

**CITY OF HANOVER  
CITY COUNCIL MEETING  
SEPTEMBER 6, 2016 – OFFICIAL MINUTES**

**Call to Order/Pledge of Allegiance:**

Mayor Chris Kauffman called the regular meeting of Tuesday, September 6, 2016 to order at 7:00 p.m. Present were Mayor Chris Kauffman, Councilors John Vajda, Doug Hammerseng, and Ken Warpula. Councilor Jim Zajicek was absent. Also present were City Administrator Brian Hagen, Accountant/Deputy Clerk Elizabeth Lindrud, Public Works Supervisor Scott Vogel, and City Attorney Jay Squires. Guests present included Hennepin County Sheriff Labatt, Civil Engineer John Studer, Michael and Julie Kehn, Lyle Barthel, Stephanie Gleason, Thomas and Carrie Jones, Anthony Wychgram, Adam Lange, Dave Pinor, MaryAnn Hallstein, Clark Lee, Mary Coons, Claudia Pingree, Joe Kaul, Gerhardt Kottke, Vonnie Waters, Mark Mischke, Suzanne Heinecke, Dee Zajicek, Dave Malewicki, Abby Peterson, and Stan Kolasa.

**Approval of Agenda:**

Kauffman requested that item 6a be moved to 4a due to time constraints for John Studer. Hagen added FRA Pension request to item 7a and to adjust the items following. Kauffman added Problematic Lot discussion to item 6c.

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

**Consent Agenda:**

Hammerseng inquired how much of an increase is there to the Hennepin County Sheriff Agreement. Hagen responded it is an approximate 8% increase. Hammerseng inquired on the language related to the maximum amount the City has to pay and if that also includes hiring services for special events. Squires stated that additional events would be at an extra cost beyond the base rate.

**MOTION** by Vajda to approve the consent agenda, seconded by Hammerseng.

a. **Approve Minutes of August 16, 2016 City Council Work Session Meeting**

b. **Approve Claims as Presented:**

➤ Claims	\$ 42,191.52
➤ Payroll	\$ 8,394.64
➤ P/R taxes & Exp	\$ 3,423.20
➤ Other Claims	<u>\$ 1,522.93</u>
➤ Total Claims	<u>\$ 55,532.29</u>

c. **Res No 09-06-16-100 – 125<sup>th</sup> Anniversary Celebration Expenditures**

d. **Res No 09-06-16-101 – Approving Temporary On-Sale Liquor License**

e. **Res No 09-06-16-102 – Approving Temporary Road Closure**

f. **Res No 09-06-16-103 – Approving 2017-2018 Hennepin County Sheriff Agreement**

**Motion carried unanimously.**

**Public Works Facility Review**

Hagen stated that Council requested that John Studer come and discuss the building and site design before Council authorizes Staff to advertise for soil correction bids. Hagen explained that the challenge will be the unknown buried material, the new plan is to raise the pad and have as little export as possible to reduce costs. There will still be a joint storm water pond between the two properties. Studer explained that the City will be minimizing the cost by not exporting the material and that the unknown cost would be if hazardous materials were to be found buried on the site. Hagen stated the hope is to bid in coming weeks, start soil corrections in the fall and start construction in the spring.

## **Citizen's Forum:**

### **Michael Kehn**

Michael Kehn introduced himself as the President of the Historical Society and that he approached the City with a plan for a Veterans Memorial Grove, but was told it would not be placed on the agenda. He explained that he has members of the St. Michael American Legion with him and would like a Veterans Memorial instead of the ballfield. Kehn stated the idea came from Shasta College in Redding, California where something similar was done. The college has dedicated a grove of trees as a living memorial to the Veterans who have served. The Hanover Historical Society will donate \$1,000 towards the initial signage and park benches to support a project that would unite the community instead of a project that would divide the community and destroy the 150 year old burr oaks.

Kehn also stated that he approached the City with information from the League of Minnesota Cities on the sale and purchase of real property for parks. He explained the League of Minnesota Cities is the organization that the City and Council consult with. He further explained that a City can sell, lease or give away if it is no longer used or needed. Kehn asked when was the park land deemed no longer needed. The attorney general has determined that a City is not permitted to give or lease land for a nominal consideration to a non-profit corporation. Kehn stated that a \$1 a year fee for a 50-year lease is a nominal lease and the Hanover Athletic Association is a non-profit corporation. If the City has a comprehensive plan it cannot acquire or dispose of land without going before the Planning Commission for review, which was not done in the case of the ballfield redesign. He further stated the comprehensive plan has a future park in southeast Hanover with three ballfields with lighting. Kehn requested that Council not approve the lease agreement with the Hanover Athletic Association. He further stated he does not believe Council has the authority to go through with it.

Kauffman asked Squires to address some of the legal questions Kehn raised. Squires stated that statute that generally speaks to acquiring property for municipal purposes does not bar the City from leasing the land. He further explained that the statute stating that Planning Commission would have to review the sale and purchase of land does not pertain to the leasing of land, but even if it did Council has the authority to dispense of that requirement. Squires also explained that the lease is not for nominal consideration, even though there is the amount of \$1 in the lease agreement, because the public will still continue to have use the property. The City gets an improved ballfield and making it available for public use and imposing the maintenance requirements on another party, which results in benefits as well. Squires further stated that there is a statute that allows Cities too corporate with entities like the Hanover Athletic Association in establishing and operating recreational programs.

### **Stephanie Gleason**

Stephanie Gleason stated she is speaking in support of the trees. She explained that she is concerned that the following items have not been addressed. The safety of the children in the playground, who will pay for the safety fence, how can the City ensure the remaining oak trees will not be damaged during construction. Residents do not want the ballfield and Hanover already has seven ballfields, the new ballfield design will eliminate a field for the larger group younger players. There are multiple options that have not been discussed and there are other groups that use that free space. The City has already spent \$2,300 on the ballfield renderings. Gleason stated past Councils felt they needed to protect that area and inquired why this Council is not following the comprehensive plan for Hanover. She inquired why the City would give away a park that residents are still using and what data did Council use to determine the lease was in the best interest of the public.

**Claudia Pingree**

Claudia Pingree stated she will not talk about things that have already been brought up, because it has not done any good. She stated many people were not aware that the 10 acres across 5<sup>th</sup> street were offered to the Hanover Athletic Association. She stated she has never heard why they have turned down the land and why the ballfield was chosen to be just in the one spot in Settlers Park and not across the road.

**Joe Kaul**

Joe Kaul stated that the 125<sup>th</sup> Celebration will go slightly over the \$7,500 budget, but they are working on areas to reduce costs.

He stated he is supportive of the Veterans Memorial with or without the full oak grove, however he would prefer the oak trees to stay standing. He stated is worried that the City is setting itself up for a potential lawsuit that could cost the City a lot of money. He inquired if the City knows the full cost of the ballfield. Will there be lighting installed, a scoreboard, the cost of the safety measures for the children at the playground? He stated that in line item number 10 of the lease agreement the City will be responsible for the costs of all the improvements or any future improvements to the ballfield if the City ends the lease agreement early. He also expressed concern over the section stating that the Hanover Athletic Association will be solely responsible for administrating use of the ballfield.

**Carrie Jones**

Carrie Jones stated she is representing and supporting her husband and neighbors who have been voicing their concerns on the possibility of a future build on 520 Kadler Ave NE. Jones stated she has not been able to attend the multitude of past Council and Planning Commission meetings because as a wife with a full time career, two professional degrees, a 22-month old daughter and a baby due in December she must prioritize her time wisely and has made it a priority to be at the meeting tonight. She explained that in 2013 she and her husband looked for their first home and found one in Hanover. She said that if you look at every home in her development, not a single home is faced in an alternative direction they are all faced towards the street. Jones stated that for her it is an easy concept, front doors and garages face the street and back of the house where the decks are would face the rear of the lot. Her potential neighbors will have the back of their home 20 feet from the side of her home. She stated that every other lot upholds a very impressive standard, the same standard she wanted for herself when she moved to the development. She and her husband measured the setbacks based on the home design that was presented and the home will look like a prefab home. The idea of such construction taking place next door to her beautiful home not only makes her feel sick, but makes her wonder why the Planning Commission and City Council have not taken the same realization. She stated that if the home the neighbors are planning to build had been there when she and her husband were looking for their home, they would not have moved there. She further explained, that similar to the Sibley's she and her husband have put blood, sweat and tears into their home, making several improvements both inside and out. She stated that had she wanted to move next to an absolutely forced perpendicular home on a lot could have contained the proper home placement, she would have driven a few hours up the highway to a northern city or trailer park. She stated she would have paid half the mortgage, half the property taxes and half the utilities, but did not. Instead she paid extra so that when she looks out of her house or leaves her driveway she would not have to look at the house proposed next door. She stated that she never intended on selling her home and one day gifting it to her children. If the home that was presented to them is built, they will look move and will not stay in Hanover because of the inattentiveness to her family and her neighbor's livelihood and feelings. She requested that an ordinance on the proper placement of homes be drafted and approved.

**Suzanne Heinecke**

Suzanne Heinecke stated she had a handout with a rendering of what the potential home would look like on the lot. She stated she wanted Council to see why they are all so upset and concerned. She stated she looked for a one story building, specifically for the backside of a Rambler.

**Public Hearings:**

None

**Unfinished Business:****Res No 08-02-16-93 – Authorizing Advert. of Bid, Public Works Facility Soil Corrections**

Hagen stated that this resolution authorizes Staff to advertise for bids on the soil corrections.

**MOTION** by Warpula to approve Res No 08-02-16-93, seconded by Vajda. **Motion carried unanimously.**

**Planning Commission Recommendation of House Orientation**

Hammerseng explained that there was a lot of good discussion at the Planning Commission meeting and the Planning Commission recommended not to change the Ordinance related to perpendicular placement of a home. They cited the small number of lots currently left and not wanting to chase away potential new homeowners and builders of a future development. Hammerseng stated that the Sibley's did bring their builder with to the meeting along with renderings of the home.

Thomas Jones stated that he attended the August 16<sup>th</sup> Council meeting with concerns over home orientation, which Council requested that Planning Commission review. He stated that Michelle Armstrong told him his house would take longer to sell with a perpendicular home next door, which he also confirmed with another realtor. He stated the second realtor also stated it would reduce his home \$20,000 to \$30,000 from the appraised value. He further explained that Planning Commission decided it was too difficult to create requirements on home orientation and that City Planner Cindy Nash only did a Google search. Jones explained that he provided language from other Cities with justification why homes should face the street. He explained that the Sibley's showed the design of their home and explained that they are common in their neighborhood in Plymouth, Jones stated this is not 1980's Plymouth and they do not fit with the current homes. He further explained that he and his four closest neighbors are being asked to take a \$100,000 to \$150,000 property value loss if this home is built. He further stated that the Sibley's did share the proposed home design with them at the August 22<sup>nd</sup> Planning Commission meeting and the home is 24 feet wide and 52 feet long, single level home with only the garage facing the street. There would be no front yard, possibly a side porch, but that would require a variance and possibly a small area next to the garage for a front door. Jones stated if the Ordinance is not passed, he will measure setbacks, work with his neighbors to request an environmental assessment and oppose all variances.

Clark Lee recapped the events that led up to the Planning Commission meeting discussion for perpendicular homes. He stated that Planning Commission's recommendation could be taken to mean either of two things. The first that the City of Hanover does not care about a consistent appearance of exiting as well as future neighborhoods or the negative financial effect inconsistent orientation will predictably have on neighboring homes. The second that the orientation of a single family residence on an interior lot in a typical (non "acreage" Hanover Hills type lot) neighborhood is such a basic and foregone conclusion with the front of the living area if the house always facing the street no one would ever see the need to specifically address the issue in the zoning ordinance. Lee stated that by not recommending changes or clarification to address this issue leaves the door open to individuals, contractors, and developers to take advantage of the City.

Lee stated he also contacted Michelle Armstrong, who stated the market value of the homes would most likely be reduced. Kauffman inquired as to why Armstrong made the recommendation of no change, Lee stated he asked her and she said the City needs to address the needs of retired residents. Lee stated he agrees with Armstrong, but feels that those homes should not be in neighborhoods with young families. Lee would also like the front door of a home have more description as livable area to avoid a small appendage being built onto the side of a garage to create the front of a house. Lee asked the Council reject the recommendations of no change, take the issue back within Council itself with a public hearing and council vote, and continue the current mandate to Brian and Amy to hold any building permits that do not meet the potential new requirements being discussed.

Kauffman stated that he values Planning Commission, but would like to send this issue back for review. **MOTION** by Kauffman to have Planning Commission review the perpendicular orientation of homes, seconded by Warpula. **Motion carried unanimously.**

### **Problematic Lots**

Clark Lee stated that all lots within Hanover should be treated the same, and there should not be any designated as problematic. He explained that anyone applying for a building permit should be given the same standard information in regards to setbacks and ordinance requirements and require wetland delineations when a wetland is located on a lot. Lee stated he feels that obtaining variances from the City has been lax in the past and a realtor told him that the City has consistently been very accommodating with granting variances.

### **Ordinance 2016-06 – Amending Chpt. 10 Related to Single-Family Homes**

Hagen explained the minimum house size is 1,000 square feet for all housing types, it must be above grade, livable space, not including the garage. Hammerseng state it is all above grade, no half levels. **MOTION** by Hammerseng to approve Ordinance 2016-06, seconded by Vajda. **Motion carried unanimously.**

### **2017 Preliminary Budget – Draft 2**

Kauffman expressed an interest in having a special workshop just for the budget. Hagen explained that the goal is to keep the tax rate flat, after making some adjustments to the preliminary budget and incorporating the current tax capacity the tax rate is 52.76% tax rate, a 3.25% increase. Hagen explained those increases came from an assumed 2016 annual \$130,000 bond payment for the public works facility, an increase for an additional full time public works employee, and an increase to fire department wages. There levy increase is roughly \$170,000 from the 2016 levy. Council agreed to go over the budget at the next workshop and add a special meeting if needed. They also directed Hagen to keep the work shop agenda minimal in order to focus more time on the budget.

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

Hagen stated that the Hanover Athletic Association was fine with the usage of the field, there are adjustments to the termination and adjusted the lease term to 50 years instead of 10 years. There is a clause that if the Hanover Athletic Association dissolves then the field would do to the City. If the City chooses to terminate the lease, then the City has to take the costs for any improvements. Hammerseng stated that 50 years is a very long time and inquired if the City would have to pay the total costs back if the lease was terminated after 45 years. Squires explained they could add language to amortize the costs. Squires also explained that the City would have to approve any new improvements. Kauffman stated that the previous agreement had a one-year lease, however the Hanover Athletic Association does not trust the City. He further explained that currently the Hanover Athletic Association and Hanover Youth Ball to schedule the fields and the public still has access to them, the difference would be now the

Hanover Athletic Association would also maintain the fields. Kauffman stated Hanover Youth Ball has been asking for better maintained fields for years, however the City does not have the Staff to do it.

Joe Kaul inquired if the City will pay the costs first and then be reimbursed by the Hanover Athletic Association. Kauffman responded that no, Hanover Youth Ball and the Hanover Athletic Association will be paying the costs, the City will not. Kaul further inquired as to the cost of the tree removal, Kauffman stated that Public Works will remove the trees to ensure it has been done correctly to protect the remaining trees. Michael Kehn inquired if alcohol is allowed in City parks. Hagen responded that yes, the City has a Consume and Display permit for City Hall and Settlers Park. Residents may drink alcohol, but cannot sell it without a license.

**MOTION** by Vajda to approve Res No 08-02-16-95 with no changes, seconded by Hammerseng. **Motion carried 3 to 1.** Voting aye: Kauffman, Vajda, Hammerseng. Voting nay: Warpula. Absent: Zajicek

### **Res No 09-06-16-104 – Supporting Settlers Park Ballfield Redesign**

Kauffman explained that this resolution is similar to the one passed supporting the Ballfield Redesign for the Hanover Youth Ball. It is a resolution supporting the Settlers Park Ballfield Redesign for the Hanover Athletic Association.

**MOTION** by Vajda to approve Res No 09-06-16-104, seconded by Kauffman. **Motion carried 3 to 1.** Voting aye: Kauffman, Vajda, Hammerseng. Voting nay: Warpula. Absent: Zajicek

### **Direction on Oak Tree Removal**

Vajda stated that if the trees are sold once they are removed the funds should go back into the ballfield costs. Kauffman inquired if the Hanover Historical Society has any interest in the wood. Stephanie Gleason inquired what the cost of the oak tree removal will be for the City. Kauffman stated that public works would remove the trees. Several options were discussed by Council, Staff and the audience. Hammerseng stated that Staff should get bids on the wood and tree removal. Hammerseng also stated that the wood should be offered to a City organization, like the Hanover Historical Society, before selling to an outside buyer. Kauffman stated that if the Hanover Historical Society wants the wood, they can have it, but not if they are just planning to resell it. Michael Kehn stated that as President of the Historical Society he is not interested in Council's thirty pieces of silver. He further stated he is not speaking for the entire Hanover Historical Society, but has been the President for three years and based on the wanton actions of City Council and the Mayor he is hereby resigning his position as President Hanover Historical Society.

Hammerseng gave a recommendation that Staff get bids from companies to come and remove the trees and also requested that Joe Kaul talk with the Hanover Historical Society if there is any interest in the wood. Kauffman stated there will be a pre-construction meeting, but the trees will need to be removed before October to allow time for the grass to regrow in the renovated outfield. Stephanie Gleason inquired of the pre-construction meeting would be open to the public. Squires stated that if there is a quorum of the Council present it is public, otherwise no. Hagen stated that Council typically does not attend pre-construction meetings and inquired if Council would be present. Council stated the Hagen did not need to advertise for a quorum.

### **New Business:**

#### **Hanover FRA Pension**

Dave Pinor stated the Hanover FRA is requesting the City's approval to increase their pension amount from \$1,500 per year to \$1,575. At \$1,575 the pension fund would be funded at 107% and their goal is to keep it above 105%. Squires stated that if the pension falls below 100% then the City will be obligated to pay up to the pension amount they ratified. Kauffman requested to table the discussion until

he could review how it would affect the budget. Chief Malewicki and Hagen stated it would not affect the budget. The budget identifies a formula for an annual City contribution which Council supported last year. Warpula abstained from conversation due to membership in the Hanover FRA.

**MOTION** by Kauffman to table FRA Pension Increase, seconded by Vajda. **Motion carried.**

Voting aye: Kauffman, Vajda, Hammerseng. Abstaining: Warpula.

### **Res No 09-06-16-105 – Approving a Conditional Use Permit for an Accessory Structure**

Planning Commission approved conditional use permit for an accessory building in a side yard.

**MOTION** by Warpula to approve Res No 09-06-16-105, seconded by Hammerseng. **Motion carried unanimously.**

### **Res No 09-06-16-106 – Approving Fireworks Display**

Hagen stated that there was a request for a fireworks display on September 17, 2016 for a memorial service. Chief Malewicki has given his approval.

**MOTION** by Warpula to approve Res No 09-06-16-106, seconded by Vajda. **Motion carried unanimously.**

### **Crow River Cleanup Dumpster Cost**

Hagen explained the Wright Soil and Water Conservation District organizes a Crow River cleanup every September and in the past the City has paid for the dumpster costs. Council consensus was to pay for the dumpster.

### **Hanover Board Appointments**

Hagen stated there will be a few vacancies at the end of the year and a current vacancy on the Park Board. He explained there was an application submitted for the Park Board. Hagen requested direction on filling the vacancies and if the City should advertise. Kauffman inquired as to how many more Park Board meetings would be held this year. Lindrud stated there are three meetings left.

**MOTION** by Vajda to approve Colleen Williams to the Park Board, seconded by Hammerseng. **Motion carried unanimously.**

### **Reports**

#### **Vogel**

- Stated the water coming out of the drainage pipe on the Hennepin County side of the Bridge is washing out. Burschville Construction gave an estimate of \$20,000 to \$25,000 to repair. Warpula inquired as to who designed the drainage, Hagen stated WSB designed it and he will be reaching out to Messner.

#### **Vajda**

- Requested that Staff get three bids on irrigation for the new ballfield. Warpula inquired why the City would get bids, Vajda and Kauffman feel the estimate given to Youth Ball was high and the Vogel has better contacts. Vajda also stated that all the ballfields in Hanover are irrigated.
- The Hanover Harvest Festival had a great turnout, the food vendors were selling more than last year and the concert had more attendees. He did state that there may be a leadership change.

#### **Hagen**

- Stated he will out of the office Friday.
- Summer projects are coming to a close.

**Kauffman**

- Hanover is hosting the Wright County Mayors Association Dinner on September 21<sup>st</sup>.

**Adjournment**

**MOTION** by Vajda to adjourn at 10:20 p.m., seconded by Warpula. **Motion carried unanimously.**

APPROVED BY:

---

Chris Kauffman, Mayor

ATTEST:

---

Brian Hagen, City Administrator