

THE REGULAR MEETING OF THE PLANNING COMMISSION BOARD HELD ON NOVEMBER 15, 2010, AT 7:00 P.M., AT THE CITY HALL COUNCIL CHAMBERS

The meeting was called to order at 7:00 P.M., by Dave Thompson. Members present were Ben Hanson, Jack Edmonds, Lee Steinbrecher, Jim Kusler (Princeton Twsp.). Staff present were Mike Nielson (WSB City Engineer), Jay Blake, and Mary Lou DeWitt.

APPROVAL OF MINUTES OF THE REGULAR MEETING ON OCTOBER 26, 2010

HANSON MOVED, SECOND BY STEINBRECHER TO APPROVE THE MINUTES OF THE REGULAR MEETING ON OCTOBER 26, 2010. UPON THE VOTE, THERE WERE 4 AYES, 0 NAYS. MOTION CARRIED.

PUBLIC HEARING:

A. #08-10 Conditional Use Permit for Fill Material in Floodway in Riverside Park

The Princeton Area Visionary Committee would like to construct an Amphitheater/Band Shell in Riverside Park. In doing so, well no. 5 would have to be abandoned and that is owned by Princeton Public Utilities. A Conditional Use Permit is required to allow the placing of fill material within the floodway in accordance with the City of Princeton's Zoning Ordinance under Chapter VIII, Floodplain Management.

Mike Nielson, WSB City Engineer, was present and gave a brief synopsis of what he stated in his memo in regards to the Princeton Area Visionary Committee's request for the Conditional Use Permit for the Amphitheater project. The proposed Band Shell or Amphitheater site would be located in the floodplain along Rum River in Riverside Park. The project will need permits to abandon well no. 5 located adjacent to the proposed amphitheater site. Well no. 5 is approximately 150 feet deep with 110 feet of 12 inch diameter casing and 40 feet of screen. It draws water from the surficial aquifer. Well sealing and abandonment will involve pulling the well pump and filling the screen and casing with neat cement grout per Minnesota Department of Health (MDH) Well Code. An abandonment permit is not required from the MDH. WSB understands that the fill around the well is to be removed and used elsewhere. There is little point in grouting that portion of the well casing above proposed final grade because the casing will be off at the final grade line.

The Public Utilities current Minnesota Department of Natural Resources Water Appropriation Permit lists well no. 5 as an active well. When the well is abandoned, the current permit has to be modified to delete the well. In a conversation with Jay Frischman of the MnDNR, WSB learned that their current policy is to require that two monitoring wells be installed in conjunction with an appropriation permit modification. One of the monitoring wells is to be installed inside the well field and one of the wells is to be installed outside of the well field. The Public Utilities has a monitoring well at well no. 8, Mr. Frischman should be contacted to determine if that well can be counted against the requirement of two monitoring wells. If it can, only one monitoring well should have to be installed.

The Public Utilities is completing the Wellhead Protection Plan required by the MDH. The second draft of the WHP was recently submitted for approval. The WHP includes well no. 5. If well no. 5 is sealed and abandoned, at a minimum, the text and graphics referencing well no. 5 should be revised. The MDH may require additional modeling to define the Drinking Water Supply Management Area, and the one year and ten year capture zones without well no. 5. The Public Utilities consultant working on the WHP should contact the MDH to determine what they will require in the WHP related to the sealing and abandonment of well no. 5. The consultant should provide the Public Utilities with a cost estimate to make the required changes. Because another consultant is working on the WHP, WSB cannot provide a cost estimate to revise it.

Nielson said the fill material would be taken from the well area and placed in the band shell area. There are still a lot of steps to be done before this could be accomplished. Besides the permits that need to be acquired, there are funds that need to be raised. The grading would cost approximately \$100,000 for this design. The rows of seating would be in limestone block. The design would have a stone treated walkway around the outside of the seating areas and grass outside the band shelter area.

Steve Dolin, Princeton Visionary Committee, was present and asked why they need a monitoring well for the abandon well. That well has not pumped much water.

Dave Thompson, who is also the Manager of Princeton Public Utilities, said they have to apply for a new Appropriation Permit. They can pump from well no. 5 if they need to. Well no. 6 has been capped and well no. 5 is listed as an emergency well. Thompson is in favor of the band shell, but has to make sure that abandonment of well no. 5 will not cost the Princeton Public Utilities any money.

Nielson agreed that the Visionary Committee would need to pay for any cost to seal well no. 5. They would have to move ahead with this project very carefully and make sure all necessary steps are taken.

Carol Ossell, Visionary Committee, asked if the Public Utilities will need another Appropriation Permit if well no. 5 is abandoned.

Thompson said yes, and there is a fee. The MN Health Department issues the permit to abandon the well. The Princeton Public Utilities is completing the Wellhead Protection Plan required by MN Department of Health. This does include well no. 5. If well no. 5 is taken off this will have to be revised for approval.

Dick Dobson, was present and asked if this Conditional Use Permit is just on placing fill material within the floodway. If so, and this item were approved tonight then down the road if the well can not be abandoned, then WSB Engineering would look for an alternate step.

Nielson said yes. This Conditional Use Permit is to only authorize fill material within the floodway contingent that approval is given from all other necessary MN Departments.

Edmonds asked if all the steps are met and the band shell is built, where would the parking be.

Blake said there would be some on the site and in the mall area. In long term there could be other possibilities such as the camp ground site. The river is a nice attraction to the City of Princeton.

STEINBRECHER MOVED, SECOND BY HANSON TO CLOSE THE PUBLIC HEARING. UPON THE VOTE, THERE WERE 4 AYES, 0 NAYS. MOTION CARRIED.

HANSON MOVED, SECOND BY STEINBRECHER TO APPROVE ITEM #07-11 CONDITIONAL USE PERMIT FOR FILL MATERIAL IN THE FLOODWAY IN RIVERSIDE PARK WITH THE CONTINGENCY THAT ALL NECESSARY PERMITS AND APPROVALS BE OBTAINED AND CRITERIA IN THE FLOODWAY DISTRICT BE ACQUIRED. UPON THE VOTE, THERE WERE 3 AYES, 0 NAYS. MOTION CARRIED. (Thompson abstained from the vote since he is the Manager of Princeton Public Utilities.)

OLD BUSINESS: None

NEW BUSINESS:

A. Discharge of Firearms Zone Draft Ordinance

At the October 26, 2010, Planning Commission meeting, Blake told the Planning Commission Board that the City has been served with a notice of detachment from the City. This parcel of land is approximately six acres. One of the issues the property owner has is not being able to hunt on his land that remains rural. The City does not allow fire arms in the City limits. Blake would like to adopt a Discharge of Fire Arms Zone in the City of Princeton like that of the City of Ham Lake where they allow fire arms in larger tracks of land. The Planning Commission Board agreed to review an Ordinance amendment the City Attorney would draft regarding discharge of firearms.

The Planning Commission was given the draft ordinance along with a map DeWitt provided showing the large area of land this amendment would pertain to in the City limits. The amendment outlines three areas that firearms may be discharged in the following locations within the City;

1. On any approved firearms range or other location approved by the City Council for a special hunting program operating under a permit issued by the City Council.

2. Within any county or regional park while participating under a permit or license in a special hunting program established by the county board.
3. In any area the City determines on the map which is attached hereto and made a part hereof as if fully set out herein.

Blake said this ordinance amendment would not require a public hearing for the City Council. The areas where it only states shotgun could be amended to where rifle is added in also.

The Planning Commission Board agreed that the range of a rifle can travel much further and would not like rifles allowed.

Steinbrecher questioned if adding the Discharge of Firearms Zone would mix with future development.

Blake said it could be modified as the community changed.

Hanson commented that Maple Groves ordinance should be looked at. Hanson would like to see added in this ordinance amendment that once the land is platted the Discharge of Firearms District is removed. Also once a building is up there can not be any hunting 500 feet from the building.

Blake Broding, Princeton Park Board Member, was present and commented that it should be limited to slug only and bird shot.

Dick Dobson, City Council, was present and he believes target practicing with a pistol should be allowed.

Hanson asked how many properties that would qualify for this district that handguns could be an issue.

Blake said two.

Hanson said there are two properties just west of Hwy. #169 that he would not like to see being able to use a handgun.

Steinbrecher is concerned that if we start putting restrictions on what you can use or where, that would take the rights away from the property owners.

Blake said he would add the suggestions of once the land is platted this district would be removed, and the City Council would review the map periodically and can decide to expand or reduce the area, and shot guns, bow and arrow only could be used. He will ask the Police Chiefs comments and bring this back to the December 20, 2010, Planning Commission meeting.

Hanson asked Staff to contact the properties owners that would be in this proposed Discharge of Firearms Zone on what they would like to use for guns.

Steinbrecher also suggested Staff check into the park area behind his shop in Mapleview Development and see if hunting should be allowed for certain times because of the amount of deer in that area.

Blake will bring back answers to those items at the next Planning Commission meeting.

COMMUNICATION AND REPORTS:

A. Verbal Report

The EDA Board on Thursday, November 18, 2010, will be reviewing the three West Branch Development proposals that had been presented at their October 21, 2010, meeting. Ciara Schlichting, Rum River Recreation and Resources Board, will be giving a brief presentation at the EDA Board meeting and also the City Council that night. The Planning Commission Board is welcome to attend. Sterling Pointe Development will be closing this week on Wednesday with the Dunkley's on the land across from Fairview Northland Hospital.

B. October Building Permit Report

The Planning Commission Board had no comments.

C. City Council Minutes for October, 2010

The Planning Commission Board had no comments.

STEINBRECHER MOVED, SECOND BY HANSON TO ADJOURN THE MEETING. UPON THE VOTE, THERE WERE 4 AYES, 0 NAYS. MOTION CARRIED. THE MEETING ADJOURNED AT 8:13 P.M.

ATTEST:

Dave Thompson, Chairperson

Mary Lou DeWitt, Comm. Dev. Assistant