

**MINUTES OF A REGULAR MEETING OF THE PRINCETON CITY COUNCIL HELD ON  
FEBRUARY 23, 2012, 7:00 P.M. IN THE CITY HALL COUNCIL CHAMBERS**

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Mayor Jeremy Riddle called the meeting to order and led the Pledge of Allegiance to the Flag. Council members present were Victoria Hallin, Dick Dobson, Thom Walker and Paul Whitcomb. Staff present was Administrator Mark Karnowski, Finance Director Steve Jackson, Community Developer Carie Fuhrman, Public Works Director Bob Gerold, Liquor Store Manager Nancy Campbell, Police Chief Brian Payne and City Clerk Katie Hunter. Also present: City Attorney Dick Schieffer.

**ADDITIONS/DELETIONS TO THE AGENDA**

The Council agreed to delete the item of Voluntary Fire Department Personnel Termination, under Consent Agenda.

Under Ordinances and Resolutions, Item 9. Resolution 12-14 Amending Rivertown Crossing Second Addition Developer's Agreement was also deleted.

Added to the agenda were the following matters:

**9. Ordinances and Resolutions**

- E. Rezoning from R-2 to R-3 at 701 5<sup>th</sup> Ave N – *Resolution 12-13*

**10. Unfinished Business**

- B. USDP Wastewater Permit

**11. New Business**

- A. DPS/PD Joint Powers Agreement Amendment – *Resolution 12-15*
- B. MN Department of Health Grant (Industrial Stormwater Study)
- C. Copier Purchase

**CONSIDERATION OF REGULAR MEETING MINUTES OF FEBRUARY 9, 2012**

WHITCOMB MOVED TO APPROVE THE REGULAR MEETING MINUTES OF FEBRUARY 9, 2012 AS WRITTEN. HALLIN SECONDED THE MOTION. CARRIED UNANIMOUSLY (5 AYES, 0 NAYS).

**CONSENT AGENDA**

There were no items on the Consent Agenda.

**OPEN FORUM**

Charles Nagle – Baldwin, MN

Nagle said that a letter was sent back in response to Princeton regarding orderly annexation from Baldwin Township.

Nagle stated that he believes nothing is more important than to come to an agreement on this issue. Although Nagle said he cannot speak for the media, he can speak for the other residents of Baldwin that this is of great importance. If the Council feels it would be a more cordial or more productive meeting to not have residents present, Nagle could work with that request. Either way, the discussions should be resumed, for whatever value may come of it.

## **PUBLIC HEARINGS**

There were no Public Hearings.

## **REPORTS OF OFFICERS, BOARDS, AND COMMITTEES**

### **A. Princeton Area Visionary Committee Minutes**

The above minutes were reviewed by City Council with no comment or action.

## **PETITIONS, REQUESTS, AND COMMUNICATIONS**

### **A. MN Hooved Animal Rescue Foundation Request for Civic Center**

Karnowski explained that the Civic Center is not going to be used this year, with direction from the City Council at an earlier meeting this year. With the advice of the Mayor, the Foundation was contacted and told that they would have to bring in a port-a-potty and that no electricity would be available for air conditioning.

In the past, the Rescue Foundation has paid a \$125.00 fee to rent the Civic Center for seven days, this year the request being June 12-18, 2012. This is a reduced rate. The Rescue is also requesting to be allowed storage space for the items prior to the sale.

Whitcomb asked if Gerold had any other concerns other than what was mentioned with renovation going on. Gerold said that if the City does decide to go ahead with renovation sooner than later, the stored items could be an encumbrance. Also, where they are suggesting storing the items, in the sunroom, is not secure. It is a concern that if someone breaks in, the city would not be liable for the damaged or stolen items.

Walker suggested storing inside of the building instead of the sunroom. Gerold said it makes no difference, if it becomes public information, the items could be perceived as valued items and more drawn to take.

Hallin mentioned that the items were used and all donated to begin with. Karnowski said staff could just make sure the foundation is aware of the situation.

Dobson would like to see something in writing where they're informed of the risks and that the Foundation can sign so we are all on the same page. Karnowski said that could be done.

Whitcomb asked if the building was ADA compliant at this point. Gerold said there are no steps going into the building, but the restrooms are most likely not ADA compliant. Whitcomb said if port-a-potties are a requirement to have available, they should have to be handicapped accessible.

HALLIN MOTIONED TO APPROVE THE MINNESOTA HOOVED ANIMAL RESCUE FOUNDATION TO USE THE PRINCETON CIVIC CENTER FROM JUNE 12-18, 2012 WITH A REDUCED RATE OF \$125 WITH THE ABILITY TO STORE THINGS AT THE FACILITY CONTINGENT UPON A WRITTEN COMMUNICATION AND HANDICAP ACCESSIBLE PORT-A-POTTY. WALKER SECONDED THE MOTION. CARRIED UNANIMOUSLY (5 AYES, 0 NAYS).

WALKER MOVED TO APPROVE THE LIMITED TIME OF STORAGE TO START ON JUNE 1, 2012 AND END ON JUNE 18, 2012. HALLIN SECONDED THE MOTION. CARRIED UNANIMOUSLY (5 AYES, 0 NAYS).

Whitcomb made sure that the Foundation was aware of the electricity not being available and staff confirmed that they did.

## **ORDINANCES AND RESOLUTIONS**

### **A. Resolution 12-10 Supporting the Safe Routes to School Program (SRTS)**

Fuhrman said that the Safe Routes to School (SRTS) is a national and international movement to create safe, convenient, and fun opportunities for children to bicycle and walk to and from schools. The program has been designed to reverse the decline in children walking and bicycling to schools. Safe Routes to School can also play a critical role in reversing the alarming nationwide trend toward childhood obesity and inactivity.

The City applied for this grant a few years ago, and the School District plans on applying for a grant to add sidewalks to the north end of town.

Karnowski suggested that the City Council not only adopt this resolution, but draft a letter of support to the School District from the City in support of their application.

HALLIN MOTIONED TO APPROVE RESOLUTION 12-10 RESOLUTION OF SUPPORT FOR THE CREATION AND FUNDING OF MINNESOTA SAFE ROUTES TO SCHOOL GRANT PROGRAM WITH AN ADDITION OF A LETTER OF SUPPORT TO SCHOOL DISTRICT. WHITCOMB SECONDED THE MOTION. CARRIED UNANIMOUSLY (5 AYES, 0 NAYS).

### **B. Ordinance 681 Amending the Standards for the Regulation, Extension, and Expiration of Conditional Use Permits (FIRST READING)**

Fuhrman said that there has been a recent concern expressed with the expiration language in the Conditional Use Permit ordinance requiring that 80% of construction must take place within one year after the date of a CUP issuance, otherwise the permit is void, has prompted staff to research the City's CUP ordinance more in-depth. After discussing the issue with the City Administrator and City Attorney, staff has prepared the proposed amendment to the CUP section of the Zoning Ordinance.

The proposed language is based off of numerous factors, including: the review of other communities' CUP standards; discussion with the League of Minnesota Cities Attorney; and discussions with the City Administrator and City Attorney.

The amendment proposes some housekeeping changes, including:

- Re-wording of the "Standards" subsection
- Removing the "Denial for Noncompliance" subsection and moving the language under the "Public Hearing" subsection
- Reference to the revocation proceedings under the "Conditions" subsection
- Adding "hours of operation" as an additional possible condition for approval

The Ordinance proposes the following amendments:

- Removal of the existing expiration language requiring that substantial construction (80%) take place within one year after the date of the CUP
- Adds requirement that an applicant apply for all necessary permits within 12 months of the CUP approval and that the project must be substantially completed within 24 months of issuance of the first permit
- Planning Commission may grant extensions where reasonably necessary
- Adds revocation proceeding language

Fuhrman went on to add that the Planning Commission held a public hearing on Tuesday, February 21, 2012. The Commission recommends approval.

DOBSON MOTIONED TO INTRODUCE ORDINANCE 681 AN ORDINANCE AMENDING SECTION 3 (CONDITIONAL USE PERMIT) OF CHAPTER I (ADMINISTRATION AND ENFORCEMENT) OF TITLE 11 (ZONING) OF THE PRINCETON CODE OF ORDINANCES IN ORDER TO REVISE THE STANDARDS FOR THE REGULATION, EXTENSION, AND EXPIRATION OF CONDITIONAL USE PERMITS. WALKER SECONDED THE MOTION. CARRIED UNANIMOUSLY (5 AYES, 0 NAYS).

### **C. Northland Securities – George Eilertson**

George Eilertson was present on behalf of Northland Securities and addressed the City Council explaining that to set a bond sale, a resolution is needed. The following bonds would be beneficial to refund:

1. To current refund the \$535,000 General Obligation Improvement Refunding Bonds, Series 2000B.
2. To current refund the \$400,000 General Obligation Improvement Bonds, Series 2004A.
3. To advance refund the \$1,100,000 General Obligation Improvement Bonds, Series 2005A (2/1/13 call date).
4. To advance refund the \$1,755,000 General Obligation Sewer Revenue Bonds, Series 2007B (2/1/16 call date).

The type of sale will be a public offering on March 22, 2012. The bonds will mature annually each February 1, 2013 through 2028. Interest payable semi annually thereafter. For the prepayment option, that date is February 1, 2020 and any date thereafter plus the price of par plus accrued interest.

Eilertson went on to add that after talking with Jackson, and putting the four bonds together, administratively, it works.

Eilertson made clear that the Council is not issuing debt. Those resolutions a month from now will be considered. This should be a favorable environment if so.

The total savings shows \$2,270,000.00 with the four existing bonds combined. The Net Debt Service Reduction is \$143,270.00. Thirty days from now; Northland Securities will keep in touch with city staff and update where the market is.

Hallin asked if the city has ever done four bonds at the same time in the past. Eilertson said combinations have been done, but in this case, there are three like projects; Sewer. Also, when working with a more sophisticated city like Princeton; doing more bonds than one at a time is advised more so than in a smaller town.

Hallin asked what the effect on the city's bond rating will be. Eilertson said it will be looked upon favorably because debt is being managed.

WHITCOMB MOTIONED TO APPROVE RESOLUTION 12-11 A RESOLUTION PROVIDING FOR THE COMPETITIVE NEGOTIATED SALE OF \$2,270,000 GENERAL OBLIGATION RE-FUNDING BONDS, SERIES 2012B. DOBSON SECONDED THE MOTION. CARRIED UNANIMOUSLY (5 AYES, 0 NAYS).

Walker asked if the service agreement should have been approved first and Riddle said it shouldn't matter.

HALLIN MOTIONED TO APPROVE THE FINANCIAL SERVICE AGREEMENT BETWEEN THE CITY OF PRINCETON AND NORTHLAND SECURITIES. WHITCOMB SECONDED THE MOTION. CARRIED UNANIMOUSLY (5 AYES, 0 NAYS).

**D. Resolution 12-12 Grant Application to Initiative Found to assist in Comp Park and Trail Plan**

Fuhrman said that the Princeton Park and Recreation Advisory Board is seeking funding opportunities to assist in developing a Comprehensive Park and Trail Plan for the City of Princeton. One of the possible funding sources is through the Initiative Foundation. Staff submitted a Letter of Inquiry to the Initiative Foundation and was invited to submit a full grant application proposal. The funding would be utilized to support the development of a Comprehensive Park and Trail Plan for the City; specifically, to hire a firm to create graphics, maps, and to perform the technical engineering aspects of the project.

A resolution of support is required as a part of the application process. Staff is requesting that the City Council approve resolution 12-12 in support of the Initiative Foundation grant application. This is a fully funded grant.

HALLIN MOTIONED TO APPROVE RESOLUTION 12-12 A RESOLUTION SUPPORTING THE GRANT APPLICATION MADE TO THE INITIATIVE FOUNDATION FOR SUPPORT OF A COMPREHENSIVE PARK AND TRAIL PLAN FOR THE CITY OF PRINCETON. DOBSON SECONDED THE MOTION. CARRIED UNANIMOUSLY (5 AYES, 0 NAYS).

Fuhrman closed by saying that staff hopes to work with the School District in their efforts for applying for a grant for sidewalks.

**E. Rezoning from R-2 to R-3 at 701 5<sup>th</sup> Ave N – Resolution 12-13**

Fuhrman explained that resident John Kopacek has submitted an application to rezone the property at 701 5<sup>th</sup> Avenue North from R-2, Residential, to R-3, Multiple Family Residential. In addition, an amendment to the Comprehensive Plan's Future Land Use Plan is also required. The property is described as Lot 1, Block 45, Princeton Original Townsite and is located on the northwest corner of the intersection of 7<sup>th</sup> Street North and 5<sup>th</sup> Avenue North.

Currently, the home contains three rental units (two on the main floor and one on the second floor), and the applicant would like to add a fourth rental unit in the lower level/basement. The current zoning (R-2) allows up to two-family dwellings as a permitted use, along with townhouses (up to 4 units) and condominiums (up to 4 units) as condition-

al uses. Multi-family units are not allowed in the R-2 District. The R-3 District does allow multi-family structures as a permitted use. Therefore, when the applicants inquired about adding a fourth unit, staff informed them that it would require a rezoning to R-3.

According to their letter, the applicants purchased the property as an existing triplex in the fall of 2004; it was vacant and run-down at the time of their purchase. They then proceeded to renovate the house, installing a new basement and foundation, new roof, and new siding. They added four egress windows and utilities for a potential future unit in the lower level, and off-street parking was installed for four units with the hope of providing an additional rental unit within the city limits. According to Fuhrman, the house looks very nice and the renovation proved a positive thing.

The neighborhood in which the house is located contains mostly single family homes and some two-family homes. To the southwest of the property is an area zoned for R-3, Multiple Family Residential, which includes what appear to be at least one twinhome and a four-unit apartment.

The Zoning Ordinance does not list review standards for rezoning applications. However, many communities utilize the following factors as review standards in rezoning requests, which are being provided as information:

1. The proposed action has been considered in relation to the specific policies and provisions of and has been found to be consistent with the official city comprehensive plan.
2. The proposed use is or will be compatible with present and future land uses of the area.
3. The proposed use conforms to all performance standards contained in this code.
4. The proposed use can be accommodated with existing public services and will not overburden the city's service capacity.
5. Traffic generation by the proposed use is within capabilities of streets serving the property.

As per the Planning Commission's recommendation, Resolution 12-13 is denying the rezoning.

City staff is in favor of providing affordable housing in the City of Princeton and supports investment in the existing housing stock in order to improve neighborhoods and the quality of life for residents. However, the City's Comprehensive Plan needs to be taken into account when considering requests such as a rezoning that would increase density. It is clear that the long-range plan for this area is to remain "Traditional Residential". Although this category does allow for mixed housing styles, the specific proposed use is not consistent with the specific policies and provisions of the Comprehensive Plan, specifically the density and future land use.

Therefore, staff would recommend denial of the rezoning request from R-2 to R-3, based on the following findings:

1. The request is not consistent with the City's Comprehensive Plan, specifically the proposed density.
2. The request is not compatible with future land uses of the area, which are designated as Traditional Residential.

Dobson added that the use of building is a non-conforming use that was grandfathered in. The building has been a tri-plex since the 1930s.

WALKER MOVED TO APPROVE 12-13 A RESOLUTION DENYING THE REZONING REQUEST FROM R-2, RESIDENTIAL, TO R-3, MULTIPLE FAMILY RESIDENTIAL, AT 701 5<sup>TH</sup> AVENUE NORTH. DOBSON SECONDED THE MOTION. CARRIED UNANIMOUSLY (5 AYES, 0 NAYS).

Riddle added that there is not a nicer guy to deny. If anyone could choose a landlord, this would be your guy.

Dobson said that Mr. Kopacek was present at the Planning Commission meeting and all of the Board members felt sorry that the application had to be denied. Riddle said that Mr. Kopacek is so respectful. The City Council commented on how nice the renovation to the building is.

Hallin added that with the density in that area, the rezoning is not feasible.

## **UNFINISHED BUSINESS**

### **A. Ball Field Charges Update**

Mayor Riddle updated the Council with news that the School District and City Staff had met earlier in the week and had come to a conclusion. It didn't take long to clear up the air on some issues with the costs per league. The School Board understands the City's position and is willing to pay the fees for the softball fields at Mark Park.

Dobson added that everyone walked away happy and it didn't take long to come to the conclusion.

### **B. USDP Wastewater Permit**

Karnowski said that the city was advised yesterday that the agreement between the City and United States Distilled Products (USDP) has been finalized. USDP has notified the city that they want to activate their pre-treatment system in early March.

The document sets out the parameters of the treatment requirements including discharge limitations, monitoring, reporting, charges, responsibilities, violations, procedures, accidental discharges, general conditions, etc.

The City Engineer has reviewed the document, but the City Attorney has not yet reviewed it.

Hallin said she likes the monthly monitoring report. Karnowski said because of the potential issues at the Waste Water Treatment Plant, and not wanting that to happen, hence the monthly monitoring report.

WALKER MOTIONED TO APPROVE THE USDP WASTEWATER PERMIT AGREEMENT; PENDING CONCURRENCE WITH LEGAL COUNCIL. HALLIN SECONDED THE MOTION. CARRIED UNANIMOUSLY (5 AYES, 0 NAYS).

## **NEW BUSINESS**

### **A. DPS/PD Joint Powers Agreement Amendment**

Karnowski clarified that a few months ago; the City Council approved a Resolution authorizing a Joint Powers Agreement between the Department of Public Safety (BCA) and the Princeton Police Department that allowed the Police Department to access the various Bureau of Criminal Apprehension data.

They have since forwarded an amendment to the agreement that will allow the Police Department to sign complaints electronically from Princeton's Police Department rather than have to drive to Milaca. The City will save on time and gas money. It also provides for some additional benefits.

Police Chief Payne recommends that the Council authorize the Chief to sign the proposed amendment pursuant to the authority granted in the original Joint Powers Agreement.

Hallin asked if there were any additional fees with this electronic signing. Payne said there were no additional fees added to what we are already paying.

WHITCOMB MOTIONED TO APPROVE RESOLUTION 12-15, A RESOLUTION AUTHORIZING THE EXECUTION OF A COURT DATA SERVICES AMENDMENT TO THE MASTER JOINT POWERS AGREEMENT BETWEEN THE CITY OF PRINCETON AND THE STATE OF MINNESOTA'S DEPARTMENT OF PUBLIC SAFETY, BUREAU OF CRIMINAL APPREHENSION. DOBSON SECONDED THE MOTION. HALLIN SECONDED THE MOTION. CARRIED UNANIMOUSLY (5 AYES, 0 NAYS).

### **B. MN Department of Health Grant (Industrial Stormwater Study)**

Karnowski said that at the last City Council meeting, the Council approved WSB to perform a Preliminary Design of Industrial Park Drainage and Water Quality Improvement Feasibility Study, including soil borings, for an amount not to exceed \$16,900.

Dave Thompson has informed staff that there is grant funding available through the Minnesota Department of Health to support implementation of the Wellhead Protection Plan. One of the objectives of the existing Wellhead Protection Plan is "to help protect water quality and quantity by managing stormwater." The grants are available for up to \$10,000 with no match required, and the PUC would serve as the official grant applicant. Karnowski added that this is a fully funded grant

DOBSON MOTIONED TO APPROVE APPLICATION IN CONJUNCTION WITH THE PUC FOR THE SOURCE WATER PROTECTION PLAN IMPLEMENTATION GRANT THROUGH THE MINNESOTA DEPARTMENT OF HEALTH TO HELP OFFSET THE COSTS FOR THE FEASIBILITY STUDY. HALLIN SECONDED THE MOTION. CARRIED UNANIMOUSLY (5 AYES, 0 NAYS).

### **C. Copier Purchase**

Jackson said that the city is still in a trial period with testing copiers.

The copier with the best price has an end date of February 29, 2012 on their pricing program (the Konica Minolta C452.) But, because staff would need to be able to submit a purchase order by that date of February 29, staff decided to present this information to the Council now.

Staff is suggesting authorization from the Council to enter into an agreement to purchase the Konica Minolta C452 from Konica direct if the trial of the machine proves favorable to staff's liking. If not, we will present the alternative at a subsequent meeting.

\$12,000 has been in the budget since 2007; but purchasing has been delayed. The current copier is ten years old and the copy quality is diminishing. The new copier will allow staff to print, scan and fax; which will be more efficient than the current situation.

Dobson asked if the other copiers have deadline, no they do not. Time is not critical for the other options. Jackson concluded by saying that the Konica is on a WSCA (Western State) Contract and Minnesota is able to fall under that category.

WHITCOMB MOTIONED TO STAFF PURCHASE THE KONICA MINOLTA C452 IF STAFF DETERMINES IT IS SUITABLE FOR THEIR PURPOSES. HALLIN SECONDED THE MOTION. CARRIED UNANIMOUSLY (5 AYES, 0 NAYS).

### **MISCELLANEOUS**

#### **BILL LIST – \$**

HALLIN MOVED TO APPROVE THE BILL LIST WHICH INCLUDES THE MANUAL CHECKS AS LISTED ON THE MANUAL VOUCHER BILL LIST FOR A TOTAL OF \$94,274.56 AND THE ITEMS LISTED ON THE LIQUOR BILL LIST AND GENERAL CITY BILL LIST WHICH WILL BE CHECKS 65671 TO 65735 FOR A TOTAL OF \$115,955.70. WHITCOMB SECONDED THE MOTION. THE MOTION CARRIED UNANIMOUSLY (5 AYES, 0 NAYS).

### **ADJOURNMENT**

THERE BEING NO FURTHER BUSINESS:

HALLIN MOVED TO ADJOURN THE MEETING AT 7:45 PM. WHITCOMB SECONDED THE MOTION. THE MOTION CARRIED UNANIMOUSLY (5 AYES, 0 NAYS).

Respectfully Submitted,

Katie Hunter  
City Clerk

ATTEST:

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Jeremy Riddle, Mayor