

**CITY OF HANOVER
CITY COUNCIL MEETING
SEPTEMBER 2, 2014 – OFFICIAL MINUTES**

Call to Order/Pledge of Allegiance:

Mayor Kauffman called the Regular Council Meeting of Monday, September 2, 2014 to order at 7:00 p.m. Present were Mayor Chris Kauffman, Councilors Wendy Pinor, John Vajda, Doug Hammerseng, and Ken Warpula. Also present were City Administrator Annita Smythe, Administrative Assistant Brian Hagen, Public Works Supervisor Scott Vogel, Attorney Jay Squires and City Engineer Justin Messner. Guests present included Susan Blood from Northwest Hennepin Human Services, James Anderle from Lupine Brewing Company and other residents of Hanover.

Approval of Agenda:

Vajda suggested switching items 6.a. and 6.c. because guests were present for the 6.c. discussion item.

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

Consent Agenda:

MOTION by Warpula to approve the following consent agenda, seconded by Vajda.

a. Approve Minutes of August 19, 2014 Regular City Council Work Session Meeting

b. Approve Claims as Presented:

➤ Claims	\$ 113,770.25
➤ Payroll	\$ 7,535.49
➤ P/R taxes & Exp	\$ 3,066.53
➤ Other Claims	<u>\$ 1,180.51</u>
➤ Total Claims	<u>\$ 125,552.78</u>

Motion carried unanimously.

Citizen's Forum:

Susan Blood provided information to Council, staff, and the residents of Hanover on what the Northwest Hennepin Human Services offers the Hennepin County residents of Hanover. Blood stated last year's payment from Hanover was \$256, and the return on investment was \$1,885. Blood further stated that Hanover has openings for one senior representative and one opening on the advisory board.

James Ojalehto addressed Council on the quality of work of the Beebe Lake Trail. He was concerned the trail will have uneven spots and holes in the asphalt. Engineer Messner explained that the trail is not completed and the contractor has a list of items they need to fix. Ojalehto also gave his support to Council to change the ordinance related to the keeping of chickens to allow chickens on 2.5 acres.

Randy Bunting reiterated his support of the chicken ordinance to Council. He hopes Council will approve chickens to be kept on 2.5 acres so he can keep his chickens. Smythe provided handouts to Council of the various citizen e-mails she has received on the topic of chickens.

Jeff Grupp was present to discuss the driveway easement through Outlot H in the Bridges at Hanover development.

Public Hearings:

None

Unfinished Business:

a. Ordinance No 2014-07 – Chicken Ordinance

Hagen and Hammerseng explained to Council that the Planning Commission had discussed this ordinance at two different meetings. The Planning Commission was unsure if 2.5 acres was the correct size to allow chickens on. They did receive comments against the draft ordinance as well as some support. One other concern Planning Commission had was enforcement ability. Currently chickens are allowed on 3.5 acres or larger, but by allowing smaller parcels to have chickens there was a concern that with the number of staff the city has that inspections of properties and enforcement of violations would be difficult. The Planning Commission did review a petition presented to them by the Bunting family showing what neighbors were supportive of the Bunting's chickens. The Planning Commission was concerned with the results because the petition did not receive comments from neighbors to the rear of the Buntings or from two properties, one being adjacent and the other across the road. Hagen also stated that the City Planner cautioned the Planning Commission on petitions because it can be difficult for people to voice opposition when they are face to face with a neighbor requesting support, even if they don't agree.

Mayor Kauffman stated that he does not believe 2.5 acres is too small to have chickens, but thinks a permitting process would be beneficial. Vajda stated we should address concerns about allowing chickens on smaller parcels because the trend is moving towards urban communities allowing chickens. Pinor expressed concern that Council does not have a compelling reason to deny at this point and agrees that the Planning Commission should revisit one more time.

MOTION by Vajda to table Ordinance No 2014-07 to have the Planning Commission revisit the proposed ordinance. **Motion failed for lack of a second.**

Warpula and Hammerseng stated that the Council was given a recommendation by the majority of the Planning Commission. They indicated that the ordinance should not be changed in order to benefit a small number of residents.

MOTION by Warpula to deny approval of Ordinance No 2014-07, seconded by Hammerseng. **Voting in favor was Warpula and Hammerseng. Opposed to the motion was Kauffman, Pinor and Vajda.** **MOTION** by Vajda to table Ordinance 2014-07 and send back to Planning Commission, seconded by Kauffman. **Motion carried unanimously.**

b. Res No 09-02-14-69 – Approval of Variance Request

Hagen presented a variance request to construct a deck within the wetland setback. Planning Commission recommends approval of the variance request with staff recommendations outlined in the resolution. Council asked if they were allowed to do any sodding or grading within the 30 feet. Hagen explained the variance would allow for sodding up to the drainage and utility easement. The wetland lies within the easement area so the wetland would be protected.

MOTION by Vajda to approve Res No 09-02-14-69, and seconded by Hammerseng. **Motion carried unanimously.**

c. Res No 09-02-14-68 – Approval of Preliminary Budget & Levy

Smythe presented the same preliminary budget as the last work session. She provided a handout showing estimates of tax capacity rates versus the tax levy. If the estimates provided by the assessor hold, it should result in an overall decrease to actual property rates for most households, even though the levy is increasing. However, she cautioned Council that the tax capacity rates are only estimates, and

actual rates would not be known until next year. Council expressed support for the preliminary budget and its goal of funding pavement management.

MOTION by Vajda to approve the 2015 Preliminary Budget and Levy, including the budget and levy approved by the EDA, seconded by Warpula. **Motion carried unanimously.**

d. Greenhouse Easement

Council held a conversation with Jeff Grupp who was representing the Bridges at Hanover Homeowners Association (HOA) on the easement agreement with the City. The Council and the Bridges want to come to an agreement. The City does not want to go through the eminent domain process; however, the City does need access to a parcel of land they own. The Bridges are willing to provide the easement except they want it specific to the Greenhouse project. Attorney Squires cautioned Council on agreeing to have the easement specific to the Greenhouse project. Squires' feels the City should not limit the easement because that would limit the City's ability to work with future developers if the Greenhouse project does not happen. Smythe concurred with Squires, and also stated that the additional trail extension included in the Bridges counter-offer makes the overall offer more expensive for the City, when compared with the costs of pursuing other avenues.

Council and Grupp agreed to allow the HOA to reconsider the City's offer for purchasing an easement. Council asked for a response by September 16th.

MOTION by Pinor to allow Attorney Squires to send a letter to the Bridges HOA outlining tonight's discussion and the easement agreement. Additionally, the City to continue with the eminent domain process, seconded by Hammerseng. **Motion carried unanimously.**

New Business:

a. Hall Fee Waiver Request

Council received a request for a Community Hall fee waiver for a cancer benefit. Council asked if the individuals are from Hanover. Staff was under the understanding the Hanover is central to the family members hosting the event. Council had discussed fee waivers in the past and decided to visit them on a case by case basis. One factor for consideration in waiving fees would be the benefit to the City. Some members of the Council were concerned that if fees are waived for a cancer benefit that more and more requests would come in and our hands would be tied. Warpula disagreed, pointing out that the City has not received a lot of similar requests and expressed that the fee should be waived.

MOTION by Pinor to decline to waive the fees, seconded by Kauffman. **Voting in favor of the motion was Kauffman, Pinor, Vajda and Hammerseng. Opposed to the motion was Warpula.**

b. Nancy Schmitz Performance Review

Council agrees with the review and feels Schmitz does a great job.

MOTION by Pinor to approve staff recommendation in the review, and seconded by Vajda. **Motion carried unanimously.**

Reports:

Smythe provided an overview to Council of some of the alternative options staff has been working on with Lupine Brewing. One option would be to sell a portion of the City's 10 acres on 5th Street. Smythe asked for Council's feedback on that and other options. James Anderle from Lupine Brewing was also present and he stated that they have been approved for funding based on a specific budget. They are looking for land that they can purchase and not be required to install much infrastructure. Council stated they are in favor of hearing options. They are supportive of economic development.

Justin Messner stated Beebe Lake Trail still has some final work to be done. The contractor was given a list of final tasks to complete. He also stated that we will advertise for bids on the Hennepin County Road 19 Trail sometime in October 2014.

Adjournment:

MOTION by Pinor to adjourn at 9:37 p.m., seconded by Warpula. **Motion carried unanimously.**

APPROVED BY:

Chris Kauffman, Mayor

ATTEST:

Annita Smythe, City Administrator