

**MINUTES OF A REGULAR MEETING OF THE PRINCETON CITY COUNCIL HELD ON
SEPTEMBER 27, 2012 7:00 P.M. IN THE CITY HALL COUNCIL CHAMBERS**

Mayor Jeremy Riddle called the meeting to order and led the Pledge of Allegiance to the Flag. Council members present were Dick Dobson, Paul Whitcomb, Victoria Hallin, and Thom Walker. Staff present was Administrator Mark Karnowski, Finance Director Steve Jackson, Police Chief Brian Payne, City Clerk Shawna Jenkins, and Engineer Mike Nielson.

AGENDA ADDITIONS/DELETIONS

Addition of Public Safety Building Update under Unfinished business

CONSIDERATION OF MINUTES

- A. Study / Budget Session of September 11, 2012
- B. Regular Meeting of September 13, 2012

DOBSON MOVED TO APPROVE THE STUDY / BUDGET SESSION MINUTES OF SEPTEMBER 11, 2012 AND THE REGULAR CITY COUNCIL MINUTES OF SEPTEMBER 13, 2012. HALLIN SECONDED THE MOTION. THE MOTION CARRIED UNANIMOUSLY

CONSENT AGENDA

Under Personnel:

Liquor Department – Accept Resignation of Janelle Villebrum as of 9-15-12

DOBSON MOVED TO APPROVE THE CONSENT AGENDA. HALLIN SECONDED THE MOTION. THE MOTION CARRIED UNANIMOUSLY

OPEN FORUM

No one was present for Open Forum.

PUBLIC HEARINGS

None

REPORTS OF OFFICERS, BOARDS, AND COMMITTEES

- A. PAVC Minutes of Regular Board meeting August 27, 2012
- B. PAVC Minutes of Regular Board meeting September 10, 2012
- C. EDA Board Meeting Minutes of August 16, 2012
- D. Planning Commission Meeting Minutes of August 20, 2012
- E. Park Board Meeting Minutes of August 27, 2012
 - a. Geocaching Guidelines Policy Consideration

DOBSON MOVED TO APPROVE THE GEOCACHING GUIDELINES POLICY. HALLIN SECONDED THE MOTION. THE MOTION CARRIED UNANIMOUSLY

PETITIONS, REQUESTS, AND COMMUNICATIONS

None

ORDINANCES AND RESOLUTIONS

A. Ordinance 690 amending Sewer Ordinance – Second Reading

Karnowski stated it was brought to his attention that, although it's been the city policy for years, there is no language in our ordinances that mandate that a property be located within the corporate limits of the city before being eligible to hook up to the city water and sewer system. Ordinance 690 proposes to correct that oversight.

HALLIN MOTIONED TO APPROVE ORDINANCE 690 AMENDING SECTION 900.02 (CONNECTION REQUIREMENTS) OF TITLE 9 (SEWER AND WATER) OF THE CITY OF PRINCETON, REQUIRING THAT A PROPERTY BE LOCATED WITHIN THE CITY'S CORPORATE LIMITS IN ORDER TO BE ELIGIBLE TO HOOK UP TO THE CITY WATER AND PUBLIC UTILITIES WATER SYSTEM. WHITCOMB SECONDED THE MOTION. THE MOTION CARRIED UNANIMOUSLY

B. Ordinance 691 Allowing Chickens in the R-1, R-2 & R-3 Districts as an Interim Use – First Reading.

Karnowski reported that currently, the raising of non-domestic livestock is only allowed in the A-1 and A-2 Zoning Districts. City Council directed the Planning Commission and staff to investigate the possibility of expanding the allowance of chickens within city limits in response to a resident request.

Karnowski said staff has gathered comments from the Planning Commission, City Attorney, Humane Society Investigator, and other communities and drafted the proposed Ordinance. A summary of the Ordinance Amendment is as follows:

- An interim use permit is required to keep chickens in the R-1, R-2, and R-3 Districts.
- No more than 4 chickens allowed.
- Only allowed on single family home lots.
- The keeping of any poultry besides chickens is prohibited. Roosters are prohibited.
- Outdoor slaughtering and chicken fighting is prohibited.
- Leg banding of all chickens is required, identifying the owner's name, address, and telephone number.
- A separate coop is required to house the chickens. Coops must be constructed and maintained to meet the following minimum standards:
 - 1) Located in the side or rear yard.
 - 2) Meet the accessory structure setback requirements.
 - 3) Construction shall be adequate to prevent access by rodents.
- A run or exercise yard is required to be provided and must be enclosed by a fence.
- All food shall be stored in an enclosed, rodent proof container

Karnowski added that the Zoning Ordinance does not outline specific factors upon which a proposed amendment should be considered; therefore, staff is providing the following factors, which are common review standards from other ordinances:

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 with 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.

Karnowski stated that the Planning Commission held a public hearing and recommended approval of the attached Ordinance #691. Staff is requesting the City Council introduce Ordinance 691.

Hallin asked if we are going to require any of the abutting owners to sign off that they are in favor of their neighbor having chickens. She added that some Cities had a requirement that 50% or 75% of the abutting property owners were okay with it. Dobson responded that while that was being discussed, the City Attorney stated that technically we cannot include that in the language. Riddle stated that if there are any complaints, the Interim Use permit can be revoked.

Walker said he would like to see a Sunset Clause of one year added, so the City could have a test phase to see how it works out. Riddle stated if a sunset clause was added, even if it was working out fine, there would be chickens that would need to find new homes. Walker then asked if we could simply revisit it in the future to make sure there have not been any complaints or issues. Karnowski responded that we will put it on the Agenda for January 2014 so we can get a report on any issues or complaints that may have been received.

Hallin asked if it was a one-time permit, or does it need to be renewed annually. Dobson said the Planning Commission felt it should be a one-time permit.

Walker said he is fine with the current ordinance as written, as long as the Council can revisit it in the future.

Dobson commented he was recently in Milwaukee and was told a person across the alley had chickens. If he would not have been told they were there, he never would have known. He said he was curious so he asked the other neighbors and none of them had any complaints.

DOBSON MOTIONED TO APPROVE THE FIRST READING OF ORDINANCE 691 AMENDING THE ZONING ORDINANCE ADDING DEFINITIONS AND PROVIDING FOR THE KEEPING OF CHICKENS IN AREAS ZONED R-1, R-2, AND R-3 THROUGH THE INTERIM USE PERMIT PROCESS. HALLIN SECONDED THE MOTION. THE MOTION CARRIED UNANIMOUSLY

C. Resolution 12-60 Joint Resolution with Princeton Youth Hockey Association certifying SAC and WAC Charges to the County Auditor for Collection

Karnowski reported that this joint resolution agrees to collect the WAC & SAC fees over a 10 year period at 5% interest. It represents an extension of the assessment period and a 3% reduction in the interest rate.

He is asking for Council Approval if they are okay with both the new timeframe and the new interest rate.

HALLIN MOTIONED TO APPROVE JOINT RESOLUTION 12-60, WITH PRINCETON YOUTH HOCKEY ASSOCIATION CERTIFYING SAC AND WAC CHARGES TO THE COUNTY AUDITOR FOR COLLECTION. DOBSON SECONDED THE MOTION. THE MOTION CARRIED UNANIMOUSLY

D. Resolution 12-61 Approving the Preliminary and Final Plat for West River Run 2nd addition

Engineer Nielson reported that WPAC Building LLC, on behalf of Jeff and Mike Haehn, submitted an application for a Preliminary and Final Plat, to be known as West River Run Second Addition, in order to construct and operate an indoor and outdoor auction business.

Nielson said the subject property is located west of Highway 169 and south of Baptist Church Road and is currently owned by Rick Johnson. The property is currently composed of Outlot A, West River Run, for a total of 19.61 acres. The majority of the property is currently utilized as agricultural land. The former city dump is located on Outlot B, southwest of the subject property, and two wetlands are located in the low area of the southeast corner. However, the city dump is not included in this plat proposal. The applicants are planning to purchase the former city dump once the MPCA requirements have been met. The property is zoned MN-1 Industrial District and is designated as Gateway District on the Future Land Use Map in the Comprehensive Plan.

Nielson stated that the plat proposes to turn Outlot A, West River Run into Lot One, Block One, West River Run Second Addition. The lot is 19.61 acres in size, well above the minimum lot size requirement in the MN-1 District.

Nielson commented that this is being processed and reviewed as a short plat, which requires only one review by the Planning Commission and City Council. The Planning Commission held a public hearing on September 17th and recommended approval to the City Council of the proposed plat, subject to the following conditions:

- 1) Applicant shall meet the park dedication requirements.
- 2) Applicant shall be responsible for following the final plat procedures identified in the Subdivision Ordinance.
- 3) Applicant shall enter into a Developer's Agreement with the City.
- 4) Applicant shall follow the City Engineer's comments.
- 5) The 33 foot easement along the west property line of Lot One, Block One, West River Run Second Addition, shall be extended down the west property line of Outlot B, West River Run.

Nielson said the Planning Commission also issued approval for a Conditional Use Permit to operate an auction business on the site; a variance to the pylon sign height requirement; and site plan approval.

Nielson explained that the plat proposes 10 ft easements along the north, east, and south property lines, along with a 5 ft easement along the west property line. An existing 33 foot ingress/egress easement exists along the west property line; as a condition of approval, staff suggests that the easement be extended down the west property line of Outlot B, West River Run, in order to provide access to the property to the south.

Nielson reported that the applicants are proposing to submit cash in lieu of the land requirement to fulfill park dedication requirements in an amount of \$4,455. The Park Board recommended approval to the City Council of acceptance of the fee in lieu of land dedication.

Nielson said that based on the finding that the proposed Preliminary and Final Plat meets the requirements of the Zoning and Subdivision Ordinances, staff recommends approval of the Preliminary and Final Plat, subject to the conditions as recommended by the Planning Commission.

Karnowski stated that he received a fax late this afternoon from Princeton Township relating to the road accessing the site. They stated that part of the road is only a 5 ton, so the Township said the City or the Applicant will be responsible for any damages to the Township road. Nielson responded that a portion of the road is 9 ton, so he doesn't foresee any problems being the neighboring property has been holding these auctions for many years.

DOBSON MOTIONED TO APPROVE RESOLUTION 12-61, APPROVING THE PRELIMINARY AND FINAL PLAT FOR WEST RIVER RUN 2ND ADDITION WITH THE FOLLOWING CONDITIONS:

1. THE APPLICANT SHALL MEET THE PARK DEDICATION REQUIREMENTS
2. THE APPLICANT SHALL BE RESPONSIBLE FOR FOLLOWING THE FINAL PLAT PROCEDURES IDENTIFIED IN THE SUBDIVISION ORDINANCE
3. THE APPLICANT SHALL ENTER INTO A DEVELOPER'S AGREEMENT WITH THE CITY.
4. THE APPLICANT SHALL FOLLOW THE CITY ENGINEER'S COMMENTS
5. THE 33 FOOT EASEMENT ALONG THE WEST PROPERTY LINE OF LONE ON, BLOCK ONE, WEST RIVER RUN SECOND ADDITION SHALL BE EXTENDED DOWN THE WEST PROPERTY LING OF OUTLOT B, WEST RIVER RUN

HALLIN SECONDED THE MOTION.

Riddle asked if the City is anticipating a different use than what has been occurring at the neighboring site for a long time. Nielson responded that it will be the same.

Hallin asked if this is an expansion or relocation. Nielson responded that it is a new building, as the current site is used as agricultural.

Riddle asked what the 10 and 5 foot easements were for. Nielson replied that he believed Fuhrman was looking at those for a snowmobile trail and said normally utility easements are also required around a platted property as well. Dobson agreed and stated that the easements were to be suggested as a bike or hiking trail. Hallin questioned what the 33 foot easement is that is West side of the property. Nielson responded that the 33 foot easement was to provide access to the property to the south that would otherwise be inaccessible.

THE MOTION CARRIED UNANIMOUSLY

E. Resolution 12-62 approving Interim Use permit for outside storage in the B-3 District

Karnowski reported that Todd Schendzielos, of ML Schendzielos & Sons, Inc. has submitted an Interim Use Permit application for the storage of fill material at 1202 State Highway 95. The property is zoned B-3, General Commercial District and owned by Mark Griffiths.

Karnowski said the applicant has indicated the material is currently for sale, and he is bidding on projects in the area and trying to eliminate the pile, but no specific project is known at this time. The applicant has stated he will try and remove the pile by this fall or late spring. The applicant has indicated the setbacks as: front- 150 ft; side- 150 ft; and back- 100 ft. The submitted site plan shows the front setback as 50 feet; Side: 150 feet; and rear: 100 feet. The B-3 District requires the following setbacks: front: 20 feet; side: 5 feet; and rear: 20 feet.

Karnowski stated that in discussions with Staff, the applicant estimated the height of the material is between 9 to 10 feet high. It is clean fill only and includes no hazardous waste. The Planning Commission recommended a condition that the height does not exceed 10 feet and that temporary orange security fencing be provided by the applicant. No screening measures were recommended by the Planning Commission, as there are no residential properties directly adjacent to the material pile. To control dust, the applicant has installed bi-roll silt fence.

Karnowski commented that when reviewing an application for an interim use, the City shall base its judgment on the following factors and any other factors it may deem appropriate for the specific property. The interim use may be granted if:

1. The proposed use is interim use listed in the district in which the application is being made;

Karnowski stated the storage of approved material is listed as an interim use in the B-3 Zoning District.

2. The date or event that will terminate the use can be identified with certainty and continued;

Karnowski reported that the Planning Commission recommend that the material be removed one year from the date of the City Council approval and that the IUP be reviewed if it is not removed at that time.

3. The interim use does not result in adverse effects on the public health, safety and welfare nor does it create additional pollution potential for ground and surface waters;

Karnowski said it does not appear that the proposed interim use will result in adverse effects on the public health, safety, and welfare, nor does it create additional pollution potential for ground and surface waters.

4. Permission of the use will not impose additional costs on the public if it is necessary for the public to take the property in the future.

Karnowski said per the City's Ordinance, the City can require a performance bond for the entire period of the interim use sufficient to cover any future costs the city may incur to en-

force the provisions of the interim use permit. The Planning Commission has recommended a letter of credit be submitted by the applicant. The City Engineer has recommended \$3 per cubic yard, so \$3000.

Karnowski commented that based on the findings that the proposed Interim Use appears to meet the review standards and provisions as listed in the Zoning Ordinance, the Planning Commission recommend approval of the proposed Interim Use Permit to store material at 1202 State Highway 95, subject to 5 conditions.

WHITCOMB MOTIONED TO RESOLUTION 12-61 APPROVING INTERIM USE PERMIT FOR OUTSIDE STORAGE IN THE B-3 DISTRICT WITH THE FOLLOWING CONDITIONS

1. THE STORAGE OF THE MATERIAL SHALL TERMINATE ONE YEAR FROM THE DATE OF CITY COUNCIL APPROVAL.
2. THE IUP SHALL BE REVIEWED ONE YEAR FROM THE DATE OF CITY COUNCIL APPROVAL IF NOT REMOVED.
3. A LETTER OF CREDIT IN AN AMOUNT EQUAL TO \$3,000 SHALL BE SUBMITTED BY THE APPLICANT TO COVER ANY FUTURE COSTS THE CITY MAY INCUR TO ENFORCE THE IUP.
4. THE HEIGHT OF THE MATERIAL BEING STORED CANNOT EXCEED 10 FEET.
5. TEMPORARY ORANGE SECURITY FENCING SHALL BE REQUIRED TO BE PROVIDED BY THE APPLICANT.

HALLIN SECONDED THE MOTION. THE MOTION CARRIED UNANIMOUSLY

UNFINISHED BUSINESS

A. Minnesota Native Landscapes Pay Request #2

Karnowski reported that the project is going very well, as the weather and river have been very cooperative.

HALLIN MOTIONED TO AUTHORIZE PAY REQUEST #2 TO MINNESOTA NATIVE LANDSCAPES FOR \$85,551.30, CONTINGENT UPON USDA APPROVAL. DOBSON SECONDED THE MOTION. THE MOTION CARRIED UNANIMOUSLY

B. Public Safety Building Update

Karnowski reported that the Committee that has been working with Greystone Construction to develop the proposed public safety building to house both the Princeton police and fire department operations has now met three times. The goal has been to come up with a building design that is both functional and affordable.

During those meetings, and the time in between, the footprint of the proposed floor plan has been reduced in size and the design has been modified to maximize the space. He said he has been impressed by the department representative's willingness to come up with a design that addresses the needs of both departments.

Karnowski said they will begin working with contractors to get viable estimates of what the various component parts of the building will cost. He added that the city's financial consultant advises that the Municipal Liquor Store profits can support a project that costs about \$2 million dollars.

Karnowski stated that Greystone will be working with contractors and getting estimates of what the costs might be over the next month or so. Toward the end of that process, the city will be asking local contractors who may be interested in submitting a bid to do a portion of the building to contact the city. As was the case when the city built the liquor store, we will be using the construction management approach whereby various sub-contractors will be asked to submit bids or quotes to do a portion of the work. He said the City really would like to use as many local contractors as possible for the project.

Karnowski said that staff should know in the next month or two if the proposed floor plan is affordable. If our estimates indicate that it does fall under the \$2 million maximum, then the plans are to begin construction sometime next spring.

Dobson and Hallin questioned if this proposed plan will allow the fire department to have all of their equipment in one location. Karnowski replied that the fire department has a few trailers that they are unsure will fit, but they do not need to be in a heated area, so a stand along garage could be built to house those. Roxbury added that they could also be located in some of the substations they are considering as well. He said he has gotten the impression in the meetings that it is not everything they wanted as far as a site is concerned, but very workable. It also would be right next to the airport, so there is room to expand if needed.

NEW BUSINESS

A. Resolution 12-63 adopting the Mille-Lacs County All-Hazard Mitigation Plan

Karnowski reported that the city has been contacted by the Minnesota Department of Homeland Security and Emergency Management that the city should consider adopting both the Mille Lacs County and Sherburne County Hazard Mitigation Plan. He added that he thought this was adopted a long time ago. It is recommended that the City adopt the County's plan, so if there is an incident, the city would be able to qualify for some additional funding

Karnowski said the Hazard Mitigation Grant Program structures the implementation of long-term mitigation measures following a major disaster declaration for events like floods, tornados, etc.

Mitigation is any sustained action taken to reduce or eliminate the long-term risk to human life and property and focuses on breaking the cycle of disaster damage, reconstruction and repeated damage.

Karnowski stated that Hazard mitigation planning is an important aspect of a successful mitigation program which aids in the process of setting short and long-range mitigation goals and objectives.

He said all mitigation projects must be cost-effective, meet both engineering and technical feasibility criteria, and clear Environmental Planning and Historic Preservation require-

ments in accordance with the Hazard Mitigation Assistance Unified Guidance. Other eligibility requirements include: National Flood Insurance Program (NFIP) participation and participation in a Hazard Mitigation Plan.

The HMGP program is funded by the Federal Emergency Management Agency (FEMA) and is administered by the State. Federal funding for eligible mitigation projects and planning is limited to a maximum of 75% of the total eligible project costs.

Karnowski said The Mille Lacs County plan is 153 pages long and was last updated in 2008. If the Council would like review a copy, one can be provided. Apparently Sherburne County's plan has expired and they're working on a revision for future Council consideration.

HALLIN MOTIONED TO APPROVE RESOLUTION 12-63 ADOPTING THE MILLE-LACS COUNTY ALL-HAZARD MITIGATION PLAN. WHITCOMB SECONDED THE MOTION. THE MOTION CARRIED UNANIMOUSLY

B. Façade Improvement Study Grant Application

Karnowski stated Fuhrman is at the American Planners Association Conference in Alexandria but has provided a memo to the Council that stated the City was awarded a MN Historical and Cultural Heritage grant to hire a consultant to perform a Reconnaissance Survey in order to take an inventory of the downtown buildings. Work on this will begin in the next few weeks by Pat Smith's firm.

The next grant deadline is November 9th and January 11th (if there is funding leftover). In order to continue progression on the Downtown Revitalization project, staff is recommending we continue moving forward and request a grant by November 9th to hire a consultant to conduct a Façade Improvement Study. The grant is for up to \$7,000 with no match required from the city.

WALKER MOTIONED TO AUTHORIZE THE STAFF TO REQUEST PROPOSALS FROM AT LEAST THREE CONSULTANTS TO CONDUCT THE FAÇADE IMPROVEMENT STUDY AND AUTHORIZING SUBMITTAL OF THE GRANT APPLICATION TO THE MN HISTORICAL AND CULTURAL GRANT PROGRAM. DOBSON SECONDED THE MOTION. THE MOTION CARRIED UNANIMOUSLY

MISCELLANEOUS

Dobson reported that the Chili Fest was a huge success this year. It was nice to see the Council Members taking time at each booth and helping out. Riddle said he was selling Bounce House tickets and Hallin was serving the salsa.

BILL LIST – \$395,292.68

HALLIN MOVED TO APPROVE THE BILL LIST WHICH INCLUDES THE MANUAL CHECKS AS LISTED ON THE MANUAL BILL LIST FOR A TOTAL OF \$99,595.75, AND THE ITEMS LISTED ON THE LIQUOR BILL LIST AND GENERAL CITY BILL LIST WHICH WILL BE CHECKS 66765 TO 66913 FOR A TOTAL OF \$395,292.68. WHITCOMB SECONDED THE

MOTION. THE MOTION CARRIED UNANIMOUSLY

ADJOURNMENT

There being no further business:

WHITCOMB MOVED TO ADJOURN THE MEETING AT 7:30PM. HALLIN SECONDED THE MOTION. THE MOTION CARRIED UNANIMOUSLY

Respectfully Submitted,

Shawna Jenkins
City Clerk

ATTEST:

Jeremy Riddle, Mayor