

**CITY OF HANOVER  
CITY COUNCIL MEETING  
NOVEMBER 4, 2015 – OFFICIAL MINUTES**

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

Mayor Chris Kauffman called the regular meeting of Wednesday, November 4, 2015 to order at 7:00 p.m. Present were Mayor Chris Kauffman, John Vajda, Doug Hammerseng, and Jim Zajicek. Also present were City Administrator Brian Hagen, Accountant/Deputy Clerk Liz Lindrud, Public Works Supervisor Scott Vogel, City Attorney Jay Squires, City Planner Cindy Nash, and Andy Brotzler from WSB & Associates. Guests present included Scott Cole, Pierre Mros with the Foxtailers Snowmobile Club, Michelle Armstrong and Reid Rabon from Planning Commission, Tom Gleason from Park Board, Pat Athmann, Steve Hus, Leonard A Knotz, Jason Barrett, and the Hennepin County Sheriff. Councilor Ken Warpula was absent.

**Approval of Agenda:**

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

**Consent Agenda:**

Hagen added two claims; one for Assurant in the amount of \$814.05 and the other for Hennepin County Sheriff Services in the amount of \$17,333.35, bring claims to \$56,759.42 and total claims to \$67,824.08.

Pat Athmann had questions on the County 19 Trail payment and on charges from the WSB invoice. Hagen explained that County 19 Trail overpayment was due to federal funds that were over-reimbursed and that the City had to repay those funds. Hagen stated he would connect with Messner for more details on the charges in question on the WSB invoice. Mayor Kauffman also acknowledged and thanked the Athletic Association for their continued donations.

**MOTION** by Hammerseng to approve the consent agenda as amended, seconded by Zajicek. **Motion carried unanimously.**

**a. Approve Minutes of October 20, 2015 City Council Work Session Meeting**

**b. Approve Claims as Presented:**

➤ Claims	\$ 56,759.42
➤ Payroll	\$ 6,950.86
➤ P/R taxes & Exp	\$ 2,730.15
➤ Other Claims	<u>\$ 1,383.65</u>
➤ Total Claims	<u>\$ 67,824.08</u>

**c. Res No 11-04-15-72 – Approving Donation from Hanover Athletic Association**

**Motion carried unanimously.**

**Citizen's Forum:**

**Pierre Mros, President of Foxtailers Club**

Pierre Mros, President of the Foxtailers Club, updated Council on changes to the snowmobile trails due to the Historic Bridge being closed for rehabilitation. He stated that the trails are mostly the same, but will push the sleds towards Rockford on County Road 20 and the Northwest trails will push towards the Hilltop. They are also putting up "No Snowmobiling" signs near the River Inn, they will not be placing fences, as they were getting destroyed. Mros did inquire as to whether the Historic Bridge would be open this winter. Hagen informed him that the City doesn't have a specific end date, it is dependent on the shipment of the decking timbers. If the bridge is complete, the club can submit their protection plans to the City of approval. Mros stated they were looking at rubber matting the length of the bridge, Hagen stated it would also need to go the full width of the bridge to prevent damage if sleds went off to the sides. Kauffman stated the City will be in contact if the bridge will be open this winter.

### **Tom Gleason, Park Board Member**

Tom Gleason stated he had over 10 years on the Hanover Park Board and stated that in the last Park Board meeting the Board discussed their yearly events. He stated the Board starts planning events in Jan, with the Easter Egg Hunt being the first event of the year. The Board plans out their year with Reading in the Park starting in May, Concert in the Park in June, Zoo Mobile in July, and Movie in the Park in August. After Movie in the Park their work slows down, as that is their last event of the year and they work on ideas for the next year. Gleason proposed having the Park Board Chair attend the City Council meetings to give updates. Then the Park Board can decide whether to hold their monthly meeting dependent on if there are action items from Council.

### **Reid Rabon**

Reid Rabon stated he would like to speak on the Greenhouse Project. He has spoken with other cities with similar senior living projects; one in Janesville was going to reduce the size of their facility due to concerns from surrounding residents. A facility in Minnetonka requested to expand from a ten unit to eleven unit facility in 2012 and the City Council denied to citing extra garbage, traffic and emergency vehicles.

Rabon stated he lives directly across from the proposed Greenhouse project in the Bridges. He asked if Cindy could speak on PUDs later in the agenda. He also relayed that while talking with other members of the Bridges development that over the years there were a few different plans shown to people when they were purchasing their homes. He stated these plans were given by the City Staff. Kauffman stated he cannot speak on past administrations, but the current administration does a very good job at communicating the truth.

### **Nuisance Abatement Hearing – 1367 Rolling Oaks Drive**

Hagen stated that the property owners received letters from the City to re-establish turf in their lawn. There was a project done on the property's deck, driveway, and sidewalk during the summer. Once that project was completed, the lawn was not replaced. The City gave a deadline to re-establish a lawn by October 26<sup>th</sup>. This date passed and the property still does not have grass. Public Works hand delivered a notice of abatement, Staff has not heard from the property owners. Hammerseng inquired if there was a deadline to complete work on the permit, Hagen stated permits typically expire after six months, however the project does look complete, just the yard has not be re-established. Kauffman inquired if this is something that could wait until spring since its late in the season, Hagen agreed that he did not think grass would grow this late. Hagen inquired if Council would approve the City to go ahead with erosion control efforts to avoid run-off in the spring. Hagen and Vogel stated erosion control logs would be the best option, as the city would have to purchase the hay and does not have the equipment to properly knife in a silt fence. Kauffman requested that Staff wait until Monday to take any action, as he would like to attempt contact. Hammerseng inquired who would bear the costs, Hagen stated the property would be assessed for the costs. Kauffman inquired if another letter would be sent and if there are any legal issues around waiting until spring for further action. Hagen stated he will write a formal letter and send to the property owner. Squires stated they can continue until spring for the lawn re-establishment, that the City can place erosion control methods in place. He further stated per City Code, the costs can be assessed to the property owner.

**MOTION** by Hammerseng to approve continuation of the abatement until spring, seconded by Vajda.  
**Motion carried unanimously.**

### **Public Hearings**

None

### **Unfinished Business:**

#### **Res No 11-04-15-73 – Approving WSB Proposal for PID 108-500-363226 Lot Split**

Hagen stated the original proposal was denied due to a doubling up of responsibilities with the City Attorney. Squires' office would write up the language needed for the purchase agreement while WSB will carry out the

work needed in determining legal descriptions. The old proposal was \$4,200, the new proposal is \$3,000. Hagen stated that in conversation with Messner, staking is not legally required in a lot split. Nash further clarified that the buyer will need to provide their own survey and grading plan for approval during the building permit process.

**MOTION** by Vajda to approve Res No 11-04-15-73, seconded by Hammerseng. **Motion carried unanimously.**

#### **Res No 11-04-15-74 – Approving 2015-2017 Financial Audit Engagement Letter**

Hagen stated that in the workshop session council was happy with KDV for the yearly audit services. Hagen requested KDV to write up an engagement letter. The question before council is whether they would like a one year or three year engagement with KDV. Hagen found other Cities had good experiences with KDV and their references also were reflective of those statements. Their fees increase to \$20,900 per year for a total of \$62,700 for all three years of service; the fees are billed and paid out on a yearly basis, not an upfront basis. Kauffman stated he feels that KDV does a good job as well.

**MOTION** by Vajda to approve Res No 11-04-15-74, seconded by Kauffman. **Motion carried unanimously.**

#### **FRA Audit Engagement Letter**

Hagen stated he also has an engagement letter form KDV for the audit services they provide to the FRA. The fee varies; it is not a set yearly rate, but an hourly rate. Historically it has ranged from \$4,000-\$6,500. He stated he has not heard back from Dave Pinor with any feedback on whether the Hanover FRA would like to send out a RFP, or if they will accept the three year engagement.

#### **Park Board Survey**

Council inquired if this was the final survey, Zajicek stated no, it was still a draft form. Hammerseng stated to shorten it and make more multiple choice questions. Vajda stated he did like that there were questions that were open ended to solicit some ideas from the residents.

#### **New Business:**

##### **Res No 11-04-15-75 – Approve Rezoning of Property to Amend an Existing PUD**

Nash stated that on the property that the City currently owns a plan for a 24 unit memory care facility is proposed. When the Bridges of Hanover was developed a 75 unit senior living facility was proposed, but was never constructed. The amendment of the PUD would be a decrease from a 75 unit building to a 24 unit building and lock in the current approved site plan. Nash stated the 4 additional conditions brought forth by residents at the Planning Commission meeting were also included in the agenda packet.

Kauffman requested that Nash give a history of the PUD. Nash stated that a PUD is a Planned Unit Development, and that it is a way to master plan a development. They can be used to include different home types and mix residential and commercial use. They can also be used to preserve natural and open spaces within developments as well. The PUD then locks this plan in place so someone cannot come in later and change how the development is laid out.

Kauffman inquired why the change from a 12 unit facility to a 24 unit facility, which had also been discussed in the past. Scott Cole stated that it is not economically feasible to run a 12 unit facility. That the minimum size needed to provide proper care is a one building 24 unit facility. Cole further explained the proposal on the EDA website was before his time, and the website cannot be updated until the site plan is approved. Kauffman stated that a 24 unit building would have less traffic than the original 75 unit building, so that aspect is better for the residents in the Bridges. There were further inquiries on the quality and testing of the soil. Cole stated that he could not afford the excavation costs on the hill on the property, since he only has 24 units to spread the costs over. He added to build a 75 unit building and still be within the height restrictions would also be very difficult.

Zajicek stated that the proposed building would fit into the height restrictions and fits in with the homes in the Bridges. He stated that he also did some researching and talked to five different facilities and the City of Minnetonka as well. He found that for a 24 unit facility, 22 parking spots is more than suitable. Cole mentioned that overflow parking would be within the private drive, not on City streets. Zajicek stated many families do not visit on holidays, but that families would pick their relatives up and bring them to their home. Zajicek also stated he found that there was no effect on home values.

When asked to provide information on how many incidences involving ambulances occur, Cole stated that since April his Mankato facility only had three. He stated they are usually an end of life event, there are highly skilled medical personal on site in the facility. Kauffman inquired on the protocol when an ambulance is called to the facility. Cole stated the City of Mankato determines whether sirens and lights are used or not. Vajda stated that usually once an ambulance enters a neighborhood they leave the lights on but turn the sirens off. Cole also stated that if a resident passes away, they do not have them picked up until after midnight so that the other neighborhood residents don't see that process. Vajda stated that his neighborhood seems to have a firetruck or ambulance come through every month for a variety of reasons.

**MOTION** by Hammerseng to approve Res No 11-04-15-75, seconded by Zajicek. **Motion carried unanimously.**

#### **Res No 11-04-15-76 – Approving a CUP/Site Plan for a Project Known as The Green House**

Kauffman stated there is concern around the set back from the road. Nash determined that the plans do meet the ordinance; the corner is approximately 51 feet from the curb. Kauffman further inquired about adjusting the placement of the driveway. Cole stated it would best to leave it where it is, he will line the drive with ten 8ft tall black hills spruce trees to block headlights as vehicles leave the facility. Cole further explained that changing the driveway to go straight out from the parking lot would then have vehicles lights shining directly into the homes across the street as they leave. Kauffman and Hammerseng also agreed that the current driveway also provides more area for overflow parking.

Reid Rabon inquired about the grassy field on the plans. Cole stated there are no future building expansions, but the drainage ponds do need to be added. Cole further stated plans to add trees to make an open green space that other residents within the Bridges can also use. Nash stated that the landscape plans will still be coming through Planning Commission for approval, per the wording of the resolution.

Inquiries on adding brick or stone to the outside of the building were brought up. Nash stated that the facility is not part of the Bridges Home Owners Association, so they do not need to meet those requirements. Nash further stated that the covenants provided did not state the stone/brick requirements, but if the HOA would be able to provide the requirements Cole has agreed look at them. Nash stated that without that document stating the specific requirements; it is difficult to add it to the resolution as it is not enforceable and is ambiguous. Squires stated that to move forward the City will need to be satisfied with the hardboard and trust that Staff will look into and evaluate requirements of the HOA. Kauffman inquired if Cole was willing to work with Staff, Cole stated he was, but he does want to see the requirements of the HOA before committing to adding brick/stone.

**MOTION** by Hammerseng to approve Res No 11-04-15-76 with the added stipulation that Cole work with Staff to review the HOA covenants, seconded by Zajicek. **Motion carried unanimously.**

#### **Litigation Settlement**

Hagen gave the history of the events leading up to the litigation settlement with a resident. The resident was on his motorcycle on Ginseng Lane and had an accident near a patch of road that had recently had ditch work done. A claim was submitted to the LMC insurance and the LMC deemed the City not at fault. Hagen then received notice that the City is being brought to conciliation court. Hagen stated if City goes to court and

loses they will have to pay out \$1,595 plus a \$70 filing fee. If the matter is settled out of court the City will need to pay \$1,525.00.

Squires stated the City can also take the case to district court. He further stated from a policy standpoint he didn't feel the City should settle out of court and that Hagen should go to conciliation court. Squires stated to be found at fault the City would have to have knowledge that there was a hazard on the road; that was not this case in this instance, nor was the amount of gravel remaining on the road considered excessive. Council agreed and gave direction to Staff to go to the court date.

#### **Res No 11-04-15-77 – Approving the purchase of Card Access System on City Hall Doors**

Hagen stated in the past keys to the public works area were being copied, at that time the public works area was rekeyed and only select people were given new keys. There is reason to believe the new keys are also being copied and Staff has safety concerns that people who should not be in the public works area are back there after hours. To rekey using a fob system would be \$5,184. These keys would not be given out to the general public. They would be assigned to specific individuals and would be programmed only to work on certain days and times. Council members would have a master key without day/time restrictions. Vogel added this would also track who is using the keys and when.

**MOTION** by Vajda to approve Res No 11-04-15-77, seconded by Hammerseng. **Motion carried unanimously.**

#### **Stop Sign Request at Intersection of 109<sup>th</sup> and Settlers Lane North**

Hagen stated a stop sign was requested at the intersection of 109<sup>th</sup> and Settlers Lane North. Reid Rabon stated that if you take a left you aren't able to see anyone coming out of the cul-de-sac and are making a blind left turn. He further stated that there used to be a stop sign there around 7 years ago that someone removed.

**MOTION** by Vajda to approve putting a stop sign at the intersection of 109<sup>th</sup> and Settlers Lane North, seconded by Hammerseng. **Motion carried unanimously.**

#### **2015 3<sup>rd</sup> Quarter Budget Review**

Lindrud presented the 2015 3<sup>rd</sup> Quarter Budget Reports. Lindrud noted that the insurance was showing over budget as it was paid in June 2015, however the coverage is split between 2015 and 2016 and half of the expense will be moved to a prepaid account for 2016 at year end. The other expenditure that is over budget was the damage deposits for the hall and shelter rentals. Lindrud explained that these are offset in revenues when they are collected. The overall budget expenditures are at 66.92% of the budgeted amount for the year. Lindrud stated the Water and Sewer Funds variances are due to the decrease in new homes built 2015 vs. 2014 which then reduced the amount of WAC and SAC fees in 2015.

#### **Reports**

Vogel

- Vogel and Doboszenski have the snowplows ready for the winter.
- The cement pad for the Lion Head has been installed and will be ready when the Lion Head is delivered in the spring.
- The work related to the fire station repairs is now complete.
- The street sweepers will be through next week for a final cleaning.
- The Historical Bridge project is going well, the tuck pointing is complete and they are waiting on the timber shipment. Hagen stated the wood was supposed to arrive at beginning of November, but with the rain it has been hard to get the timbers out of the forest.

Zajicek

- Hanover Youth Ball came to speak the Park Board meeting about field maintenance.
- The Park Board will revise the survey to the residents.

Hammerseng

- The Green House plan took up most of the Planning Commission meeting, the stop sign at 109<sup>th</sup> and Settlers was also brought up during that meeting.

Hagen

- Stated he will be going to conciliation court with the claims adjuster in regards to the motorcycle accident previously discussed.
- Upcoming meetings are very full and would like to set a special meeting to discuss topics related to the fire department including having City Staff on the department and change in officer selection.
- Rhino Auto has ongoing issues with the number of vehicles stored outside the facility. A letter is sent every year and they are cleaned up before Harvest Festival. There are usually 8-10 vehicles outside. Should staff continue to send reminders or move to the next level and revisit the Rhino Auto's CUP.
  - Council directed Staff to send a letter that the next step is revisiting the CUP.
- Hagen stated he will be leaving Thursday night and will return the following Thursday, he added that Vogel will be out next week and Doboszenski will be out this Friday. He also reminded Council that City Hall will be closed on Wednesday for Veterans Day.

Lindrud

- Stated that the first ACH payment batch will be sent tomorrow.
- Lindrud stated that she assisted in the opening and closing of the polls in yesterday's school board election. The ballot counter did have problems reading ballots, so it will have to be looked at prior to the 2016 general election.

Kauffman

- Kauffman, Vogel, and Hagen met with a developer, Grady Kinghorn, for in regards to the public works building. Kauffman said it was a great presentation and that Kinghorn will be coming to the next work session meeting to present to Council.

**Adjournment:**

**MOTION** by Vajda to adjourn at 9:30 pm, seconded by Hammerseng. **Motion carried unanimously.**

APPROVED BY:

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Chris Kauffman, Mayor

ATTEST:

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Brian Hagen, City Administrator