

- MINUTES -
CHASKA CITY COUNCIL
NOVEMBER 18, 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 City Administrator; Liz Hanson, City Planner; Julie Grove, Economic Development Coordinator; Leah Sheveland, Councilmember Elect; and Michael Melchert, City Attorney.

4. Adopt the Agenda

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

5. Proclamation

5.A. Proclamation – Small Business Saturday 2024

Mayor Windschitl read a proclamation declaring November 30, 2024, as Small Business Saturday.

Councilmember Hatfield encouraged community members to support Downtown Chaska businesses.

5.B. Proclamation – Veterans Park Drive

Mayor Windschitl read a proclamation commemorating the dedication of Veterans Park Drive.

6. Visitor Presentation

Sam **Bonnafus**, representative of the Chaska RoboHawks, introduced himself. He explained the group consists of Chaska High School students. The team build robots, community outreach, and business and marketing. The primary aim is a six-week period to build a robot to play a particular game.

Mahi **[REDACTED]**, RoboHawk team member, pointed out FIRST Lego League (FLL) is another organization for younger folks. The robots are made of Lego and the programming is simpler. Participants can be as young as preschoolers. Mr. **[REDACTED]** is the Head Coach of the Chaska FLL.

Wyatt [REDACTED], RoboHawk team member, noted he is part of the FTC team with 7th through 12th graders. It is an afterschool club coordinated through community education.

Mr. Bonnafus showed a slide with previous years' robots. He pointed out the team must build from scratch each year. He showed a photo of the most recent robot build where the robot launched rings or placed rings for the competition. A video of a recent match was shown.

Councilmember Hatfield pointed out the teamwork, comradery, and skills enhanced in the club are amazing.

Councilmember Hubbard asked how the team receives funding. Mr. Bonnafus has a sponsorship program where a team of students reaches out to obtain sponsors and funding. Individuals are responsible for paying for travel to competitions.

Councilmember Hubbard asked if any materials can be recycled. Mr. Bonnafus stated the motors and electronics can be recycled after the robot is disassembled. Materials can be ordered through the national organization's website.

Councilmember Huang agreed the technical and interpersonal skills learned are extremely impactful.

Mr. Bonnafus demonstrated the robot for the Council. Some coaches and parents provided comments on the program.

7. Approve Previous Meeting Minutes

7.A. Approve the November 4, 2024, City Council Meeting Minutes

Motion by Councilmember Grau, second by Councilmember Hubbard to approve the minutes of the November 4, 2024, City Council meeting.

Motion carried.

7.B. Approve the November 13, 2024, Election Canvass City Council Meeting Minutes

Motion by Councilmember Hubbard, second by Councilmember Hatfield to approve the minutes of the November 13, 2024, Election Canvass City Council meeting.

Motion carried.

8. Consent Agenda

Motion by Councilmember Huang, second by Councilmember Grau to approve the Consent Agenda Items A through B:

A. Adopt Resolution No. 2024-91 Bond Sale Reimbursement

Motion to adopt Resolution No 2024-91 establishing compliance with reimbursement bond regulations under the Internal Revenue Code of 1986.

B. Adopt Resolution No. 2024-92 Bond Sale Reimbursement

Motion to adopt Resolution No 2024-92 establishing compliance with reimbursement bond regulations under the Internal Revenue Code of 1986.

Motion carried.

9. Action Items

9.A. Public Hearing - Adopt Resolution 2024-89 Approving the City's application to MN Department of Employment and Economic Development for the MIF Program

City Administrator Podhradsky introduced the item to the Council and Economic Development Coordinator Julie Grove provided a presentation on it.

Amy Salzbury, 1000 Lake Hazeltine Drive, explained Beckman Coulter has been in the same location for years. They look forward to consolidating some manufacturing and growing organically.

Councilmember Huang thanked Beckman Coulter for their investment in the Chaska community.

Mayor Windschitl opened the public hearing at 7:59 p.m. and closed the public hearing at 8:00 p.m. as no one wished to address the Council.

Motion by Councilmember Huang, second by Councilmember Hubbard to adopt Resolution 2024-89 Approving the City's Application to the Minnesota Department of Employment and Economic Development on Behalf of Beckman Coulter, Inc. to the Minnesota Investment Fund Program. Motion carried.

9.B. Approve Resolution No. 2024-90 Denying a Major Variance for 2979 Hilltop Drive to Encroach into the Rear Yard Setback/Joe & Michelle Heiland/PC #2024-19

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

Michelle Heiland, 2979 Hilltop Drive, thanked Staff and Council for their time. She pointed out the contractor failed to apply for a permit, and they moved forward in good faith assuming the contractor followed the proper channels. The current setback requirement does not allow a three-season porch, which is a common feature all over Chaska. The setback also doesn't allow the homeowners to enhance their living situation. The porch is 14 feet by 14 feet which is reasonably sized. Their lot configuration is unique. The porch aligns with the character of the neighborhood.

Ms. Heiland noted the average lot size of homes in their neighborhood is 15,000 square feet with the minimum lot size around 11,500 square feet per zoning. The City permitted the developer to create the lot in question smaller through an ordinance. The lot is 11,325 square feet which is a disadvantage.

Ms. Heiland added the porch does not inhibit any views or lighting. They have obtained letters from their neighbors in support of the porch. When they moved into the home in 2003, they planted trees which have now grown and provide additional privacy.

Ms. Heiland stated the Planning Commission cited concern that other homeowners would build before seeking approval. However, that was not their aim, nor would it be a reasonable choice considering the thousands of dollars that would go into the project.

Justin Ecklund, 121 West Street North Norwood Young America, explained, he as the contractor, submitted the permit. It was approved except there was a request for engineering plans. The engineering plans were submitted to the City. Staff reviewed the Site Plan after the other documents which impacted the timeline he normally operates on. He added the site survey is somewhat off as they measured the porch from the property lines and it encroaches four feet and two feet from each corner rather than the eight feet on the site survey.

Mayor Windschitl asked how the measurements could be so different. Ms. Hanson stated Staff completed their calculations based off of the scaled site map provided for the permit process.

Councilmember Huang stated either measurement is over the setback requirements.

Councilmember Hatfield asked why the work continued after the denial. Mr. Ecklund stated he continued with the project once Tony Zappa said the engineering drawings were approved. It was a couple weeks later that he was informed the application was denied.

Mayor Windschitl asked why Mr. Ecklund didn't pick up the permit for the porch. Mr. Ecklund stated he didn't receive an email notification that the permit wasn't approved.

Councilmember Hubbard pointed out it is common practice to post the permit on the site. Mr. Ecklund stated it has been common practice, but many components of the construction process are going paperless.

Councilmember Huang stated the approval email went out May 3, 2024. Mr. Ecklund was informed in person of the denial towards the end of May. He asked how much construction happened between the end of May and when the homeowners became aware of the issue in July. Mr. Ecklund stated the porch was already framed, roofed, and shingled. Any progress after his notification was finishes. He wasn't on the job site, so he can't speak to why the project continued.

Councilmember Huang asked why the homeowners weren't informed of the issue with the permit. Mr. Ecklund stated he didn't have an answer for the question. This is the first time he has had an issue with permitting in his 18 years as a contractor.

Mayor Windschitl stated the Council is put in a hard spot when they shouldn't have to be involved with the issue at all. If the Council approves the variance, it may set a precedent for future applications. A mistake of this nature shouldn't be rewarded.

Mr. Ecklund explained he believed the project could move forward because they asked for the engineering plans. Mayor Windschitl stated the contractor shouldn't have done a single part of the project without a permit in hand.

Councilmember Hubbard agreed the situation is difficult. The Heiland home is beautiful, and the porch is lovely. However, the Council must consider Code and setting a precedent.

Councilmember Huang noted he spent almost a decade handling variances at the County. Ultimately, one cannot create the circumstances under which a variance is granted. There were multiple opportunities for the contractor to properly obtain a permit. Due to State Statute, the Council cannot grant the variance. The situation is unfortunate.

Ms. Heiland pointed out the homeowner is requesting the variance, and they did not create the circumstances requiring a variance. Councilmember Grau stated the homeowner is still responsible for the actions of the contractor because they hired the contractor. The homeowner should have been more informed by the contractor, but the law states the contractor was operating on behalf of the homeowner.

Ms. Heiland asked if there is consideration for the lot size. She pointed out many of her neighbors have a similar porch. Councilmember Huang stated it would be a different conversation if the porch wasn't already constructed.

Councilmember Grau apologized for being unavailable to meet since receiving an email from the Heilands. It is entirely human to make mistakes, but they must comply with State law.

Councilmember Huang added violating Code can be a liability for the City as well.

City Attorney Michael Melchert recommended the Council if they have additional findings for the resolution state that before moving forward with the motion.

Motion by Councilmember Huang, second by Councilmember Hatfield to adopt Resolution No. 2024-90 denying the major variance request to encroach into the rear yard setback 8 feet for the purpose of an existing porch addition (Zoning Ordinance 15.12.200) that did not receive a building permit.

Motion carried.

10. Bills

10.A. Accounts Payable Claims Roster 18-11-2024

The Council requested further information about bills on pages 3, 7, and 22.

City Administrator Podhradsky provided further information regarding those bills.

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

Motion carried.

11. Other Business

11.A. City Administrator's Report

11.A.i. Bi-Weekly Report 18-11-2024

11.B. Financial Reports as of 30-09-2024

11.C. Q3 – 2024 Investment Report Memo

Councilmember Grau:

- Noted the Santa Parade will be on December 20, 2024.
- Congratulated the newly elected City officials.

Councilmember Huang:

- Congratulated Councilmember-Elect Benesh and Mayor-Elect Hubbard on their new positions.
- Noted the Veteran's Day Service was well done and thanked those who put the event together.
- Pointed out the Chaska High School production of *Annie* is underway.
- Stated the Hometown Holiday is December 7, and the Tree Lighting is December 8, 2024.
- Congratulated Chaska on receiving American Public Works Association Minnesota Chapter Best Project of the Year award and thanked Staff for their work.
- Encouraged current and future Councilmembers to participate in Metropolitan Cities' committee meetings to represent Chaska.

Councilmember Hubbard:

- Attended the Veteran's Day event hosted by the middle school.
- Noted Chaska Community Center is hosting a free week of membership November 18-24, 2024.
- Coffee with a Cop is November 21, 2024.
- Wished everyone a Happy Thanksgiving.
- Encouraged folks to shop small.

Councilmember Hatfield:

- Asked who represents Chaska at the Metropolitan Cities Policy Adoption meeting. City Administrator Podhradsky stated the meeting is online and anyone is welcome to attend. Councilmember Hatfield confirmed she would attend the meeting.
- Noted the nominations for Chaska Human Rights Award are open.
- Pointed out there are open positions on the Planning Commission, Parks and Recreation Commission, Human Rights Commission, and the Heritage Preservation Commission.
- Stated the Truth in Taxation hearing is December 2, 2024.

Assistant City Administrator Durbin:

- Noted Walnut Street south of 3rd will be closed for a couple of weeks for utilities to be installed for the new Chaska Yards project.

City Administrator Podhradsky:

- Pointed out the State of the City address is November 20, 2024.
- Provided an update on the Cooper site.

Mayor Windschitl:

- Reiterated his empathy for the Heilands.
- Noted his appreciation of the new pickleball courts.
- Discussed arrangements for Hometown Holiday.

- Stated the 100 Club purchases the lights throughout the City.
- Congratulated the new Councilmembers on their appointments.

Community Development Director Nate Kabat:

- Provided an update on the KFC site.

12. Adjourn

Motion by Councilmember Grau, second by Councilmember Haung to adjourn the meeting at 9:29 p.m.

Motion carried.