

**CITY OF HANOVER
CITY COUNCIL MEETING
AUGUST 2, 2016 – OFFICIAL MINUTES**

Call to Order/Pledge of Allegiance:

Vice Mayor John Vajda called the regular meeting of Tuesday, August 2, 2016 to order at 5:00 p.m. Present were Vice Mayor John Vajda, Doug Hammerseng, Ken Warpula, and Jim Zajicek. Mayor Chris Kauffman was absent. Also present were City Administrator Brian Hagen, Accountant/Deputy Clerk Elizabeth Lindrud, Public Works Supervisor Scott Vogel, City Attorney Jay Squires, City Planner Cindy Nash and City Engineer Justin Messner. Guests present included Hennepin County Commissioner Jeff Johnson, Abby Peterson, Thomas Jones, Clark and Carol Lee, Jessica Peters, Joseph Tushar, Bryan Arthur, Stephanie Gleason, Michael Kehn, Linda Eckard, Ed Sjolín, Claudia Pingree, Bruce Shoemaker, Susan Peterson, Mary Coons, Gerhardt Kottke, Gary Smith, Mark Mischke, David Phillips, Vonnie Waters, Tom Spier, Tom Gleason, Mike Straub, Bob Pink, Suzanne and Dan Heinecke, Matt Peterson, Tom Therrien, Joe Kaul, Tim Bienias, Michelle Dufner, Janet McDaniel, Greg Hiniker, Dan and Lois Mahler, Nick Cooper, and Doug Voerding with the Wright County Journal Press.

Approval of Agenda:

MOTION by Warpula to approve the agenda, seconded by Hammerseng. **Motion carried unanimously.**

Consent Agenda:

Hagen revised the title of Res 08-02-16-86 to read “A Resolution Approving Purchase of Fire Department Quick Response Kit” and to revise Res 08-02-16-88 to read that Dee Zajicek is resigning from the Park Board, not the Hanover Fire Department. Lindrud updated claims to include payment of Pay Voucher 1 for R. L. Larson Excavating in the amount of \$229,418.09 for the 5th Street Watermain Extension, which updates Total Claims to \$315,225.81.

Warpula recognized and thanked Jake Heinz, Larry Sperr, and Greg Snodgrass for their service on the Hanover Fire Department and Dee Zajicek for her service on the Park Board.

MOTION by Warpula to approve the consent agenda as amended, seconded by Hammerseng.

a. Approve Minutes of July 19, 2016 City Council Work Session Meeting

b. Approve Claims as Presented:

➤ Claims	\$ 73,095.39
➤ Payroll	\$ 8,045.21
➤ P/R taxes & Exp	\$ 3,230.12
➤ Other Claims	\$ 1,437.00
➤ Total Claims	<u>\$ 85,807.72</u>

c. Res No 08-02-16-84 – Approving Purchase of Fire Department iPads

d. Res No 08-02-16-85 – Approving Purchase of Fire Department Quick Response Kit

e. Res No 08-02-16-86 – Approving Purchase of Fire Department Portable Drop Tank

f. Res No 08-02-16-87 – Recognizing Fire Department Resignations

g. Res No 08-02-16-88 – Recognizing Park Board Resignation

h. Res No 08-02-16-89 – Approving Pay Voucher No. 1, Fifth St. NE Watermain Extension

i. Res No 08-02-16-90 – Approving Band Contract for 125th Anniversary Celebration

j. Res No 08-02-16-91 – Approving Animal Control Contract

Motion carried unanimously.

Citizen's Forum:

Hennepin County Commissioner Jeff Johnson

Hennepin County Commissioner Jeff Johnson gave an update on the budget, he stated that in 2016 there was a little under a 5% property tax increase, which he did not support. He believes Hennepin County is spending more than it should. He stated the other commissions are starting to see the demographic changes and how thinking will need to change, the people who receive the services will soon outnumber those who pay for the services provided. Warpula inquired as to where Johnson believes the County is spending too much money. Johnson responded that there are many areas, but Health and Human Services is one area. He explained that there are many outdated programs offered and money should be put towards new programs that work. He also stated that Transit is spending more money than it should on the light rail, which only benefits 2% of the population.

Hagen thanked Johnson and Hennepin County for helping with costs of the bike trails.

Thomas Jones

Thomas Jones addressed Council in regards to perpendicular placement of homes and current city ordinances. Jones, stated that currently a home can be built perpendicular to a neighboring home, in essence putting their front yard into the neighboring homes backyard. He further explained that the lot next to his home has proposed such a design and that he wrote a letter to Planning Commission and City Council with more detail. He stated it raises two issues, one if perpendicular placement of a home is allowed in Hanover. The second issue would be based on City Ordinances and how the setbacks would be defined on a perpendicular placed home. If the front and back yard are based on the orientation of the structure, would the side yard then be subject to 30 foot setbacks. Jones asked that no building permits be issued until Council holds a public hearing, ordinance definitions are clarified, and Council votes. Jones stated this is a legal issue and could cost the City time and financial resources.

Claudia Pingree

Claudia Pingree stated she is here to talk about the trees. She would like to first thank Dee Zajicek for putting in a lot of hard work on the Park Board. Pingree urged everyone not to act hastily, the money from the MN Twins is not enough to make a huge mistake. She further explained that Dutch Elm disease was found in St. Michael and the City might as well take down all the Elm trees, because they will not survive. Pingree offered to help find a place for the ballfield, she is also for the kids, kids come to her house to bake cookies and talk with her. She requested again that Council think their decision through so they will not regret it later.

Jessica Peters

Jessica Peters stated that she is potential Hanover resident, she has been coming to Hanover for years and has always wanted to live in Hanover and is at a place where her family now can move. She stated that Hanover is quiet, has community involvement and trusted elected officials. Peterson stated that now she is having second thoughts, that removing the oak trees is disturbing and the Council is ignoring resident's opinions and has obvious disregard for its residents. She stated that they are not representing the residents and that she will not be moving to Hanover because it is not the place she believed it to be.

Abby Peterson

Abby Peterson stated she has been a resident for 15 years and is on the Park Board. She said she has a petition with 450 signatures that are in favor of the ballfield redesign. She explained that she does not want to be bullied into a decision and that there are other people who support the ballfield and Council is hearing both sides.

Brian Arthur

Brian Arthur explained that he has not heard of anyone against baseball. He stated that people are for a great open space with more than a baseball diamond. He stated that the plan of planting new trees in the outfield is comparable to him taking someone's Cadillac and giving them a Ford Fiesta back. He stated the other issue is the proximity to the playground and the fly balls that are going to hurt someone. He stated that insurance will not prevent an injury. Arthur requested that Council give a safe unstructured place for children to play.

Michael Kehn

Michael Kehn wanted to thank Tom Gleason for making a motion to rescind the Park Board approval of the ballfield redesign. The motion died because no one had the courage to second. Kehn stated the redesign is government sponsored vandalism. He stated that the Crow River Youth Baseball League rules require a base distance of 90ft, but no enclosed fencing is required. He further stated that the season finished on July 16th and inquired why the City would take down the trees when there would only be 12 games total, with six home games.

Dan Heinecke

Dan Heinecke stated that he is a good representative of many residents of Hanover. He has two kids in middle school and does not have a lot of free time in the evenings. He stated there are a lot of people with concerns about perpendicular homes being allowed to be built. He inquired as to what this would open the door too for future developments.

Heinecke stated he is also in support of the ballfield, he stated he is out volunteering and there is a lot of support for the ballfields, but similar to himself, many of those residents cannot make it to the meeting, because they are so busy it is hard to make it to the meetings.

Linda Eckard

Linda Eckard stated that she has been a resident of Hanover for 27 years, has two kids and has been through the ball system. She stated that she is a CPA and the extrapolation of the survey numbers was bothering her, so she went to the US Census to gather some data. She explained there are 1,916 registered voters, who elected Council to represent them. She explained that 12% of the population are age 10-17, and would be the population using the new ballfield. She realized that not 100% of those children would be using the field, and allowed for two-thirds that may actually use the ballfield, which is 7% of the population. She stated it is crazy to make a decision for 7% of the population. She explained that children play ball and then move on, while the parents stay in Hanover. Those residents want the current facilities to be her so they can use them, Council should protect the City's assets. She stated to cut down the trees and give the park away is disheartening and is asking Council to change their vote.

Stephanie Gleason

Stephanie Gleason explained that when Council voted to approve the ballfield redesign, only a few residents knew about it. Council should have looked at their own survey, now residents are informed and have given feedback through multiple calls, emails, and petition signatures and comments. She stated it is clear that residents do not want a ball park, and requested Council read the 12 pages of comments from the petition. She stated there is an alternative site at Hanover Athletic Association. She further expressed concerns that the least agreement does not require a background check and what the plan is for the foul balls near the playground. She requested that Council do the right thing and make a motion to stop the ballfield redesign.

Matt Peterson

Matt Peterson thanked Council for supporting the ballfield. He is excited about it and his kids are a part Hanover Youth Ball. He stated they have games in other cities, where they see the other fields and Hanover's is left wanting. He explained that the Community Garden has several trees and there will still be shade at Settlers Park.

Tim Bienias

Tim Bienias stated that he has been to must meetings and has seen some new faces at the last couple. He stated most people are in favor of ballfields, and does not feel that people are as far apart on the issue as they think they are. He explained that \$17,000 for the MN Twins is roughly 1.25% of Hanover's annual budget and not enough to justify plowing forward. He explained that there are other ways to raise funds for something everyone can use.

Suzanne Heinecke

Suzanne Heinecke explained that she is in love with nature and trees, but is in favor of the ballfield. She stated there are other cities that are take pride in their ballfields and there is something to be said for having pride in the ballfield.

Tom Therrien

Tom Therrien explained that the baseball season is now over, he has not been able to attend previous meetings because he has been out in the fields. He explained that Hanover Youth Ball has 14 of the 31 teams in the Crow River Little League. He explained the season is March through the fall, after July 15th there is a pause, then fall ball begins. He was able to talk to Michael Kehn at the Hanover Youth Ball picnic and loves the passion for the trees, and he also loves trees. However, his passion is related to providing the kids an outdoor activity. Therrien explained that when he was here last time Hanover Youth Ball had 321 kids and now they have 361. More kids are staying in the Hanover league and Hanover Youth Ball is now larger than Buffalo. Therrien referred to a social media post made by Michael Kehn that stated that baseball has a 41% decrease in participation and explained that does not reflect the Hanover Youth Ball program, which is growing. Hanover Youth Ball wants to get kids into parks instead of sitting home on gaming devices and there are no 16U fields available in Hanover.

Linda Eckard

Linda Eckard inquired on a few concerns regarding the lease with the Hanover Athletic Association. She requested more detail on the section allowing Hanover Athletic Association access to the field 24 hours a day/7 days a week and what about the residents of Hanover, will they need to pay to use the field or schedules use? She also pointed out the section that allows the Hanover Athletic Association to use the field for baseball or other recreational functions and inquired what those other functions will be. She requested that council back up and consider other options before signing the lease agreement.

Greg Hiniker

Greg Hiniker stated that residents are more engaged on one item than ever before and it sounds like Council made their decision and will not be changing that decision, either way one side will be happy and one will not. He suggested that it would be good to get both groups together to build something more in line of a sports facility.

Bruce Shoemaker

Bruce stated that he has been a resident for six years and in the latter half of the 1800's all the trees were cut down for farm land. The Settlers Park oak trees were growing when Abraham Lincoln was shot, 10 years old when the city was platted, 25 years old when the City was incorporated, and 20 years old when

the bridge was built...It is rare to see 150-year-old trees and could like Council to consider these facts because the trees are really special.

Jim Zajicek addressed the audience and stated that when Hanover Youth Ball came to the Park Board in January it took a couple of meetings to approve and they did try to find a way to position the field to save the trees. He explained that it was a tough decision and Council discussed it thoroughly. He explained that Ken Warpula spoke up at the Council meeting with concerns and he did not, and asked that residents not blame the Park Board. He further explained that in the back of his mind he was thinking about the 75 trees that were cut down for the Historic Bridge, which could have been part of someone else's future park. He stated there is a lot of misinformation and name calling, other locations or a 20-acre park with splash pads cost a lot of money. Settlers Park is the perfect location, they cannot have two games going at once currently, since the outfields backup to each other. He explained that 40 new kids signed up after the ballfield redesign was approved. He is favor of the kids and keeping them in town and off electronic devices. A 20-acre park would cost millions of dollars and there are no funds in the park budget. This proposal allows the City to have a nice ballfield for little to no cost. He further explained that building a new sports facility would require an additional full time public works employee, plus additional utility and maintenance costs. Zajicek explained that if you take emotion out of the decision, it is an easy decision, the population has grown four times and the ballfields have not changed.

Public Hearings:

None

Unfinished Business:

Res No 08-02-16-92 – Approving Kinghorn Construction, Construction Manager Contract

Hagen explained that the contract with Kinghorn Construction of the building of the new public works facility has been reviewed by City Attorney Jay Squires. Squires explained that if there is any potential of not moving forward with the project that they City should not enter into a contract. Hagen inquired if the contract should be approved after the City advertises for bids. Squires stated that wording could be added to have the contract terminable after bids come back, the City would pay for the work done up to that point. Hagen explained that soil correction estimates came back and to export any bad material would cost too much to make the project feasible. The alternative is to raise the site elevation to allow bad material to be spoiled on site. There would be added costs for extra material to be brought in, but the added cost is substantially lower than exporting material. Council requested that Squires add language that the contract would be terminable if the soil correction costs come back at a rate higher than expected.

MOTION by Hammerseng to approve Res No 08-02-16-92 with revised language, seconded by Zajicek. **Motion carried unanimously.**

Res No 08-02-16-93 – Authorizing Advertisement of Bid, Public Works Facility Soil Correction

Hagen explained that this resolution authorizes staff to advertise for bids. Warpula requested that there be a discussion with Kinghorn Construction and the entire Council on the plans to date of the public works facility before advertising for bids. Council agreed with Warpula.

MOTION by Vajda to table Res No 08-02-16-93 until August 16, 2016, seconded by Warpula. **Motion carried unanimously.**

New Business:

Clark Lee – Hanover Resident

Clark Lee explained that he attended two Planning Commission meetings dealing with the single family dwelling minimum size requirements. He stated that it has been two weeks since the moratorium was lifted and the homes that were being held up due to the moratorium have had time to submit their permits to the City. He would like Council to place a new moratorium from August 2nd to September 6th on homes that are under the recommended 1000 square foot habitable living space above ground. Council took no action on Lee's request.

Lee also requested that the City place a moratorium on perpendicular homes for six months to allow time for the ordinances to be clarified. Squires stated that if there is a home plan submitted that Staff questions, they can defer to Cindy Nash and himself before approving. Vajda stated he will abstain from conversation since one of the lots in question is next to his home. Hammerseng stated the proposed perpendicular home plan has not been submitted and the property owners do not intend to build until next year. Council took no further action.

Commemorative Cups for 125th Anniversary

Hagen stated that the 125th Anniversary committee has prepared a design for commemorative cups with the 125th Anniversary Logo and that Council did budget funds to go towards the celebration. The cups will be given out free of charge the day of the celebration. Council agreed to purchase 500 cups at a cost of \$360.00.

MOTION by Vajda to approve the \$360 purchase of 500 commemorative cups for the 125th Anniversary Celebration, seconded by Warpula. **Motion carried unanimously.**

Settlers Park Maintenance Items – Oak Tree, Bathroom Vandalism, Volleyball Court

Vogel stated that there has been vandalism to the Settlers Park Shelter bathrooms. Council gave direction for Vogel to change the hours the bathrooms are open based on what he feels is necessary.

Vogel stated that one of the oak trees in Settlers Park sustained damage from the July 5th storm and the trunk is cracked and it is leaning into another tree. Since it is one of the five oak trees that would be removed with the ballfield redesign, he did not want to take action without Council direction. Council directed Vogel to have a licensed arborist look at the tree first.

Lindrud stated that the Park Board made a motion to recommend the removal of the current Volleyball Court and to replace it with removable posts and a grass court. Council agreed that it would be a better use of space and to dig the sand out and replace with black dirt before reseeding.

2017 Preliminary Budget DRAFT 1

Hagen stated this is only the first draft and only wanted to touch on the larger points and get direction before going further. Major changes to revenue are reflected in a decrease to building permit revenue. The decrease is attributed to the less than 10 vacant single family home lots. Hagen noted that the prior two years building permit revenue remained high due to the Elementary School addition and the Assisted Living facility. Hagen noted that tax revenue will need to increase to offset the decrease in building permit revenue.

Expenditures remained mostly the same, the two areas with increases were the potential to hire a third full time public works employee and a second public works summer seasonal help. Hagen explained this will allow Staff to do more projects in house, for example, the crack filling. The other increase is the switch from an \$8 per call rate to \$12 per hour for the fire department. Vajda stated he will meet with Fire Chief Malewicki to discuss the hourly rate and what surrounding fire departments rates are.

Hagen stated with the assumptions in the budget the tax rate did increase from 49.5% to 51.4%. A more accurate assumption will be provided after the counties provide staff with actual tax capacity figures prior to the adoption of the preliminary levy.

Res No 08-02-16-94 – Approving CUP for Sales & Warehousing Automotive Parts

Nash stated that Rhino Auto has been before Planning Commission with the request to amend the current CUP. Planning Commission recommended approval of the amendment. Conditions of the CUP would allow for six vehicles with no more than one major part missing, one flatbed truck, a trailer, and a forklift to be stored outside. No other exterior storage would be allowed. Hammerseng noted that some parts will be stored at an alternative location the owner has in Wisconsin.

MOTION by Hammerseng to approve Res No 08-02-16-94, seconded by Warpula. **Motion carried unanimously.**

Ordinance 2016-05 – Opting-Out of the Requirements of Minn. Stat., Sec. 462.3593

Nash explained that this Ordinance allows the City to opt out of the newly passed legislation for a temporary family health care dwelling to be placed on a residential property. The pod unit would be hooked up to the main home and bypasses City zoning regulations on accessory buildings or recreational vehicles. If the City does have a desire to allow such a use, Nash recommended the City amend the zoning ordinances to place its' own regulations on the use.

MOTION by Vajda to approve Ordinance 2106-05, seconded by Warpula. **Motion carried unanimously.**

Res No 08-02-16-95 – Approving Hanover Athletic Association Lease Agreement

Hagen reviewed the following items in discussion with lease agreement:

- Hagen inquired of an aerial photo outlining the area or a full legal description is preferred by Council. Squires stated that an aerial photo is acceptable to use. Council agreed.
- Hagen stated the term of the lease can be open to anything, currently it is earmarked at a ten-year lease and would be renegotiated at the end of those ten years. Council agreed to the ten-year term.
- Hagen inquired what Council would like to see for compensation, \$1 per year or per ten-year term. Council agreed to \$1 per year.
- Hagen explained that Wright County has stated the tax status would remain as exempt as long as the ballfield remains open to public use. If that were to change, then the Hanover Athletic Association would be responsible for those taxes. Hammerseng requested that there be language ensuring the ballfield would be open to the public. Squires suggested that language be added to have a priority of use and the Hanover Athletic Association submit a schedule to the City for review.
- Hagen stated that the League of Minnesota Cities advised that the requirement of background checks be removed. Squires stated that if the insurer recommends it not be in the lease, then it should be removed. It was further clarified that the Athletic Association does not organize youth actives.
- Hagen further explained that if the Hanover Athletic Association broke the lease early, the ballfield would revert back to the City with the improvements. He further explained that the lighting and scoreboards depicted in the rendering are not part of the initial improvement funding. Zajicek inquired on the safety of the playground and if nets would be added to the side facing the playground. Hagen stated that safety should always be part of importance and will be considered as part of initial design.

Council held a desire to have the Athletic Association weigh in the language regarding the priority of use. Hagen stated Council could table the resolution until there is clarification language.

MOTION by Vajda to table Res No 08-02-16-95 until August 16, 2016, seconded by Hammerseng.
Motion carried unanimously.

Reports

Messner

- 5th Street water main extension work is completed. There were washouts with the heavy rains and they have been restored. There is also a two-year warranty on the work.
- Hanover Hills pavement reconstruction and shouldering is complete, they will return next week to start with seeding, especially on 3rd street.
- The decorative bollards for the Historical Bridge were ordered and there is a six-week turnaround and they will be installed with the concrete approach.
- Burschville Construction will start on the County Road 19 sidewalk extension mid-August. The portion extending up to the school is on hold, Wright County is not assisting in payment, Xcel Energy will move the pole if needed.

Nash

- Stated that Hennepin County has new flood insurance rate maps and she working on drafting a new ordinance for planning commission to review.

Vogel

- Stated they are prepping for Harvest Festival.
- Stated that the brush pick up took three weeks to complete and has set them back.

Zajicek

- Park Board held the Zoomobile event last month and it was very popular.
- Park Board held the first bike rodeo and it was well attended, free helmets were given out and there was a course for the kids to bike through that taught them control and balance. Hagen stated that a mother called in to City Hall and told Staff that her son had gotten into a bike accident shortly after the bike rodeo and was very thankful for the free helmet he had received at the bike rodeo.

Warpula

- Thanked Staff for the tree clean-up.
- Stated that Council is not perfect and not to hold that against them, it is a thankless job at times.
- Requested that Council meetings not be held on Night to Unite in the future.

Lindrud

- Park Board started planning their events for next year. Currently they are not looking to add new events, but enhance existing events.

Hagen

- The senior housing facility construction has been underway for a couple weeks now. There have been some concerned emails about the construction start times before 7:00 a.m., Hagen contacted Brad Bass, Scott Cole, and Brennen to remind them of the start time. Vogel has also been attending the weekly construction meetings so Staff is aware

of the construction time frame. A semi was blocking a resident's driveway, Hagen has directed the contractors to park on the opposite side of the driveways. There was also a concern that the setbacks were not being met, staff and Metro West measured and they are accurate.

Vajda

- Commended residents for coming out in support of something important to them. He stated that Council discusses issues and it is tough when they do not know an opinion. A lot of time was taken by Park Board, Council, and Staff on the ballfield and they will continue to try and listen to everyone's concern.

Adjournment

MOTION by Warpula to adjourn at 8:30p.m., seconded by Vajda. **Motion carried unanimously.**

APPROVED BY:

John Vajda, Vice Mayor

ATTEST:

Brian Hagen, City Administrator