

**MINUTES OF A REGULAR MEETING OF THE PRINCETON CITY COUNCIL HELD ON
SEPTEMBER 22, 2011, 7:00 P.M. IN THE CITY HALL COUNCIL CHAMBERS**

Acting Mayor Paul Whitcomb called the meeting to order and led the Pledge of Allegiance to the Flag. Council members present were Dick Dobson and Thom Walker. Mayor Jeremy Riddle and Councilor Vicki Hallin were absent. Staff present was Administrator Mark Karnowski, Finance Director Steve Jackson, Community Developer Carie Fuhrman, Police Chief Brian Payne, Fire Chief Jim Roxbury, City Engineer Mike Nielson and City Clerk Katie Hunter. Also present: City Attorney Dick Schieffer.

**CONSIDERATION OF REGULAR CITY COUNCIL MINUTES OF AUGUST 25, 2011 AND
SEPTEMBER 8, 2011**

WALKER MOVED TO APPROVE THE REGULAR CITY COUNCIL MINUTES OF AUGUST 25, 2011 AND SEPTEMBER 8, 2011. DOBSON SECONDED THE MOTION.

Whitcomb mentioned that the minutes from September 8 had an incorrect date. Hunter said she would fix that typo.

CARRIED UNANIMOUSLY (3 AYES, 0 NAYS).

CONSENT AGENDA

Consent Agenda

- A. Permits and Licenses**
 - 1. Christ Our Light BINGO Gambling Permit for November 6, 2011
 - 2. Monson's Garbage Hauler License effective until 12-31-2011; contingent upon payment of \$125.00
- B. Personnel**
 - 1. Public Works
 - a. Hiring Grady Clark as PT WWTP @ \$14.68/hr effective Monday 9-19-11
- C. Donations/Designations - none**

DOBSON MOTIONED TO ACCEPT THE ITEMS ON THE CONSENT AGENDA. WALKER SECONDED THE MOTION. CARRIED UNANIMOUSLY (3 AYES, 0 NAYS).

Karnowski told the Council that Grady Clark was present and if the Council had any questions for him, they were free to ask. The City Council welcomed Mr. Clark to the City of Princeton staff as the new Part Time Waste Water Treatment Plant Operator.

OPEN FORUM

No one spoke up for the Open Forum.

PUBLIC HEARINGS - none.

REPORTS OF OFFICERS, BOARDS, AND COMMITTEES

- 7. Reports of Officers, Boards, and Committees**
 - A.** Fire Advisory Board Draft Minutes of September 6, 2011
 - B.** Airport Advisory Board Draft Minutes of September 6, 2011
 - C.** Public Utility Commission Minutes May 25, 2011
 - D.** Public Utility Commission Minutes June 22, 2011

E. Economic Development Authority Board Minutes for August 18, 2011

The above minutes were reviewed with no further comment from the Council.

PETITIONS, REQUESTS, AND COMMUNICATIONS - none

ORDINANCES AND RESOLUTIONS

A. Ordinance 673 Appendix E Fee Schedule Changes

Karnowski explained that Ordinance 673 had been written up to change numerous parts of the fee schedule. The ordinance would actually be decreasing the fee for Comprehensive Plan Books. The cost was formally \$50.00 a book and the proposed new fee would be \$20.00 a book. The amount of pages in the Comp Plan Books actually was reduced in the recent years but the fee had never been changed.

In addition, for Variance and Conditional Use Permit applications, staff is recommending an additional \$50.00 fee be added to the standard \$250.00 application fee for any additional documents that need to be recorded. The \$250.00 will still include one document to be recorded at the County.

In 2009, City Council adopted a Caterer's Permit Ordinance but the fee was never established. Staff is recommending a \$25.00 fee for the application and permit.

Because this is a fee issue, the staff recommendation is to waive the first reading and adopt the ordinance as drafted.

DOBSON MOVED TO APPROVE ORDINANCE 673. WALKER SECONDED THE MOTION. CARRIED UNANIMOUSLY (3 AYES, 0 NAYS).

B. Resolution #11-57 Request for the Vacation of a Portion of 7th Street North

Fuhrman said that Paul and Martina Snow had submitted an application to vacate a portion of the right-of-way of 7th Street North between Lot 1, Block 43 and Lot 6, Block 42, Original Townsite and between Lot 1, Block 44 and Lot 6, Block 41, Original Townsite. The applicants live at 402 7th Street North. The applicants own property on both sides of 7th Street North. The portion of 7th Street North in front of the applicant's property is currently used as the applicant's private, dead-end driveway. Directly to the east of the subject property is Pioneer Park. In 2004, the City approved the vacation of a portion of 4th Avenue North between Lots 1-3, Block 43 and Lots 1-3, Block 44, and between Lot 6, Block 41 and Lot 6, Block 42, Original Townsite.

Fuhrman went on to add that the applicants have submitted a letter and site diagram describing the request. In describing the reason for the vacation request, the applicant had stated in their letter that, "Erosion from snow, rain, weather elements, have basically turned the road into gravel with parts of tar here and there. The street is in the middle of the Snows' properties. The Snows would like to get the portion of the street which is between their property vacated so that they can get it properly tarred to alleviate any vehicle damages, the driving of any mud into their garage, and to stop the erosion process on the road adjoining the ditch, that has taken place from the weather elements in the past."

Fuhrman reminded the City Council that a policy was adopted regarding the vacation of a public right-of-way on August 25, 2011. The policy states that a public right-of-way shall not be vacated unless it is shown *that there is no present or prospective use for the right-of-way, either for the purpose for which it was originally acquired or for any other public use that can be anticipated.* In addition, *proposed vacations may be approved only when they provide a long-term benefit to the general public. Vacations will not be approved to achieve short-term benefits or for the sole benefit of individuals.*

The City Attorney provided a memo addressing specific questions from the Planning Commission, the standards for vacating a public street, and the recently adopted public right-of-way vacating policy. According to the City Attorney, a previous court case held that a vacation is not authorized when *vacating a street benefits only those owning property abutting the street.* The Supreme Court has also *held that where a platted street leads to public property, it is presumed that the street was intended to provide access to the public property for all legal public purposes. Whether the street has been graded or improved does not bear on the question of whether it is in the public interest to vacate it.*

Lastly, the recently-adopted public right-of-way vacating policy *should be viewed as an aid to defining the public interest and not as setting a new standard for street vacations.* The standard for vacating a street is set by statute and interpreted by the Appellate Courts.

In response to the Planning Commission's request, the City Engineer prepared two estimates in regards to possible improvements to the subject right-of-way. In Neilson's memo, he lists some of the issues that the Snow's have being drainage, erosion, condition of the street, snow plowing and assessments. One option would be to reconstruct the road full length. The City would remove the existing bituminous, grade the roadway to improve drainage, install a new catch basin and storm sewer and provide concrete driveway aprons for the three parcels along the roadway. The curb and gutter would eliminate the water that runs over the steep bank which seems to be causing the erosion. The assessments for this option would only be applied to two of the three properties receiving the benefits because that third property is unbuildable.

Option two would reconstruct the alleyway to the East. This would only benefit the Snow property. A curb and gutter would be installed with this alternative, a storm sewer, bituminous surfacing and concrete driveway approach into the Snow parcel. The cost would be approximately \$20,549.12. The Snows could save some money with this option if they completed their own driveway approach. The storm sewer portion of this option would be split proportionately between all benefitting properties based on contributing area. This amount is \$7,072.96.

Fuhrman said that the Planning Commission met and held a public hearing at their August and September meetings where they recommended denial of the vacation request.

Acting Mayor Whitcomb asked if the Snows wanted to address the City Council. The Snows said they did not want to speak.

Walker asked how much of the Right-of-Way is in the floodplain. Nielson said that a small portion in the floodplain. He is guessing probably 7/8 is outside of the floodplain. Nielson went on to add that the existing road is in the Right-of-Way; previously it curved to the North end of Snow house.

DOBSON MOTIONED TO APPROVE 11-57 DENYING THE PETITION TO VACATE A POR-

TION OF THE RIGHT OF WAY OF 7TH STREET NORTH. WHITCOMB SECONDED THE MOTION. WALKER OPPOSED THE MOTION. CARRIED (2 AYES, 1 NAY).

C. Ordinance 674: First Reading Zoning Ordinance Amendment: Crushed Material as an IUP in the B-3 District

Fuhrman gave details about the Zoning Ordinance being amended by adding the outdoor storage of approved material, such as sand, gravel, fill dirt, or crushed material, as an Interim Use Permit (IUP) in the B-3 General Commercial District. A number of conditions must be met, including the requirement that the applicant identifies the project to which the material will be utilized in the future.

The Planning Commission met and held a public hearing on September 19, 2011. The PC recommended approval to the City Council of the attached Ordinance.

Whitcomb asked what the length of time allowed would be. Fuhrman said the ordinance amendment was set up for that to be determined upon individual request.

Karnowski cleared up the question between a Conditional Use Permit (CUP) and an Interim Use Permit (IUP). A CUP runs with the property forever. An IUP is a permit set up for whatever amount of time the city approves for. An IUP, discussed here, is deemed a temporary permit rather than a "life-long" permit. Walker thanked Karnowski for the clarification.

WHITCOMB MOTIONED TO ACCEPT THE FIRST READING OF ORDINANCE 674 AS WRITTEN. DOBSON SECONDED THE MOTION. CARRIED UNANIMOUSLY (3 AYES, 0 NAYS).

UNFINISHED BUSINESS

A. Waste Water Treatment Plant Pay Estimates

Karnowski explained that there were two Waste Water Treatment Plant partial pay estimates to be considered. \$174,396.49 to Rice Lake Construction Group for the improvements project. In addition, a partial pay estimate for the Effluent Outfall Project to R.L. Larson Excavating, Inc. for \$132,778.17.

WALKER MOVED TO APPROVE THE PAY ESTIMATE TO RICE LAKE CONSTRUCTION FOR \$174,396.49. DOBSON SECONDED THE MOTION. CARRIED UNANIMOUSLY (3 AYES, 0 NAYS).

WALKER MOTIONED TO APPROVE THE PARTIAL PAY ESTIMATE TO R.L. LARSON EXCAVATING INC FOR \$132,778.17. DOBSON SECONDED THE MOTION. CARRIED UNANIMOUSLY (3 AYES, 0 NAYS).

NEW BUSINESS

A. Mark Park Trail Paving Bids

Gerold said that the Capital Improvement Plan included \$40,000.00 for doing paving work at Mark Park. Gerold obtained three bids to pave the trails and do some overlay patching work at Mark Park:

Metro Paving (Rogers)	\$22,920.00
Pave It (Eagan)	\$18,944.00
Rum River Contracting (Princeton)	\$18,867.50

Gerold is asking for the City Council to release \$22,000.00 of that \$40,000 to pay for improving the parking area, paving the trail, class five for the trail, mulch and supplies for lighting along with any other incidentals that come along.

The City Council asked Gerold if the Public Works Department would also be working on this project, in addition to the work that was bid on by the three companies. Gerold said that was correct. The Council asked Gerold how much his department planned on spending. Gerold said he is not sure if any donations will be received or not, but feels if no donations are given, the work can be done for a total of \$22,000.00.

WALKER MOTIONED TO RELEASE UP TO \$22,000 FOR THE MARK PARK TRAIL AND ASPHALT IMPROVEMENTS. DOBSON SECONDED THE MOTION. CARRIED UNANIMOUSLY (3 AYES, 0 NAYS).

DOBSON MOTIONED TO ACCEPT THE RUM RIVER CONTRACTING BID FOR \$18,867.50. WHITCOMB SECONDED THE MOTION. CARRIED UNANIMOUSLY (3 AYES, 0 NAYS).

MISCELLANEOUS

BILL LIST – \$249,399.27

DOBSON MOVED TO APPROVE THE BILL LIST WHICH INCLUDES THE MANUAL CHECKS AS LISTED ON THE MANUAL BILL LIST FOR A TOTAL OF \$98,601.80 AND THE ITEMS LISTED ON THE LIQUOR BILL LIST AND GENERAL CITY BILL LIST WHICH WILL BE CHECKS 64828 TO 64893 FOR A TOTAL OF \$150,797.47. WHITCOMB SECONDED THE MOTION. CARRIED UNANIMOUSLY (3 AYES, 0 NAYS).

ADJOURNMENT

THERE BEING NO FURTHER BUSINESS:

DOBSON MOVED TO ADJOURN THE MEETING AT 7:26 PM. WALKER SECONDED THE MOTION. THE MOTION CARRIED UNANIMOUSLY (3 AYES, 0 NAYS).

Respectfully Submitted,

Katie Hunter
City Clerk

ATTEST:

Jeremy Riddle, Mayor