

**MINUTES OF A REGULAR MEETING OF THE PRINCETON CITY COUNCIL HELD ON
OCTOBER 11, 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, Attorney's Dick Schieffer and Damien Toven and Engineer Mike Nielson.

AGENDA ADDITIONS/DELETIONS

CONSIDERATION OF MINUTES

- A. Regular Meeting of September 27, 2012
- B. Study Session of October 4, 2012

WHITCOMB MOVED TO APPROVE THE REGULAR CITY COUNCIL MINUTES OF SEPTEMBER 27, 2012 AND STUDY / BUDGET SESSION MINUTES OF OCTOBER 4, 2012 AND THE. HALLINE SECONDED THE MOTION. THE MOTION CARRIED UNANIMOUSLY

CONSENT AGENDA

Under Permits and Licenses:

Christ Our Light Catholic Parish Raffle – Drawing December 30, 2012

Under Personnel:

Public Works – Bob Gerold Step Increase to \$70,239 effective 11-29-12

HALLIN MOVED TO APPROVE THE CONSENT AGENDA. DOBSON 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 September 24, 2012
- B. Fire Advisory Board meeting of September 4, 2012
- C. Airport Board meetings of September 4 and October 1, 2012
- D. Planning Commission Meeting Minutes of September 17, 2012
- E. EDA Board Meeting Minutes of September 20, 2012

PETITIONS, REQUESTS, AND COMMUNICATIONS

None

ORDINANCES AND RESOLUTIONS

A. Ordinance 691 allowing chickens as an Interim Use – Second Reading

Fuhrman 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.

Fuhrman 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

Fuhrman 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.

Thom asked about reviewing it in the future. Karnowski responded there is already an Agenda created in the system with it listed for January 2014.

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

B. Ordinance 692 Amending the Zoning Ordinance allowing Automobile and Recreational Sales and Service as a Conditional Use Permit in the B-2 (Neighborhood Commercial) Zoning District.

Fuhrman reported that Automobile and recreational sales and service was formerly allowed as a Conditional Use Permit in the B-2 Neighborhood Commercial District. The use was removed during the 2010 Zoning Ordinance amendments to comply with the changes made to the Comprehensive Plan. Here is a timeline of the events:

Fuhrman stated that in the 2008 Comprehensive Plan Update a new land use designation was added, known as Neighborhood Commercial. It was added to provide areas for limited commercial, office, and services uses adjacent to residential uses. This district was to serve as a transition between general commercial and residential uses. Uses were limited in this District to mostly provide goods and services to surrounding residential districts, and additional requirements were added to ensure buildings were designed with similar scale and design elements as neighboring residential structures. Page 19 of the Comprehensive Plan states:

The neighborhood commercial concept allows limited commercial uses in existing commercial nodes adjacent to residential neighborhoods, as well as future commercial sites included in a mixed-use planned unit development. Typical uses would include small convenience centers, offices, and other commercial uses that are more compatible with surrounding residential areas.

Fuhrman added that in a 2010 Zoning Ordinance Amendment it was determined that this use did not fit in with the Neighborhood Commercial land use designation. As the Zoning Ordinance should reflect the Comprehensive Plan of a community, the Planning Commission and City Council removed automobile and recreational sales and service from the B-2 Neighborhood Commercial Zoning District during the 2010 amendments to the Zoning Ordinance.

Fuhrman stated that the proposed amendments to the B-2 Neighborhood Commercial District language, outlines the intent, permitted, conditional, and interim uses. The list of uses allowed in the District provides a sense of what uses the City found to be compatible with neighboring residential uses, such as a deli, 3,000 square foot convenience store, office space, barber, beauty shops, specialty schools, daycares, churches, veterinary clinics, and so on.

Fuhrman reported that in June 2012, an existing automobile sales lot owner applied for two variances to construct an accessory building. Staff recommended denial of the variance requests because the accessory building was proposed to be utilized for auto repair/service of the automobiles to be sold on the lot, a use which is currently not permitted as it is a nonconforming use. This would in essence expand the business, and expanding a non-conforming use is not allowed by the current Zoning Ordinance. The variance requests also did not meet the City and State review standards for variances. Staff believes that if the proposed use of the building was for storage only, that would not be considered expanding a nonconforming use.

Fuhrman said that the Planning Commission held a public hearing and recommended approval of Ordinance #692 which allows automobile and recreational sales and service as a conditional use permit back in the B-2 Zoning District, provided that

- (a) *A minimum lot area of 0.75 acre is required and the use shall be on 1 lot or contiguous lots not separated by a public street or other use.*
- (b) *A minimum lot width of 100 feet is required.*
- (c) *The parking area for the outside sales and storage area shall be hard surfaced before the operation of business begins and maintained to control dust, erosion, and drainage. No parking or display of vehicles for sale shall occur on landscaped areas. Customer parking shall be clearly marked.*
- (d) *Interior concrete or asphalt curbs shall be constructed within the property to separate driving and parking surfaces from landscaped areas.*
- (e) *All areas of the property not devoted to building or parking areas shall be landscaped.*
- (f) *Noise from electronic speaker devices shall be regulated in Chapter VI, Performance Standards.*

Fuhrman stated that based on the 2008 Comprehensive Plan update and 2010 Zoning Ordinance amendments, it is apparent that the Planning Commission and City Council wanted to see this zoning district move towards limited commercial uses compatible with the surrounding residential uses. A conscious decision was made by the Planning Commission and City Council to remove automobile sales and repair businesses from this district back in 2010 and only allow automobile sales and service and automobile repair as conditional uses in the B-3 General Commercial District.

Fuhrman added that this is a difficult decision to be made; and when it comes to long-range planning and zoning decisions, the City Council should only approve the proposed ordinance amendment if they find that the amendment meets the intent and provisions of the Comprehensive Plan – specifically the Neighborhood Commercial provisions – and the Zoning Ordinance – specifically the B-2 Zoning District.

DOBSON MOTIONED TO APPROVE ORDINANCE 692 AMENDING THE ZONING ORDINANCE ALLOWING AUTOMOBILE AND RECREATIONAL SALES AND SERVICE AS A CONDITIONAL USE PERMIT IN THE B-2 (NEIGHBORHOOD COMMERCIAL) ZONING DISTRICT. WALKER SECONDED THE MOTION. THE MOTION CARRIED UNANIMOUSLY

C. Ordinance 693 – Amending both Section 410.11 (B) [Consumption in Public Places] of Title 4 [Alcohol Regulation] and Chapter 665 [Alcoholic Beverages at Riverside Park and Campground] of the City of Princeton’s Ordinances

Karnowski reported Councilor Dobson had called and was concerned that people were wandering around chili-fest with beer and were not in a fenced off area. Karnowski said the City has the authority to require a fenced in area for beer gardens, wrist bands, etc. He said as he was reviewing the ordinance, he noticed some conflicting language in 2 different sections.

Karnowski said in 410.11B, the current ordinance states “no person shall consume liquor or 3.2% malt liquor on any public highway, alley, sidewalk, parking area, vacant lot, public park (except Mark Park) or other public place hereinafter permitted”. He is proposing amending it to read “(except the softball area and Solheim field area of Mark Park and the camping area of Riverside Park)”

Karnowski said he has split the Park and Campground up, so there will not be conflicting information in two sections.

WALKER MOTIONED TO APPROVE THE FIRST READING OF ORDINANCE 693 AMENDING BOTH SECTION 410.11 (B) [CONSUMPTION IN PUBLIC PLACES] OF TITLE 4 [ALCOHOL REGULATION] AND CHAPTER 665 [ALCOHOLIC BEVERAGES AT RIVERSIDE PARK AND CAMPGROUND] OF THE CITY OF PRINCETON'S ORDINANCES. HALLIN SECONDED THE MOTION. THE MOTION CARRIED UNANIMOUSLY

UNFINISHED BUSINESS

A. Partial Pay Estimate #15 for Rice Lake Construction - \$413,491.62

Karnowski said as of Monday of this week, the plant is expelling treated water into the Rum River. The City Engineer recommends approval of a payment to Rice Lake Construction for Pay Request #15.

Walker asked if this is towards the end of the partial payments. Karnowski replied that we are getting close, then there will have a Punch List to go through. He said there is still money left in the grant and loan. The Pond decommissioning request will be paid mostly be with the grant money that remains.

HALLIN MOTIONED TO AUTHORIZE PAY REQUEST #15 TO RICE LAKE CONSTRUCTION FOR \$413,491.62. WHITCOM SECONDED THE MOTION. THE MOTION CARRIED UNANIMOUSLY

NEW BUSINESS

A. Purchase of Used Pickup Truck (Bob Gerold)

Gerold reported that Public Works is looking at purchasing a used 2006 Ford Super duty F250 for \$14,200. Currently there is \$18,000 budgeted for this truck. He reported that it will need some additional equipment added to it, that will cost approximately \$2000.

Whitcomb asked if this was a replacement. Gerold said he will be coming forward to decommission the other truck soon.

Hallin asked what the additional equip is. Gerold said it will need a headache rack, a beacon and a tool box.

HALLIN MOTIONED TO APPROVE THE PURCHASE OF THE 2006 FORD F250 AT NORTHSTAR TRUCK SALES FOR \$14,200 AND \$2000 FOR ADDITIONAL EQUIPMENT AS NEEDED. DOBSON SECONDED THE MOTION. THE MOTION CARRIED UNANIMOUSLY

B. Authorize bids for WWTP Pond Decommissioning (Mike Nielson)

Nielson reported that they are looking for approval to advertise for sealed bids for the construction of Waster Wastewater Treatment Facility Pond Decommissioning. Bids will be

accepted until 11am Friday November 9, 2012 and then publicly opened and read aloud.

Nielson stated that major components of the Wastewater Treatment Facility Pond Decommissioning will consist of the furnishing of all labor and materials for construction of the following approximate quantities:

1	LS	Mobilization
4	EA	Abandon pipe and sewer
13	EA	Abandon & seal monitoring well
7	EA	Abandon & seal piezometer well
3	EA	Abandon drainage structure
1	LS	Common Excavation
2800	LF	Silt Fence
60	ACRE	Seeding
36600	CY	Sludge Removal & Land application
7600	TON	Sludge Removal & Landfill disposal

HALLIN MOTIONED TO AUTHORIZE THE STAFF TO ADVERTISE FOR SEALED BIDS FOR THE CONSTRUCTION OF WASTEWATER TREATMENT FACILITY POND DECOMMISSIONING TO BE RECEIVED UNTIL 11AM FRIDAY NOVEMBER 9, 2012. WALKER SECONDED THE MOTION. THE MOTION CARRIED UNANIMOUSLY

MISCELLANEOUS

Karnowski reported that he just became aware of a change order for the Wastewater Treatment Plan as of 4pm this afternoon. The change order request relates to providing wireless firewall and computer software for the computer at the wastewater treatment plant.

Karnowski said this software is typically provided through an electrical allowance as part of wastewater projects, but this was not included in Princeton due to the USDA RD requirement that allowances could not be provided in the bidding documents.

Karnowski stated that the City Engineer recommends that this be provided as noted and based on correspondence with the electrical engineer and others. This item will allow for remote monitoring and remote control access by treatment plant staff and will provide remote correspondence capabilities for trouble shooting purposes between the treatment plant operators and consultants. This will allow for reductions in some site visits related to troubleshooting, as the employees can view, diagnose and many times resolved the problem from a home computer. The electrical instrumentation subcontractor, InControl, is asking for approval now before they will install the software.

The change order is in the amount of \$1000. Hallin asked if this program is similar to the program that Public Utilities use at the water plant. Karnowski replied that it was

BILL LIST – \$867,710.99

HALLIN MOVED TO APPROVE THE BILL LIST WHICH INCLUDES THE MANUAL CHECKS

AS LISTED ON THE MANUAL BILL LIST FOR A TOTAL OF \$91,289.97, AND THE ITEMS LISTED ON THE LIQUOR BILL LIST AND GENERAL CITY BILL LIST WHICH WILL BE CHECKS 66916 TO 66991 FOR A TOTAL OF \$867,710.99. WHITCOMB SECONDED THE MOTION. THE MOTION CARRIED UNANIMOUSLY

ADJOURNMENT

There being no further business:

WHITCOMB MOVED TO ADJOURN THE MEETING AT 7:18 PM. HALLIN SECONDED THE MOTION. THE MOTION CARRIED UNANIMOUSLY

Respectfully Submitted,

Shawna Jenkins
City Clerk

ATTEST:

Jeremy Riddle, Mayor