

AGENDA
MAPLE PLAIN CITY COUNCIL – REGULAR MEETING
MAPLE PLAIN CITY HALL
October 10, 2016
6:30 P.M.

- 1. WELCOME**
- 2. CALL TO ORDER**
- 3. PLEDGE OF ALLEGIANCE**
- 4. ADOPT AGENDA**
- 5. CONSENT AGENDA**
 - A. Accounts Payable
 - B. City Council Minutes from September 26, 2016 City Council Regular Meeting
 - C. Adopt Resolution 16-1010-02 Appointing Election Judges for the General Election
 - D. Adopt Resolution No.16-1010-01 Appointing Absentee Ballot Board
- 6. ADMINISTRATIVE REPORTS**
- 7. OLD BUSINESS**
 - A. Discuss Resolution 16-1010-03 Collision Corner CUP
 - B. Discuss Resolution 16-1010-04 Collision Corner Lease Agreement
- 8. NEW BUSINESS**
- 9. COUNCIL REPORTS & OTHER BUSINESS**
 - A. Attitude of Gratitude
- 10. VISITORS TO BE HEARD**

Note: This is a courtesy extended to persons wishing to address the council who are not on the agenda. A completed public comment form should be presented to the city administrator prior to the meeting; presentations will be limited to 3 minutes. This session will be limited to 15 minutes.
- 11. ADJOURNMENT**

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Payments

Current Period: October 2016

Batch Name	100516CITYCK	User Dollar Amt	\$44,693.81		
Payments		Computer Dollar Amt	\$44,693.81		
				\$0.00	In Balance
Refer	0 ABDO, EICK & MEYERS, LLC	-			
Cash Payment	E 101-41500-301 Auditing & Accounting S	BUDGET & FINANCIAL PLAN			\$7,000.00
Invoice	372875	10/5/2016			
Transaction Date	10/5/2016	Bank of Maple Plain	10100	Total	\$7,000.00
Refer	0 AEM FINANCIAL SOLUTIONS	-			
Cash Payment	E 101-41500-301 Auditing & Accounting S				\$3,482.72
Invoice	372695	9/30/2016			
Transaction Date	10/5/2016	Bank of Maple Plain	10100	Total	\$3,482.72
Refer	0 BELAYHOST	-			
Cash Payment	E 101-41500-309 EDP, Software and Desi				\$45.39
Invoice	32034	10/1/2016			
Transaction Date	10/5/2016	Bank of Maple Plain	10100	Total	\$45.39
Refer	0 BUDGET PRINTING CENTER	-			
Cash Payment	E 101-41500-437 Miscellaneous				\$28.00
Invoice	2785	9/30/2016			
Transaction Date	10/5/2016	Bank of Maple Plain	10100	Total	\$28.00
Refer	0 CARSON & CLELLAND	-			
Cash Payment	E 101-41610-304 Legal Services	PROFESSIONAL SERVICES			\$3,039.00
Invoice					
Cash Payment	E 101-41610-304 Legal Services	COLLISION CORNER			\$641.25
Invoice					
Cash Payment	E 101-41610-304 Legal Services	EMPLOYMENT DISC CLAIM			\$59.17
Invoice					
Cash Payment	E 101-41610-304 Legal Services	FRONTIER COMMUNICATIONS			\$106.46
Invoice					
Cash Payment	G 101-20216 Site Plan Escrow	PROTO LABS VARIANCE APPLICATION			\$391.88
Invoice					
Cash Payment	E 101-41610-304 Legal Services	T-MOBILE TOWER LEASE			\$64.80
Invoice					
Cash Payment	E 101-41610-304 Legal Services	TOTAL AUTO SALES, LLC			\$35.63
Invoice					
Cash Payment	E 101-41110-304 Legal Services	CRIMINAL			\$981.29
Invoice					
Cash Payment	E 101-42110-304 Legal Services	VEHICLE FORFEITURE			\$138.13
Invoice					
Cash Payment	E 101-41110-304 Legal Services	MONTHLY SUPPORT FEE			\$14.11
Invoice					
Transaction Date	10/5/2016	Bank of Maple Plain	10100	Total	\$5,471.72
Refer	0 CENTERPOINT ENERGY MINNEGA	-			
Cash Payment	E 601-49400-383 Gas Utilities	8000014335-6			\$73.14
Invoice					
Transaction Date	10/5/2016	Bank of Maple Plain	10100	Total	\$73.14
Refer	0 CENTERPOINT ENERGY MINNEGA	-			

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Payments

Current Period: October 2016

Cash Payment	E 601-49400-383 Gas Utilities	9640110-4		\$44.82
Invoice				
Transaction Date	10/5/2016	Bank of Maple Plain	10100	Total \$44.82
Refer	0 CENTERPOINT ENERGY MINNEGA			
Cash Payment	E 601-49400-383 Gas Utilities			\$19.26
Invoice				
Transaction Date	10/5/2016	Bank of Maple Plain	10100	Total \$19.26
Refer	0 ANDERSEN, EARL F., INC.			
Cash Payment	E 101-41110-103 Part-Time Employees			\$330.26
Invoice 0112466-IN 9/27/2016				
Transaction Date	10/5/2016	Bank of Maple Plain	10100	Total \$330.26
Refer	0 ECM PUBLISHERS INC			
Cash Payment	E 101-41420-351 Legal Notices Publishing			\$34.70
Invoice				
Transaction Date	10/5/2016	Bank of Maple Plain	10100	Total \$34.70
Refer	0 FRONTIER			
Cash Payment	E 601-49400-321 Telephone			\$115.28
Invoice				
Transaction Date	10/5/2016	Bank of Maple Plain	10100	Total \$115.28
Refer	0 GOPHER HEATING AND SHEET M			
Cash Payment	E 101-43000-437 Miscellaneous			\$64.80
Invoice 6090540 9/30/2016				
Transaction Date	10/5/2016	Bank of Maple Plain	10100	Total \$64.80
Refer	0 HAWKINS INC.			
Cash Payment	E 601-49400-216 Chemicals & Chemical P			\$236.58
Invoice 3955954 9/22/2016				
Transaction Date	10/5/2016	Bank of Maple Plain	10100	Total \$236.58
Refer	0 HENN COUNTY ACCTS RECEIVAB			
Cash Payment	E 101-42110-317 Board & Booking Fees			\$955.50
Invoice 1000081683 9/19/2016				
Transaction Date	10/5/2016	Bank of Maple Plain	10100	Total \$955.50
Refer	0 HENNEPIN COUNTY ASSESSOR			
Cash Payment	E 101-41500-437 Miscellaneous	ANNUAL FEE		\$231.50
Invoice				
Transaction Date	10/5/2016	Bank of Maple Plain	10100	Total \$231.50
Refer	0 JIMMYS JOHNNYS			
Cash Payment	E 105-45100-410 Rentals (General)			\$148.00
Invoice 108496 9/22/2016				
Transaction Date	10/5/2016	Bank of Maple Plain	10100	Total \$148.00
Refer	0 MAAS-KUSSKE, JULIE			
Cash Payment	E 101-41110-331 Training & Travel			\$35.84
Invoice				
Transaction Date	10/5/2016	Bank of Maple Plain	10100	Total \$35.84
Refer	0 ORONO IND SCHOOL DISTRICT 27			

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Payments

Current Period: October 2016

Cash Payment	E 101-41940-387 Office Lease	OCTOBER 2016		\$2,673.68
Invoice	163	10/4/2016		
Transaction Date	10/5/2016	Bank of Maple Plain	10100	Total \$2,673.68
Refer	0 <u>STEPHANIE D. PEARSON</u>	-		
Cash Payment	E 101-41410-437 Miscellaneous	UTILITY BILL REFUND		\$9.52
Invoice				
Transaction Date	10/5/2016	Bank of Maple Plain	10100	Total \$9.52
Refer	0 <u>SHARON SPICER</u>	-		
Cash Payment	E 101-41500-331 Training & Travel	NOTARY		\$20.00
Invoice				
Transaction Date	10/5/2016	Bank of Maple Plain	10100	Total \$20.00
Refer	0 <u>STANTEC CONSULTING SRVCS IN</u>	-		
Cash Payment	E 101-43000-303 Engineering Services	MAPLE PLAIN GENERAL		\$496.60
Invoice	1101995			
Cash Payment	E 101-43000-303 Engineering Services	MAPLE PLAIN PUBLIC MEETINGS		\$204.00
Invoice	1101996			
Cash Payment	E 101-43000-303 Engineering Services	MAPLE PLAIN STREETS AND PATHWAYS		\$1,150.50
Invoice	1101997			
Cash Payment	E 601-49400-303 Engineering Services	MAPLE PLAIN WATER		\$332.40
Invoice	1101998			
Cash Payment	E 101-43000-303 Engineering Services	MAPLE PLAIN DEVELOPMENT REVIEW		\$2,492.50
Invoice	1101999			
Cash Payment	G 101-20212 Planned Unit Develop. Escrow	MEADOWS OF MAPLE PLAIN		\$1,258.00
Invoice	1102000			
Cash Payment	E 451-49450-303 Engineering Services	MAPLE PLAIN BUDD AVE STREET & UTILITY IMPROVEMENTS		\$2,916.14
Invoice	1102001			
Cash Payment	E 451-49450-303 Engineering Services	NAOKE OKAUB WELL 4		\$6,285.50
Invoice	112002			
Transaction Date	10/5/2016	Bank of Maple Plain	10100	Total \$15,135.64
Refer	0 <u>MN DEPT TRANSPORTATION</u>	-		
Cash Payment	E 101-42110-437 Miscellaneous			\$137.00
Invoice	00000310929	9/15/2016		
Transaction Date	10/5/2016	Bank of Maple Plain	10100	Total \$137.00
Refer	0 <u>TERRAMARK</u>	-		
Cash Payment	E 101-41910-302 Planning Services	PROFESSIONAL SERVICES		\$1,180.00
Invoice	0019-2016	9/1/2016		
Cash Payment	E 452-49357-500 Capital Outlay (GENERAL)	DOWNTOWN PROPERTY REDEVELOPMENT REVIEW		\$40.00
Invoice	0019-2016	9/1/2016		
Cash Payment	G 101-20216 Site Plan Escrow	5305 PIONEER CREEK CUP PLAN REVIEW (BUMPS AUTO)		\$180.00
Invoice	0019-2016	9/1/2016		
Cash Payment	G 101-20216 Site Plan Escrow	PROTO LABS SITE PLAN AND VARIANCE REVIEW		\$800.00
Invoice	0019-2016	9/1/2016		
Transaction Date	10/5/2016	Bank of Maple Plain	10100	Total \$2,200.00
Refer	0 <u>VESSCO, INC</u>	-		

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Payments

Current Period: October 2016

Cash Payment	E 601-49400-227 Utility Maintenance Supp				\$3,146.00
Invoice	67422	9/21/2016			
Transaction Date	10/5/2016	Bank of Maple Plain	10100	Total	\$3,146.00
Refer	0 XCEL ENERGY				
Cash Payment	E 601-49400-381 Electric Utilities				\$2,964.63
Invoice	517438487	9/21/2016			
Cash Payment	E 101-43100-381 Electric Utilities				\$23.24
Invoice					
Cash Payment	E 101-43100-381 Electric Utilities				\$13.13
Invoice					
Cash Payment	E 101-43160-381 Electric Utilities				\$17.17
Invoice					
Cash Payment	E 101-43160-381 Electric Utilities				\$36.29
Invoice					
Transaction Date	10/5/2016	Bank of Maple Plain	10100	Total	\$3,054.46

Fund Summary

	10100 Bank of Maple Plain	
101 GENERAL FUND		\$28,372.06
105 COMMUNITY EVENTS FUND		\$148.00
451 CAPITAL IMPROVEMENT PROJECTS		\$9,201.64
452 METROPOLITAN COUNCIL GRANT		\$40.00
601 WATER FUND		\$6,932.11
		<u>\$44,693.81</u>

Pre-Written Checks	\$0.00
Checks to be Generated by the Computer	\$44,693.81
Total	\$44,693.81

AGENDA Minutes
MAPLE PLAIN CITY COUNCIL – REGULAR MEETING
MAPLE PLAIN CITY HALL
September 26, 2016
6:30 P.M.

1. **WELCOME**
2. **CALL TO ORDER**
3. **PLEDGE OF ALLEGIANCE**

Present: Mayor Jerry Young; Councilmembers Dave Eisinger, Julie Maas-Kusske, and Mike DeLuca. Also present: City Administrator Robert Schoen, City Planner Mark Kaltsas, West Hennepin Director of Public Safety Gary Kroells, City Attorneys Jeff Carson and John Thames, and City Engineer Dan Boyum.

4. **ADOPT AGENDA**

Motion by Councilmember Eisinger, seconded by Councilmember DeLuca, to adopt the agenda. Motion passed 4-0.

5. **CONSENT AGENDA**

- A. Accounts Payable
- B. Proto Labs Maintenance Agreements
- C. September 12th City Council Minutes

Councilmember Eisinger asked if legal had a chance to look at and approve the Proto Labs Maintenance Agreement. City Attorney Thames stated he did look at it and exchanged correspondence with Proto Labs until the version was acceptable to us, but has yet to approve it on their end.

Motion by Councilmember Eisinger, seconded by Councilmember Maas-Kusske, to approve the consent agenda as written. Motion passed 4-0.

6. **ADMINISTRATIVE REPORTS**

- A. City Engineer September Monthly Report

City Engineer Dan Boyum was present to give the City Engineer September Monthly Report. Boyum stated most of his activity in the city was centered around Budd Ave. Street Improvements.

Boyum wanted to bring to Council's attention that Public Works is looking at adding a flushing hydrant at Well No. 1. Engineering is working with Public Works on the location other logistics of the project to see if this is something the city should pursue.

Other items worked on are the Meadows of Maple Plain, Well No. 4, various meetings and discussions.

Councilmember Maas-Kusske asked for more details on Miscellaneous Item 4, the Warranty Review of Main/Rainbow Project. Boyum responded that a few residents responded to the letters regarding warranty items as well as other items that they wish the city would complete some work on.

Motion by Councilmember Maas-Kusske, seconded by Councilmember Eisinger, to accept the City Engineer's September Monthly Report. Motion passed 4-0.

Councilmember DeLuca asked City Administrator Schoen if the assessment hearing has been scheduled. Schoen stated it will take place later this fall after the appraisal process is complete. There is no date officially scheduled as of yet.

B. City Planner September Monthly Report

City Planner Mark Kaltsas was present to give the City Planner September Monthly Report. Kaltsas detailed the various meetings attended internally and externally, various correspondence and work regarding Proto Labs, Collision Corner, and other residential properties in the city and projects on said properties.

Motion by Councilmember Eisinger, seconded by Councilmember Maas-Kusske, to approve the City Planner September Monthly Report. Motion Passed 4-0.

C. West Hennepin August Monthly Report

Director Gary Kroells was present to give the West Hennepin August Monthly Report. Through August 31st, West Hennepin has handled 5,977 calls, 2,085 in Maple Plain. This is an increase of 400+ incidents than the same time last year. Kroells gave more details on the more severe cases that occurred in Maple Plain.

Councilmember Maas-Kusske had a question for Kroells about the traffic line doubling from where the city was at last year and more than 300 over the year end from last year. Kroells stated there are more focus areas in Maple Plain, including complaint-driven traffic areas. As of July 1, 2016, West Hennepin had full staff up until an officer moved to a different city this past month. There was also extra emphasis on seatbelt enforcement.

Motion by Councilmember Eisinger, seconded by Councilmember DeLuca, to accept the West Hennepin August Monthly Report. Motion passed 4-0.

D. Public Works September Monthly Report

City Administrator Robert Schoen was present to give the Public Works Monthly Report. Public works has been busy with many projects such as working with many parties on the Budd Ave. Street Project, maintaining the compost site, water related repairs and testing which will include temporary shut downs, among many other things.

Councilmember Eisinger wanted to know more about the compost site and the brush building up. City Administrator Schoen stated the city could get rid of that excess brush yet this fall.

Motion by Councilmember DeLuca, seconded by Councilmember Maas-Kusske, to approve the Public Works September Monthly Report. Motion passed 4-0.

E. City Administration September Monthly Report

City Administrator Robert Schoen was present to give the City Administration September Monthly Report. Staff is very busy, some projects includes, transitioning the New Assistant to the City Administrator, attending a variety of meetings, preparing the 2017 budget, franchise agreement processes, preparing for elections, among many other things.

Councilmember DeLuca asked City Administrator Schoen if staff has begun discussions with Mediacom in regard to a franchise agreement. Schoen answered that the discussion will take place on Thursday.

Motion by Councilmember DeLuca, seconded by Councilmember Maas-Kusske, to approve the City Administration September Monthly Report. Motion passed 4-0.

7. OLD BUSINESS

8. NEW BUSINESS

A. Discuss request that the City consider the following a Conditional Use Permit amendment to allow changes in the operation of the existing business and previously approved conditional use permit for the property located at 5060 US Highway 12 (PID No. 25-118-24-12-0049).

City Planner Mark Kaltsas was present to give the information on this topic. Kurt and Michelle Kroll (the "Applicants/Owner") submitted an application seeking an amendment to the existing conditional use permit for the property located at 5060 US Highway 12, more commonly known by their business name Collision Corner.

Kaltsas stated it is zoned mixed use. Staff worked with owners in 2015 so they would be able to expand their business and allow more parking on Oak Street, among other agreements so long as they abided by the conditions of the approval.

The final deadline to meet all of the improvements associated with the approved conditional use permit and site plan is October 1, 2016. The owners noted they no longer wanted to expand their building, and the city asked them to come back for an amendment to their conditional use permit.

The owners are asking that they do not have to be responsible for making the improvements to Oak Street but maintain their use of 17 graveled parking spaces in lieu of 43 paved parking spaces. The owners also seek adjustments to the overall parking layout and numbers of their property and ask for additional parking in front of their building.

Planning Commission held a public hearing on July 1, and ultimately recommended and amendment to the conditional use permit. The Commission reviewed these 5 points:

1. The applicant is asking the City to allow the use of the Oak Street right of way for employee parking only. The applicant would continue to access the right of way from their site and not Boundary Avenue. The right of way is proposed to not be permanently paved, but instead continue to have a gravel surface.
2. The applicant is no longer proposing to construct a building addition. The area that was previously proposed to accommodate the building addition would be utilized for additional parking spaces.
3. The applicant is no longer proposing to remove the small accessory building located along the Highway 12 frontage.
4. The applicant is requesting that the City consider allowing additional parking in the front (Highway 12) side of the principle and accessory buildings. The number of spaces is further detailed in the parking table in this report.
5. The applicant is proposing to access the site from Boundary Avenue at the current access point rather than move the primary access to the Oak Street right of way. This alteration will change the total number of parking spaces permitted along Boundary Avenue.

The Planning Commission determined and recommends the following:

Includes that the Oak Street employee parking be located on the side adjacent to their main property on gravel but within a defined area; remove the front parking spaces in front of the accessory building; allow removal of building addition; allow accessory building to remain; allow 7 additional parking in front of the building including restriping with no parking in front of the accessory building; and Boundary Avenue access be permitted.

Kaltsas covered was covered in the initial resolution and stated which portions were completed and which were not:

- a. The applicant shall enter into a licensing agreement with the City pertaining to the use of the Oak Street right of way. (Completed)
- b. The Applicant shall submit a grading and drainage plan and requisite storm water calculations. Based on the calculations, the applicant shall meet all applicable standards pertaining to storm water, grading and drainage. (Not completed)
- c. The applicant shall obtain all requisite approvals from Minnehaha Creek Watershed District. (Not completed)
- d. The applicant shall revise the plans to provide a 25' wide drive aisle and 20' long spaces within the Oak Street right of way. (Not completed)
- e. The applicant shall revise the plans to indicate the detailed locations of the no parking signage and fire lane striping. (Not Completed)
- f. The Applicant shall address all comments made by the Planning Commission relating to building architecture, color and materials. (Completed)
- h. The Applicant shall provide the City with a revised lighting plan that includes the detailed photometric information for the lights proposed. (Completed) The applicant shall provide new building lighting as indicated on the approved site plan along with a new decorative light pole at the northeast corner of the property. The new light pole

shall match the City's approved standards as indicated in the Downtown Design Guidelines. (Completed)

Then there were two additional scenarios – Part 1: Oak Street Improved or Part 2: Oak Street Not Improved and the different provisions with those.

Done by 2016:

- Construction of Building
- Fencing
- Additional Landscaping
- Lighting
- Parking Lot Striping
- No Parking Signs
- Pavement of Oak Street

Councilmember Eisinger stated he does not want to allow use of Oak Street if they leave it unpaved because that is against ordinance, especially in the downtown area.

Councilmember DeLuca asked if it would be appropriate for the owners to speak to these points and discuss their desire for changes and unmet conditions. He is curious as to the justification of the desired amendments and further understanding why the conditions were not met.

Owners Kurt and Michelle Kroll approached the microphone and agreed to speak on the subject. Michelle Kroll stated the following:

- The landscaping on the NE corner was completed but due to water accumulation, the landscaping did not survive. And other landscaping was not done due to changes not made on the property.
- The fencing company just finished the fencing of the property.
- The lighting has been complete on and around the building, with the exception of a light pole that was supposed to be for the Oak Street Improvement since that is pending.
- The front parking lot striping is complete. The fire lane striping is not done, and they wish to get more details on the specifications of fire lane striping.
 - Councilmember Eisinger stated it should be 20 feet wide and do what needs to be done to designate it as a fire lane.
- They have some jet-skis that are there for repair but are not being permanently stored.

M. Kroll asked of Council what else she is not in compliance with. Mayor Young stated that the parking spaces and numbers seem to be of issue. K. Kroll stated that people drop cars off right immediately in front and once they are checked in, then they are moved. They are having issue with crowding which is why they want more spots in front. He agrees that they have been historically been over on the number of cars. M. Kroll stated that she has the letters stating when they were over compliance. She stated that in general they have been doing well with car counts and staying in compliance. They're old CUP had 13 spots in front, and stated the change to 5 is difficult to work with.

Councilmember Eisinger said it was moved to 5 spaces due to the fire lane and access to the property.

M. Kroll stated she had a photo that shows 6 cars in the front with room for more. She stated a legal parking lot is larger than what is shown, but there is room to adjust and make the spots work.

Councilmember DeLuca stated he remembered the CUP discussion from last year had 4 cars out front and one to the side. He asked if that has ever happened. M. Kroll stated that happens on occasion but not often.

M. Kroll stated that City Planner Mark Kaltsas and previous City Administrator Tessia Melvin were there to witness that customers immediately pull in to the front and it's a moving number all day long. She stated that a car count during business hours due to the agreed upon provision that people are coming and going during this time. Councilmember DeLuca stated that on the weekend the car count should be in compliance. M. Kroll and K. Kroll stated that cars are dropped off outside of business hours.

M. Kroll asked to refer back to how they were not in compliance. City Planner Kaltsas brought up a visual and stated that they were going to install fence [points] and enclose the dumpster, and tire bin cannot be taller than the fence. M. Kroll stated they are waiting for the fence people to install the gate, and that their sanitary provider is having issues with the approved 14 foot width. Their sanitation provider wants a 20 foot opening for the gate. She continued to say the dumpster is not in the road right of way and is where it is supposed to be.

K. Kroll stated they dropped off the large tire bin by mistake, and they are working with the company to get the correct size dropped off.

Councilmember Eisinger, referencing the picture passed around, asked if cars are the right of way. M. Kroll stated they are not and the picture is old. The Kroll's want 6 in front, 1 on the side, and 2 additional in front of the accessory building for a total of 9 spots. Councilmember Eisinger said he does not believe there is enough room for that.

M. Kroll stated Mark Ronberg used the county guidelines for the parking and believes there is room for 9 cars. M. Kroll asked Kaltsas if they are the legal parking space size, and he stated it's 9x20, but he does not know if those spots are to size.

Councilmember Eisinger mentioned the parking spaces in back. Kaltsas said it was going to be 36 spaces with the building, but now without the construction of the building it will be 48 spaces. Councilmember Eisinger stated it does not seem those spaces will all fit. M. Kroll asked if there is a way that it can be drawn for better understanding. Councilmember Eisinger stated he did not know, but said he does not see any scale on the drawing in front of him. Kaltsas said he does not have the exact numbers, but he knows they are close to the measurements they need to be. Kaltsas explained the expansion of parking without the construction of the new building and the paving of Oak Street. With their new plan, they are capturing parking by not connecting to Oak Street and by not constructing the building, with a net growth of 18 spaces.

Councilmember DeLuca asked of the Krolls' that the city entered into a CUP with you last year with a set of conditions, my of the conditions were not followed. If we make an agreement to the amendment tonight, how will they ensure they will hold up the new conditions?

M. Kroll stated it is hard to ensure the front parking lot, but other than that they can uphold the conditions. She reiterated what they have and have not been completed. She also followed up on a complaint on parking on Boundary Ave. that was not Collision Corner, but another local business. She asked Director Kroells if there are any issues with parking on Boundary Ave. He said he would have to check the records but in his experience he has seen some questionable parking. M. Kroll stated that the fence company was parking there but they have been trying their best to not park there. Councilmembers DeLuca and Maas-Kusske agreed that there have been vehicles parked on Boundary without tires. M. Kroll asked when that was, and Councilmembers did not have specific dates. K. Kroll stated they could have been moving cars, but nothing has ever been left overnight.

City Administrator Robert Schoen mentioned that during the counts it was challenging to accurately count since the NW corner of the lot was not striped, which may portray that there are many more cars than what may be there – or nonoperational that are extending past the site. Councilmember DeLuca asked why that area was not striped. M. Kroll stated that the parking configuration has changed due to the building not being constructed, and want Council's views on their new proposal before further action.

Motion by Councilmember Maas-Kusske to extend the application period by 60 days and for staff to prepare and present resolution approving the Conditional Use Permit with amendment for the following: to allow access from Boundary Ave.; removal of new building being constructed; keep existing accessory building, add fee schedule for violations, staff prepare and present resolution at next city council meeting, motion seconded by Councilmember DeLuca.

Councilmember Eisinger wanted to clarify that this would rescind the license agreement with Oak Street, City Attorney Jeff Carson stated on October 1st it would be done if they don't improve what is to be done on Oak Street.

Councilmember DeLuca stated that he wants to clarify that this is an amendment to the CUP and includes just the discussed pieces. He stated that he thinks that means that the rest of the CUP conditions will still be in effect.

M. Kroll said that if Oak Street is taken away, then his employees can park on Boundary Ave. Kaltsas stated that parking in the city's right of way, South of Boundary Avenue.

Kaltsas stated that the chain link fence that was discussed previously that was not appropriate and that it would be preferred to be board on board.

Councilmember DeLuca wanted to ensure that the fee schedule would be reflective or parallel of other CUP's violations that we have at this point.

K. Kroll wanted to clarify that as October 1, we cannot park on Oak Street. Mayor Young stated yes, Kaltsas said yes as long as it's not paved, and M. Kroll stated yes as long as

conditions are not met. K. Kroll asked what the 60 day extension was for. Councilmember Maas-Kusske stated that was an additional 60 days for Council and Staff to come back with an answer. City Attorney Jeff Carson added that it is the amount of time the city has to work on this and come back with something.

K. Kroll asked what it would take to keep the licensing of Oak Street, and added that the costs of this have escalated and they want to be smart about their investments. He asked what it will take to extend the deadline to pave. Councilmember Eisinger stated that he thinks something like that would have to be renegotiated, but it has to be done this year to be in compliance. K. Kroll stated that the two pavers he has spoken to said that it would be nearly impossible to pave this year due to the weather, and the base has to sit through the winter. Council's understanding was that action was going to be taken earlier in the spring. K. Kroll wanted clarification on how the deadline to pave can be extended. He is worried about losing parking for employees. M. Kroll stated that after reviewing the budget for all of the projects they are way over budget. Also, their bank does not think it is wise to invest in the street based on all of the conditions. She would like to improve Oak Street and put the addition up but due to a variety of reasons, they are not in a place to pave and simply leave it as gravel. Councilmember DeLuca stated that they need to run their business within the parameters.

Mayor Young wanted to clarify that Collision Corner is not brought up at every City Council meeting nor talked about by members in the paper or elsewhere. M. Koll stated that their bank has read articles in the papers about the business. M. Koll said she does not think they are and the bank has their own perspective. Mayor Young stated that he wanted to say on behalf of Council that they are not discussing the topic unless they are here or are stated on an agenda.

Councilmember Eisinger stated that to get Oak St. back would be a renegotiation, but that is uncertain because they have worked together before and the task was not completed previously, earlier in the year. Stating he was speaking for himself, it may be considered in the future but not tonight.

Councilmember Maas-Kusske stated that they previously expressed the need for more parking and would have gotten more with the paved lot, and they chose not to pave the Oak Street area.

Mayor Young stated that we need to look at the proposed changes at hand. Councilmember DeLuca stated that the Kroll's are asking for these amendments to their CUP, and it is coming back to running the business within the lot.

Mayor Young called for questions. Asked for those in favor: Motion passed 4-0.

Councilmember Eisinger stated that they are thankful they are here in Maple Plain and everyone has utilized the business.

B. Review Certification of 2017 Preliminary City Budget Resolution number 16-0926-01

City Administrator Robert Schoen was present to give information regarding the 2017 Preliminary Budget. Schoen stated that the City of Maple Plain is required by State law to approve a resolution setting forth an annual tax levy to the Hennepin County Auditor

and that Minnesota Statutes require approval of a preliminary property tax levy and preliminary budget on or before September 30th of each year, and that the proposed preliminary budget cannot be increased but it can be decreased. The City originally had an over 11% levy, and after a few workshops, it is now at 1.2% of total city levy. The city has been focusing on infrastructure and bigger projects, causing the levy to increase.

Councilmember DeLuca wanted to thank Council, Staff, and consultants for producing the budget. We wanted to take a realistic approach to the budget this year. There are two parts to the budget, the general fund and the bonding fund, much of the work on the roads and infrastructure cost money. We did well in looking at the general fund and finding ways to decrease and give ourselves of a much lower levy. We worked really hard and found a responsible way to manage our budget. To all of the public, we are responsibly spending our dollars for the city, one of our city goals. Councilmember Eisinger wanted to echo Councilmember DeLuca's statements and add that we had to make very hard decisions to keep the numbers low, but everyone came together and we did a great job. Mayor Young agreed.

Motion by Councilmember DeLuca, seconded by Councilmember Maas-Kusske, to approve 2017 Preliminary City Budget Resolution number 16-0926-01. Motion passed 4-0.

C. Review the Well No. 4 Plans and Specifications and the Bid Opening Date of Tuesday, October 25, 2016 at 10:00 AM

City Engineer Dan Boyum was present to offer information regarding Well No. 4 Plans and Bids. The well will be 395 feet deep and go into the aquifer similar to Well No. 2. We have talked to area well drillers related to the plans and specifications. There will be a gradation taken of the geology, which will help in sizing the screen to prevent sand coming through. He asks council for plan approval for the plan as well as setting the bid date.

Motion by Councilmember DeLuca, seconded by Councilmember Eisinger, to approve the Well No. 4 Plans and Specifications and the Bid Opening Date of Tuesday, October 25, 2016, at 10:00AM. Motion passed 4-0.

Councilmember DeLuca asked City Engineer Boyum to remind the public of the total project cost. Boyum stated it would be approximately \$510,000. Councilmember DeLuca wanted to further clarify that those costs were already considered in the upcoming budget. City Administrator Schoen stated that is correct.

Councilmember Eisinger wanted to clarify that the city did lose Well No. 2 and can no longer use it, Well No. 1 is doing the best it can, and Well No. 3 is working well, but if Well No. 3 went down the city would be out of water. Another well will also help with our radium.

9. COUNCIL REPORTS & OTHER BUSINESS

A. Attitude of Gratitude

Mayor Young had two Attitude of Gratitude mentions. The first is to Brad Spencer, Cameron Baker, Derek Spencer, and Nathan Moe. The City of Maple Plain would like to

thank you for all of the wonderful work you provide with the Buckle Up painted signs. Thank you for your hard work and dedication.

The second is for the Director of Public Safety Gary Kroells. Congratulations to Gary for being the recipient of the 2016 Toward Zero Death (TZD) Distinguished Public Leader Award. The City of Maple Plain is thankful for all of your hard work. Thank you! He is continuing to work on it everyday.

10. VISITORS TO BE HEARD

Note: This is a courtesy extended to persons wishing to address the council who are not on the agenda. A completed public comment form should be presented to the city administrator prior to the meeting; presentations will be limited to 3 minutes. This session will be limited to 15 minutes.

11. ADJOURNMENT

Motion by Councilmember Maas-Kusske, seconded by Councilmember DeLuca and simultaneously Councilmember Eisinger, to adjourn the meeting. Motion passed 4-0.

**CITY OF MAPLE PLAIN
RESOLUTION 16-1010-02**

**RESOLUTION APPOINTING ELECTION JUDGES FOR THE 2016 GENERAL
ELECTIONS**

WHEREAS, the State General Election is on November 8, 2016; and,

WHEREAS, Minnesota Statute 204B.21, subd.2, requires election judges for precincts in a municipality be appointed by the governing body of the municipality; and

WHEREAS, the City of Maple Plain has one precinct with polling hours of 7:00 a.m. until 8:00 p.m.; and,

WHEREAS, the following Minnesota citizens have applied to serve as election judges and meet the qualifications established by the State of Minnesota.

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF MAPLE PLAIN, MINNESOTA, that in accordance with State Law the following persons are hereby appointed to serve as election judges for the General Election on November 8, 2016.

Mary Couser	Jerry Hutchinson
Trudy Lehmeyer	JoAnn Ree
Lynnette Boyd-Timpe	Diane Sweeney
Gary McPherson	Carol McPherson
Carolyn Smith	Judy Maas
Peggy Hutchinson	

BE IT FURTHER RESOLVED, that in accordance with State Law the following persons are hereby appointed to serve Head Election Judge for the General Election on November 8, 2016.

Carol Cheswick, Head Election Judge

BE IT FURTHER RESOLVED, that election judges shall earn an hourly wage of \$10 per hour to participate in mandatory election judge training and time served as an election judge, and the head judge earning \$11 per hour to participate in mandatory election judge training and time served as an election judge, during the General elections; and,

BE IT FURTHER RESOLVED, if any person(s) appointed as a judge is unable to serve, the city administrator is empowered to substitute that person(s) with another qualified legal voter.

This resolution was adopted by the City Council of the City of Maple Plain on this 10th day of October, 2016, by a vote of ____ayes and ____nays.

Jerry Young, Mayor

ATTEST:

Robert Schoen, City Administrator
(SEAL)

**CITY OF MAPLE PLAIN
RESOLUTION NO.16-1010-01**

A RESOLUTION ESTABLISHING AN ABSENTEE BALLOT BOARD

WHEREAS, the City of Maple Plain is required by Minn. Stat. 203B.121, subd.1 to establish an Absentee Ballot Board; and

WHEREAS, this board will bring uniformity in the processing of accepting or rejecting returned absentee ballots in the City of Maple Plain; and

WHEREAS, The Absentee Ballot Board would consist of a sufficient number of election judges as provided in sections 204B.19 to 204B.22 or deputy clerk and staff trained in the processing and counting of absentee ballots; and

THEREFORE, BE IT RESOLVED THAT, the City of Maple Plain City Council establishes an Absentee Ballot Board that consists of the following:

- Robert Schoen
- Sharon Spicer
- Taylor Richter

This resolution was adopted by the City Council of the City of Maple Plain on this 10th day of October, 2016, by a vote of ___ ayes and ___ nays.

Jerry Young, Mayor

ATTEST:

Robert Schoen, City Administrator
(SEAL)

RESOLUTION NO.16-

A RESOLUTION APPROVING THE REQUEST BY COLLISION CORNER FOR AN
AMENDMENT TO THE EXISTING CONDITIONAL USE PERMIT FOR THE PROPERTY
LOCATED AT 5060 US HIGHWAY 12

WHEREAS, the City of Maple Plain (the “City”) is a municipal corporation under the laws of Minnesota; and

WHEREAS, the City adopted a comprehensive plan in 2008 to guide the development of the community; and

WHEREAS, the City has adopted a zoning ordinance and other official controls to assist in implementing the comprehensive plan; and

WHEREAS, Kurt and Michelle Kroll (the “Applicants/Owner”) submitted an application seeking an amendment to the existing conditional use permit for the property located at 5060 US Highway 12 (the “Property”); and

WHEREAS, the Property is zoned Mixed Use – Gateway (MU-G); and

WHEREAS the requested amendment to the conditional use permit meets all requirements, standards and specifications of the City of Maple Plain Zoning Ordinances for property zoned MU-G; and

WHEREAS the Planning Commission held a public hearing on September 1, 2016 to review the application for an amendment to the existing conditional use permit following mailed and published noticed as required by law; and

WHEREAS, the City Council has reviewed all materials submitted by the Applicant; considered the oral and written testimony offered by the applicant and all interested parties; and has now concluded that the application is in compliance with all applicable standards and can be considered for approval.

NOW, THEREFORE BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF MAPLE PLAIN, MINNESOTA that it should and hereby does approve the application by Kurt and Michelle Kroll for an amendment to the existing conditional use permit per the City’s zoning regulations with the following conditions:

1. The proposed conditional use permit amendment meets all applicable conditions, criteria and restrictions stated in the City of Maple Plain Zoning Ordinance.
2. Approval of the conditional use permit is subject to the applicant providing additional information and receiving City approval for the following items:

- a. The approved site plan shall be revised to include the new parking space totals included within this resolution. The revised plan will be incorporated into the conditional use permit as Exhibit A.
 - b. The applicant shall revise the parking plan to include a handicapped accessible parking stall in the front of the building.
3. All conditions of the original conditional use permit shall continue in full force with the following amendments/additions:
- a. Parking for the proposed site shall be in accordance with the following table:

The plans indicate parking changes as follows:

1. Oak Street ROW – no parking
2. Boundary Avenue – 14 spaces
3. In Front of Building –5 spaces
4. Behind Building – 48 spaces
5. For Sale Vehicle Parking – 10 spaces

Total Spaces: 77 Spaces

- b. The applicant has not paved the Oak Street right-of-way pursuant to the licensing agreement entered into between the applicant and the City dated December 14, 2015 and that license agreement is therefore concurrently terminated by the City. The applicant shall not, therefore, permit any parking within the Oak Street right-of-way and shall not have to comply with those provisions of the October 27, 2015 Amendment to the Conditional Use Permit which exclusively pertain to the use of the Oak Street right-of-way.
- c. There will be no building addition constructed on site. Any change in the revised site plan, including the construction of a building addition in the future, will be subject to site plan review and a conditional use permit amendment.
- d. The existing detached accessory structure shall be permitted to remain in its current location.
- e. All parking spaces (both interior and exterior to the site) shall be striped according to City standards by the applicant prior to November 1, 2016.
- f. The proposed 14 foot access gate onto Boundary Avenue shall be a board on board wooden fence matching the perimeter fence already installed on the remainder of the site.
- g. Upon a violation of any of the conditions found in the original conditional use permit or those amended or added, the City shall notify the applicant of the violation and the applicant shall pay a fee to the City, in an amount specified below, within 30 days of the mailing of the notice. Any unpaid fees related to a violation of this permit shall be certified to the City's tax roll in the November following the imposition of the fees. Imposition of this fee based on a violation of this permit shall not prohibit the City from taking any other action on the permit, based on the

same violation, including, but not limited to, revocation of the permit. Fees for violations of this permit shall be imposed as follows:

1. First violation: \$300
 2. Second violation: \$400
 3. Third violation: \$500
 4. Fee amounts for any violations which occur subsequent to the third violation shall be determined by doubling the imposed fee of the most recent violation.
- h. The Applicant shall pay for all costs associated with the City's review of the conditional use permit amendment.

This resolution was adopted by the City Council of the City of Maple Plain on this 10th day of October, 2016, by a vote of ____ayes and ____nays.

Jerry Young, Mayor

ATTEST:

Robert Schoen, City Administrator
(SEAL)

**CITY OF MAPLE PLAIN
HENNEPIN COUNTY, MINNESOTA**

RESOLUTION NO. 16-_____

A RESOLUTION TERMINATING THE LICENSE AGREEMENT BETWEEN THE CITY OF MAPLE PLAIN AND KURT K. KROLL AND ASSOCIATES, INC. DBA COLLISION CORNER

WHEREAS, The City of Maple Plain (“City”) entered into a License Agreement (“Agreement”) with Kurt K. Kroll and Associates, Inc. dba Collision Corner (“Licensee”) on December 14, 2015 permitting limited parking by Licensee on the Oak Street right of way subject to a number of conditions; and

WHEREAS, the Agreement required that Licensee pave the Oak Street right of way on or before October 1, 2016 and abide by all of the other conditions of Licensee’s conditional use permit; and

WHEREAS, Licensee has not paved the Oak Street right of way nor abided by all of the conditions of Licensee’s conditional use permit; and

WHEREAS, based on Licensee’s failure to abide by the Agreement the City desires to terminate the Agreement.

NOW, THEREFORE, the Maple Plain City Council **RESOLVES**:

- 1) Based on Licensee’s failure to comply with paragraphs 2 through 4 and 9 of the Agreement the City hereby terminates the Agreement, effective upon ratification of this resolution.
- 2) Pursuant to the Agreement, Licensee shall remove any property it may have placed on the Oak Street right of way within 3 days. Should Licensee fail to remove its property, the City may remove such property and assess the cost of said removal to Licensee.

This resolution was introduced by Councilmember _____.

Members voting in favor: Councilmember(s) _____

Members voting against: Councilmember(s) _____

Members absent: _____

The resolution was passed by the Maple Plain City Council this 10th day of October, 2016.

Mayor Jerry Young

ATTEST:

Robert Schoen
City Administrator