

Water and Sewer Director Haefner clarified that they would not be exchanging the water meters with this but just the module that reads the meters in homes.

Electric Director Wyffels stated that the installation would be scheduled in two phases and reviewed some of the activities that would take place during this process. He noted that he expected it to roll into late 2024 and early 2025 for completion.

Councilmember Huang asked about the electric components and if the residents would be able to access information about their usage.

Mr. Kopczyk stated that will be part of the customer portal. He explained that they will be able to configure this within their portal, and shared an example, of how they could configure it if they have an electric vehicle (EV).

City Administrator Podhradsky noted that a memo with the staff report that was added on by City Attorney Morschen outlined this different bidding process and why the City can take the lowest responsible bidder, and not just the lowest bidder. He explained that the Eaton project was not the cheapest product but the cheapest option would not meet the City's needs. He stated that the analysis found that the Eaton product was the one that would best meet the City's needs.

Mayor Windschitl expressed his appreciation that they were not simply recommending choosing the low bidder, but instead were recommending the lowest 'responsible' bidder in order to meet their needs. He asked about interruption in service when the equipment is being changed out.

Electric Director Wyffels explained that there is a bypass for most units that will allow power to flow to the home while they switch this equipment out.

Mayor Windschitl asked about communications plans in order to get the word out to residents that this will be happening.

Mr. Kopczyk stated that he understood this concern and noted that part of the bid was to physically knock on doors and actually speak to somebody and if they are not home, to proceed with the change out of equipment and leave a door hanger for the homeowner. He noted that there will be a local number that residents will be able to call in order to set up an installation appointment that is convenient for them. He assured the Council that there were a number of layers of communication beyond just publishing it on the City's website and sending out a mailer.

Councilmember Huang asked what could be done to ensure that people know that this is a legitimate activity because there have been so many scams going around.

Mr. Kopczyk explained that the installation group will have a co-branded sticker on vehicles that shows the City's information, there will also be name badges with their information as well as contact information. He stated that the installation application will also show real time location for the installers. He explained that he also believes there is the opportunity to have a 'safe word', but will do some additional checking to ensure that is accurate.

Councilmember Hubbard asked if the communication would be available in other languages or if they have the resources in order to translate, if necessary.

Mr. Kopczyk stated that the answer is yes and believes that the customer portal can be set to other languages as well.

Mayor Windschitl expressed concern about a situation when they knock on a door and nobody is home especially with the possibility of an interruption in service.

Mr. Kopczyk stated the City does not inform people when there is simply a power outage for other reasons, because they cannot always predict it. He noted that it may be helpful to know that the installer takes pictures before installation, during the installation, and after the installation is completed. He assured the Council that the installers are to be as minimally invasive as possible.

Mayor Windschitl asked if there would be a team of installers working in the same place at the same time or working in separate areas.

Mr. Kopczyk explained that the City has the flexibility to dictate how that happens and noted that there is the ability to exchange the electric and water at the same time. He stated that they will look to find the most efficient way possible which may be geographically, by billing cycle, or by subdivision.

Mayor Windschitl stated that unless there is some legitimate reason, he thinks it will make the most sense for them to stay in one particular area at a time.

Water and Sewer Director Haefner reviewed the plan for where they will begin work in the City and reiterated that plan to have identical identification for the vehicles that show both the City and the installers names.

Councilmember Grau stated that he was excited for the customer portal because more and more people want to know what is happening and have a thirst for that kind of knowledge.

Mr. Kopczyk noted that outages and restoration information will also be available within the customer portal.

City Administrator Podhradsky stated that the City will need to do some training for residents on how to use the portal and that this kind of information will be available.

Councilmember Huang asked if this was available in app form or was just a website.

Mr. Kopczyk explained that it is considered browser and device agnostic, so it will be able to be utilized either way.

City Administrator Podhradsky expressed appreciation to staff for the work they have been having to do to manually read about 25% of the meters throughout the City.

Motion by Councilmember Hatfield, second by Councilmember Huang, to adopt Resolution 2024-04 awarding the bid for an Advanced Metering Infrastructure System to Eaton in the amount of \$5,333,839 contingent on completion of an Agreement and Statement of Work for the AMI project.

Motion carried.

10. Bills

10.A. Accounts Payable Claims Roster 1-8-2024

The Council requested further information about bills on pages 4, 6, and 10.

City Administrator Podhradsky provided further information regarding those bills.

Motion by Councilmember Huang, second by Councilmember Hubbard 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

Councilmember Hubbard:

- No report.

Councilmember Hatfield:

- Announced that the Human Rights Commission had received an award called 'Leader in the Arena' from Unidos Minnesota.
- Coffee with a Cop will be January 9, 2024 at Starbucks at 9:00 a.m. and January 17, 2024 at Red Bench
- Food distribution will be January 18, 2024, 12:00 noon at Gedney
- Citizen's Academy will also be January 18, 2024 and encouraged people to apply when there are openings.
- Expressed her excitement to see the signage for The Loop.

Councilmember Huang:

- Stated that Santa parade went well and noted it was also fun to see the Grinch and Buddy the Elf there as well.
- The MLK Human Rights Award will be on January 15, 2024 at the Chaska Event Center.
- The Fireman's fishing contest will still be taking place on February 3, 2024, but will not happen on the ice.

- On January 9, 2024 in Shakopee there will be a Met Council Governance Task Force meeting which he plans to attend on behalf of the Suburban Transit Association
- Shared that overall ridership for Suburban Transit for 2023 increased 19.7% over 2022 numbers

Councilmember Grau:

- Expressed his appreciation to staff for the communication and work they did on the Minnesota Earned Sick and Safe Time (ESST) issue because he knows it was a lot of work.
- Noted the speed sign on Flying Cloud coming into the City did not appear to be currently operational.
- Noted that there have been a rash of home invasions in Carver recently and reminded people to do some of the simple things like having your cars locked when they are parked outdoors, and locking their doors from the garage into the house.

Assistant Administrator Durbin:

- Invited the Council to the MLK breakfast and noted that there will be a lot of Chaska High School students participating

Community Development Director Kabat:

- Updated the Council on work the Planning Commission planned to cover in 2024 and noted that the Council should expect to have some joint work session meetings with the Commission.

City Attorney Morschen:

- Thanked Santa for spending some time in Chaska and noted that his daughter was very happy that Santa waved at her
- Noted that another law that went into effect January 1st is called the 'Red Flag Law' and explained that staff was working on developing some model policies.

City Administrator Podhradsky

- Gave an overview of some of the complications he sees with the 'Red Flag Laws' and stated that he expects there to be some changes made to the law
- Council Retreat is scheduled for March 21-22, 2024

Mayor Windschitl:

- Reviewed phone calls he had gotten about panhandlers and how they can be asked to leave as well as sharing concerns about crime at Hidden Creek.

City Administrator Podhradsky outlined the way the City handles panhandlers and explained that it is more of a welfare type call and they cannot require these individuals to leave public property. He stated that he would suggest for any crime issues that pop up in neighborhoods, that they work with the Chaska Police Department to create a neighborhood watch group.

- Noted that he felt the new apartments being put into Clover Ridge look pretty good but feels the one called Carver is going to be confusing for many people, including delivery people.
- There was a ribbon cutting ceremony at Southwest Christian for their new field house that a number of the Council attended.
- Expressed appreciation to Councilmember Huang for filling in for him at the last meeting when he was ill.
- He reviewed the Council meeting schedule for January and February.

12. Adjourn

Motion by Councilmember Grau, second by Councilmember Huang to adjourn the meeting at 8:50 p.m.

Motion carried.

- MINUTES -
CHASKA CITY COUNCIL
JANUARY 22, 2024

1. Call to Order

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

2. Pledge of Allegiance

3. Roll Call

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

Absent: None.

Also Present: Matt Podhradsky, City Administrator; Kevin Wright, Community Engagement Manager; Elise Durbin, Assistant Administrator; Christophe Morschen, City Attorney; and Krista Mark, Communications Coordinator.

4. Adopt the Agenda

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

5. Visitor Presentation

5.A. Human Rights Commission Year in Review

Sarah Carlson, Chair of the Human Rights Commission, provided an overview of the efforts of the Commission throughout 2023. The Commission celebrated Women's History Month, held a Pride Picnic, partnered with community organizations for Driver's License for All effort, hosted a booth at River City Days, initiated African Cultural Night, held a booth at the Latin Music and Food Fest, received an award from Unidos MN the Driver's License for All efforts, and created community display to bring awareness to Dia de los Muertos.

Ms. Carlson shared a list of the 2024 Action Plan including engagement with community groups and members, advising staff and Council, continuing community engagement and education efforts, and continuing core efforts to create and promote monthly messages or opportunities to encourage community-building.

Councilmember Hatfield thanked Ms. Carlson for the Commission's efforts and recognized the Commission's growth. Councilmember Huang agreed the Commission's work is valuable for the Chaska community.

Councilmember Grau thanked Ms. Carlson for the Commission's events and community outreach efforts. Councilmember Hubbard thanked Ms. Carlson for the presentation and shared her positive experiences with the Commission's events throughout the year.

Mayor Windschitl pointed out the immense growth in the Commission over the years and thanked Ms. Carlson for her leadership.

6. Approve Previous Meeting Minutes

6.A. Approve the January 8, 2024 City Council Meeting Minutes

Motion by Councilmember Hubbard, second by Councilmember Grau to approve the minutes of the January 8, 2024 City Council meeting.

Motion carried.

7. Consent Agenda

Mayor Windschitl asked if Consent Agenda Item 7.D. Adopt Resolution No 2024-09 approving the Safe Routes to School (SRTS) Infrastructure Grant Program was for the Hwy 41 underpass area. City Administrator Matt Podhradsky stated Consent Agenda Item 7.D. Adopt Resolution No 2024-09 approving the Safe Routes to School (SRTS) Infrastructure Grant Program was for the main trail at the bottom of the hill. He provided more information on the project in relation to 2025 trail construction plans.

Councilmember Hatfield noted the primary election is coming up March 5, 2024, and early voting has begun, referring to Consent Agenda Item 7.A. Adopt Resolution No 2024-5 Appointing Presidential Preference Primary Judges.

Councilmember Huang stated the previous version of the packet included five consent items. Mayor Windschitl explained one item regarding a Commission appointment was removed and will be brought back in the future.

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

A. Adopt Resolution No 2024-5 Appointing Presidential Preference Primary Judges

Motion to adopt Resolution No. 2024-5 appointing those persons listed on Exhibit A as Election Judges for the Presidential Preference Primary, Tuesday, March 5, 2024.

B. Adopt Resolution No 2024-6 Accepting Gifts and Donations

Motion to adopt Resolution 2024-06 acknowledging and accepting gifts to the City of Chaska received during the period October 1, 2023 through December 31, 2023.

C. Adopt Resolution No. 2024-8 Bond Sale Reimbursement

Motion to adopt Resolution No 2024-8 relating to financing certain proposed projects and establishing compliance with reimbursement bond regulations under the Internal Revenue Code.

D. Adopt Resolution No 2024-09 approving the Safe Routes to School (SRTS) Infrastructure Grant Program

Motion to adopt Resolution 2024-09 approving the Safe Routes to School (SRTS) Infrastructure Grant Program

Motion carried.

8. Action Items

8.A. Adopt Resolution 2024-7 Authorizing the Solicitation of Public Bids for the Public Safety Facility

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

Councilmember Huang asked what would be done with the time capsule at the current Fire Station. City Administrator Podhradsky stated the options are being discussed, but it is likely it will be reburied at the new facility.

Mayor Windschitl asked how many bid requests would be sent out. Drew Suggs, representative of RJM, stated anything over \$175,000 has to be its own bid. There will likely be around 32 bid packages.

City Administrator Podhradsky explained the benefits of the multiple bid process. The method is becoming more popular as it is cost-effective and allows for the best outcomes.

Councilmember Hatfield asked if the bids are just for the building efforts or office supplies such as desks. City Administrator Podhradsky stated anything that stays with the building is part of the bid process. One bid could be all of the plumbing while another could be all of the HVAC and so on.

Councilmember Hatfield asked if the market is good for receiving bids. Mr. Suggs confirmed it is a good time to release bids for contractors to fill up their schedules. There has been a good amount of interest in the project.

City Administrator Podhradsky pointed out RJM has been assisting Staff in estimating the various pieces of the project.

Mayor Windschitl asked if the City is eligible for public safety funding that is being discussed by the Governor. City Administrator Podhradsky noted Governor Walz has yet to define public safety and the funding opportunities.

Councilmember Huang asked what the variance is for the final budget. Mr. Suggs stated RJM is confident with the current estimate.

Motion by Councilmember Huang, second by Councilmember Grau to adopt Resolution No. 2024-7 authorizing the solicitation of public bids for the Public Safety Facility.
Motion carried.

9. Bills

9.A. Accounts Payable Claims Roster 1-22-2024

The Council requested further information about bills on pages 8, 11, and 16.

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.

10. Other Business

10.A. City Administrator's Report

10.A.i. 2023 Building Official Year End Report

10.A.i. LMC Wellness Article

10.B. Financial Reports as of 11/30/23

Councilmember Hatfield:

- Thanked the Human Rights Commission for their recent event and thanked SOAR for their participation.
- Congratulated the community organizations that received the MLK Human Rights Awards. She read an excerpt that was read at the event.
- Noted the GTO program is looking for 2024 interns.

Councilmember Hubbard:

- Agreed the MLK Breakfast was well-done and thanked the community members and Staff that supported the event.
- Congratulated the community organizations that received the MLK Human Rights Awards.
- Stated the library is celebrating its 101st year on February 7, 2024.
- Attended a discussion on homelessness hosted by Beacon Interfaith Connection in Waconia. They talked about statistics, local programming, and the lack of affordable housing. She shared a few statistics with the Council and there was a discussion about funding.

Councilmember Huang:

- Stated Fireman's Fishing Contest is on February 3, 2024, but it will not take place on the ice.
- Pointed out Christmas in May is coming up.
- Expressed his excitement for The Loop's opening on May 5, 2024.
- Noted Taste of Chaska will be May 8, 2024.
- River City Days is scheduled for July 26 through July 28, 2024.
- Thanked the Human Rights Commission for their work throughout 2023.
- Congratulated the community organizations that received the MLK Human Rights Awards.
- Pointed out the Minnesota League of Cities has a great article about employee retention efforts. He congratulated Staff on their recognition in the article.
- Thanked Staff for preparing the ice rinks throughout Chaska.

Councilmember Grau:

- Asked if there is an application deadline for Christmas in May. City Administrator Podhradsky stated the application deadline is March 18, 2024.
- Noted the Chaska girls' basketball team beat Chanhassen recently and encouraged community members to enjoy the community atmosphere throughout local rivalries.

Assistant City Administrator Durbin:

- Stated Carver County Connect will be Wednesday, January 24, 2024 at the Chaska Event Center, which is an event that provides information on local service offerings. There is free transportation.
- Noted the City will be closing on the Ernst House Project within the week.

City Administrator Podhradsky:

- Reminded everyone there won't be a regular meeting on the fifth Monday of the month, but there will be a work session for the Council.
- Noted the City Administrator review is coming up in February.
- Agreed the Wellness Committee has done a great job with Staff retention. Also, the billing report is unprecedented in terms of community growth, and Staff has worked hard to handle the increased demand.

Mayor Windschitl:

- Pointed out the Minnesota League of Cities article about Staff retention features only photos of Chaska. He congratulated Staff for their efforts.
- Stated January 27, 2024 is the Boy Scouts' 50th Anniversary celebration.
- Encouraged community members to make use of the skating rinks before they melt.

11. Adjourn

Motion by Councilmember Hatfield, second by Councilmember Huang to adjourn the meeting at 8:36 p.m.

Motion carried.