

**CHANHASSEN CITY COUNCIL
REGULAR MEETING
MINUTES
MAY 10, 2021**

Mayor Ryan called the meeting to order at 7:00 p.m. The meeting was opened with the Pledge to the Flag.

MEMBERS PRESENT: Mayor Ryan, Councilwoman Rehm, Councilman Campion, Councilwoman Schubert, and Councilman McDonald

Councilwoman Rehm and Councilman McDonald joined via Zoom.

COUNCIL MEMBERS ABSENT: None.

STAFF PRESENT: Laurie Hokkanen, City Manager, Charlie Howley, Public Works Director/City Engineer, Jerry Ruegemer, Park and Recreation Director, Kate Aanenson, Community Development Director, Jake Foster, Assistant City Manager, Charlie Burke, Public Works Operations Manager, Brett Martinson, Sewer/Water Operations Foreman, Mike Wegner, Water Production Operator, Rob Heinen, Park Operator, Gary Berg, Park Maintenance Foreman, and Adam Beers, Park Superintendent

PUBLIC PRESENT:

Barb Hone	2892 Fairway Drive, Chaska
Todd Degler	9111 Audubon Road, Chanhassen
Brian Grogan	Legal representative
Judy Poitevent	2300 Melody Hill, Chanhassen

Mayor Ryan asked the City Council if there were any modifications or additions to the agenda. After the roll call vote there were no changes to the published agenda.

PUBLIC ANNOUNCEMENTS:
NATIONAL PUBLIC WORKS WEEK PROCLAMATION

Mayor Ryan read a proclamation recognizing the week of May 16-22 as National Public Works Week.

Charlie Burke, Public Works Operations Manager, Brett Martinson, Sewer/Water Operations Foreman, Mike Wegner, Water Production Operator, Rob Heinen, Park Operator, Gary Berg, Park Maintenance Foreman, and Adam Beers, Park Superintendent, were introduced as representatives of the Public Works and Park Maintenance departments.

CONSENT AGENDA: Councilman McDonald moved, Councilman Campion seconded that the City Council approve the following consent agenda items pursuant to the City Manager's recommendations:

1. Approve City Council Minutes dated April 26, 2021
2. Receive Park & Recreation Commission Minutes dated March 23, 2021
3. Approve Claims Paid 05-10-2021
4. Appointments to the Economic Development Commission
5. **Ordinance 668:** Approve Amending Chapter 20 of City Code Concerning Golf Driving Ranges
6. Approve Final Plat, Plans, and Specifications and Development Contract for Deer Haven Subdivision
7. Approve Temporary On-Sale Liquor License, July 3 & 4, The Rotary Club of Chanhassen
8. **Resolution 2021-19:** Approve Application of the Chanhassen American Legion to Conduct Lawful Gambling at Chanhassen Brewing Company
9. Approve Grant of Permanent Easement for Drainage and Utility Purposes at The Bluffs at Lake Lucy - Lot 3 Block 1
10. Receive Community Development 2020 Year-End Review and 2021 Work Program
11. Receive 2020 Park and Recreation Department Annual Report
12. Award Low Quote, Pheasant Hills Park and Carver Beach Park Concrete Border and Lake Susan Basketball Court Improvements
13. Approve Purchase, Park Equipment Replacement Schedule for Pheasant Hills Park and Carver Beach Park
14. Authorize Procurement of Facilities Study
15. Award Low Quote, 2021 4th of July Tents, Tables & Chairs

All voted in favor and the motion carried unanimously with a vote of 5 to 0.

VISITOR PRESENTATIONS.

PURPLE REIGNS - PAINT THE COUNTY PURPLE: BARB HONE

Barb Hone, 2892 Fairway Drive, Chaska, presented information on a project to use the color purple in the month of June 2021. She encouraged Chanhassen residents to find ways to “paint” Carver County purple and share photos using the hashtag #purplereigns2021. There will be a celebration on June 17, 2021.

Mayor Ryan added that the City would find a way to display purple in the City.

TODD DEGLER CITIZEN ACTION REQUEST

Todd Degler, 9111 Audubon Road, Chanhassen, presented information on activities held at the Degler Farm. In the past, the farm has held a corn maze and hayrides and would like to increase the amount of educational and entertainment activities they provide to visitors. He requested an interim use permit as well as a definition of “agritourism” be added to the City Code.

Community Development Director Aanenson stated staff will work on the interim use permit which would address access, site lines, and property facilities. The request would have a public hearing and then return to the council. She added that staff would also look into adding the “agritourism” term to the City Code including defining zoning and appropriate acreage.

OLD BUSINESS. None.

PUBLIC HEARING.

APPROVAL OF ON-SALE BEER & WINE LICENSE FOR COLVIN GOLF, LLC, DBA GOLF ZONE, 825 FLYING CLOUD DRIVE

Community Development Director Aanenson reviewed the request by Golf Zone to approve an on-sale beer and wine license due to the limits of obtaining 3.2 beer. The zoning district was amended to allow this type of sale and a background check was completed on the business.

City Manager Hokkanen stated that residents who were interested in commenting at a Public Hearing could register to speak remotely over Zoom but that the phone number had been discontinued.

Mayor Ryan opened the public hearing. There being no public comment, Mayor Ryan closed the public hearing, and returned the matter to the City Council for questions, comments, or a motion.

Councilwoman Schubert moved, Councilman Campion seconded to approve the request for an on-sale beer and wine license from Colvin Golf, LLC, dba Golf Zone, contingent upon the City Council adopting a city code amendment allowing the sale of beer and wine

within golf driving ranges. All voted in favor and the motion carried unanimously with a vote of 5 to 0.

RESOLUTION 2021-20: INTENT TO ENTER INTO METRONET FRANCHISE

Assistant City Manager Foster introduced Brian Grogan, legal representation, who joined via Zoom.

Mr. Grogan gave an overview of the process for considering the qualifications of CMN-RUS, Inc. dba MetroNet. The Council is not considering the award of a franchise at this meeting.

MetroNet is building a separate fiber optic system in competition to Mediacom.

The federal cable act states that the franchising authority, which is the City of Chanhassen, has the authority to award one or more franchises but cannot award an exclusive franchise nor refuse to award a competitive franchise.

If Mediacom feels that the City has given MetroNet more favorable terms, Mediacom can ask to enter into the same terms as to not present an unlevel field.

Mr. Grogan reviewed that the City has published a Notice for Intent to Franchise in the newspaper twice and sent a notice to Mediacom and MetroNet. They have also prepared an official application and set a time frame of April 1 to April 8, 2021. The deadline for receiving applications was April 21, 2021 and MetroNet was the only applicant. The Public Hearing was set for May 10, 2021.

MetroNet, with their parent company MetroNet Holdings LLC, is based in Indiana. They currently hold a franchise in Rochester, MN, are licensed to do business in Minnesota, and are in good standing with the Minnesota Secretary of State. They will provide cable, internet (broadband), and telephone with a proposed fiber to the premises system. While there are no objective standards to define “financially qualified”, Mr. Grogan has found no basis to deny that they lack the finances to provide cable services.

Staff will come to the Council with a robust cable franchise for the Council to review and consider award of franchise at a future meeting.

Mediacom sent an email around 5:00 p.m. on May 10, 2021 stating they have concerns with the completeness of MetroNet’s application. Mr. Grogan feels that the issues were adequately covered in the application but they will be more directly addressed at a future meeting. Mediacom will be provided an advanced copy of the franchise agreement for their input.

Councilman McDonald asked for information on the services that MetroNet is proposing to offer.

Mr. Grogan stated the purpose of the application is to seek a cable television franchise. MetroNet is focused on providing broadband. The City of Chanhassen does not have authority to issue a broadband franchise through a fiber optic system; therefore, the regulatory path is to obtain a cable franchise. MetroNet has made it clear they are competing for broadband residential and commercial customers.

Mayor Ryan added that the Council had not yet read the email from Mediacom as they were in Council work session when it was sent. The email will be included in the packet.

Mayor Ryan opened the public hearing. There being no public comment, Mayor Ryan closed the public hearing, and returned the matter to the City Council for questions, comments, or a motion.

Resolution #2021-20: Councilman Campion moved, Councilman McDonald seconded that the City Council adopts a resolution affirming that MetroNet (CMN) possesses the requisite legal, technical and financial qualifications to operate a cable communications system within the City. All voted in favor and the motion carried unanimously with a vote of 5 to 0.

RESOLUTION 2021-21: CONSIDER A REQUEST FOR APPROVAL OF A METES AND BOUNDS SUBDIVISION AT 2300 MELODY HILL

Community Development Director Aanenson reviewed the request to create two lots from one lot at 2300 Melody Hill, Chanhassen. The subdivision meets metes and bounds ordinance standards. Both lots will be in excess of the 15,000 square feet lot standards and a limited number of trees will be removed.

Judy Poitevent, 2300 Melody Hill, Chanhassen, was in attendance as the applicant.

Ms. Aanenson stated the City received phone calls from the neighbors but they had no concerns.

Mayor Ryan opened the public hearing. There being no public comment, Mayor Ryan closed the public hearing, and returned the matter to the City Council for questions, comments, or a motion.

Resolution #2021-21: Councilwoman Schubert moved, Councilman Campion seconded that the City Council adopts a resolution approving a Metes and Bounds subdivision creating two single-family lots subject to the conditions of approval and adopts the Findings of Fact and Decision. All voted in favor and the motion carried unanimously with a vote of 5 to 0.

NEW BUSINESS. None.

COUNCIL PRESENTATIONS. None.

ADMINISTRATIVE PRESENTATIONS. None.

CORRESPONDENCE DISCUSSION.
HOPE HOUSE STATISTICS

Mayor Ryan stated that representatives from Hope House are planning on attending a future Council meeting.

Councilwoman Schubert moved, Councilman McDonald seconded to adjourn the meeting. All voted in favor and the motion carried unanimously with a vote of 5 to 0. The City Council meeting was adjourned at 8:00 p.m.

Submitted by Laurie Hokkanen
City Manager

Prepared by Kim Meuwissen