

**CITY OF PRINCETON  
Planning Commission  
Agenda  
November 16<sup>th</sup>, 2015  
7:00 P.M., City Hall**

- 1. Call to Order**
  
- 2. Approval of Minutes of Regular Meeting on October 19<sup>th</sup>, 2015 and November 2, 2015 - Tab A**
  
- 3. Agenda Additions/Deletions**
  
- 4. Public Hearing:**
  - A. Conditional Use Permit for 801 5<sup>th</sup> Avenue North - Tab B**
  - B. Kennel Ordinance Amendment – Tab C**
  
- 5. Old Business:**
  
- 6. New Business:**
  - A. Planning Commission Bylaws – Tab D**
  
- 7. Communication and Reports:**
  - A. Verbal Report**
  - B. City Council Minutes for October, 2015 - Tab E**
  - C. B-1 Zoning District Section Replacement – Tab F**
  
- 8. Adjournment**



**THE MEETING OF THE PLANNING COMMISSION BOARD HELD ON OCTOBER 19, 2015,  
AT 7:00 P.M., AT THE CITY HALL COUNCIL CHAMBERS**

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The meeting was called to order at 7:00 P.M., by Jack Edmonds. Members present were Jeff Reynolds, Chad Heitschmidt, Chuck Young, and Jim Kusler (Princeton Twsp. Representative). Staff present were Jolene Foss (Comm. Dev. Director) and Mary Lou DeWitt (Comm. Dev. Assistant).

**OATH OF OFFICE:**

Chuck Young took the Oath of Office.

**APPROVAL OF MINUTES OF REGULAR MEETING ON SEPTEMBER 21, 2015**

REYNOLDS MOVED, SECOND BY HEITSCHMIDT, TO APPROVE THE MINUTES OF SEPTEMBER 21, 2015. UPON THE VOTE, THERE WERE 4 AYES, 0 NAYS. MOTION CARRIED.

**AGENDA ADDITIONS / DELETIONS:**

HEITSCHMIDT MOVED, SECOND BY REYNOLDS, TO APPROVE THE AGENDA. UPON THE VOTE, THERE WERE 4 AYES, 0 NAYS. MOTION CARRIED.

**PUBLIC HEARING:**

**A. #15-16 Variance for 1607 12<sup>th</sup> Street South**

Community Development Director Memo:

Jaeger Construction, on behalf of USDP, has submitted an application to the City of Princeton for a variance to construct a 40 addition, exceeding the 30 foot maximum height allowed in the MN-1 District, on the property described below:

The subject property is located south of 12<sup>th</sup> Street South, west of vacated 17<sup>th</sup> Avenue South, north of 14<sup>th</sup> Street South, and east of 18<sup>th</sup> Avenue South. The building is proposed to contain a distiller and some office space.

17<sup>th</sup> Avenue South between 12<sup>th</sup> and 14<sup>th</sup> Streets, directly to the east of the subject property, was vacated by the City on July 22, 1999. According to Resolution #99-31, the vacation was approved for future development of USDP industrial uses. According to Sherburne County, customary to street vacations, the west half of the right-of-way is now a part of Lot 1, Block 1, Princeton Industrial Park Third Addition, and the north half of the east half of the vacated right-of-way is now part of Lot 1, Block 4, Princeton Industrial Park for tax purposes. In regards to actual property lines and title work, the vacated portion of 17<sup>th</sup> Avenue South is its own separate parcel.

**VARIANCE REVIEW**

**Review Standards.** The Statute regarding municipal variance authority was amended in May. The City Code has not yet been amended to comply with the new State statutory requirements; however, statutory language pre-empts inconsistent local ordinance provisions, and so the

variance requests are being processed under the new State standards. The following outlines the new statutory language;

- A) Variances shall only be permitted:
  - 1) When they are in harmony with the general purposes and intent of the ordinance and
  - 2) When the variance is consistent with the comprehensive plan.
- B) Variances may be granted when the applicant for the variance establishes that there are practical difficulties in complying with the zoning ordinance. Practical difficulties means that:
  - 1) The property owner proposes to use the property in a reasonable manner not permitted by the zoning ordinance;
  - 2) The plight of the landowner is due to circumstances unique to the property not created by the landowner;
  - 3) The variance, if granted, will not alter the essential character of the locality.

The applicants have stated that a 40 foot building height is needed for the following reasons: The proposed distiller that is to be constructed is 36 feet.

\*\*\*\*\*End of Staff Memo\*\*\*\*\*

*Memo from Michael Tiedman, Vanney Associates, Inc. Dated September 14, 2015*

*RE: Site Plan Review and Maximum Height Variance  
United States Distilled Products  
1607 12<sup>th</sup> Street South  
Princeton, MN 55371*

*To Whom It May Concern,*

*United States Distilled Products would like to build an addition to their existing facility at the above referenced address. The scope of work for this project will include a 4,784 square foot addition to their existing warehouse. The addition will be located off of the north side of the existing "A Building". The addition will consist of warehouse space as well as a room for new distillery equipment. Due to the height of the equipment, they are requesting a variance to build that portion of the building to a height of 40' -0" in lieu of the 30' -0" maximum height allowed by the zoning code. The scope of work will also include infilling an existing loading dock to bring the floor level up to match the adjacent building.*

*If you have any questions about the above-mentioned items, please feel free to contact me at your convenience.*

*Thank you, Michael Tiedman*

\*\*\*\*\*End of Memo\*\*\*\*\*

Edmonds asked DeWitt where the maximum height of 30 feet originated from for the Ordinance.

DeWitt explained that the Fire Departments equipment could reach a certain height and that equipment has been updated to reach a higher limit.

Edmonds opened the public hearing.

Scott King (U.S.D.P. Operations Manager) said this addition will allow to distill product where now they can only blend it.

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

Heitschmidt asked which end of the building will be higher with this addition.

Barry Jaeger (Jaeger Construction) said the north center of the building.

Edmonds asked staff if they made sure it was not in the fly zone.

Foss said there was a form filled out that says it is okay. Foss said the Site Plan Review will show more of the plans in the future.

REYNOLDS MOVED, SECOND BY HEITSCHMIDT, TO APPROVE ITEM #15-16 VARIANCE FOR UNITED STATES DISTILLED PRODUCTS TO EXCEED THE MAXIMUM HEIGHT REQUIREMENT OF 30 FEET BY AN ADDITIONAL 10 FEET FOR THE EXPANSION PROJECT AT 1607 12<sup>TH</sup> STREET SOUTH, LEGAL DESCRIPTION IS CITY OF PRINCETON, LOT 1, BLOCK 1, SECTION 5, TOWNSHIP 35N, RANGE 26W, SHERBURNE COUNTY, PID #90-413-0105 AND #90-413-0110. UPON THE VOTE, THERE WERE 4 AYES, 0 NAYS. MOTION CARRIED.

The Planning Commission Board reviewed the Findings of Fact:

1. Is the variance in harmony with the purpose and intent of the Ordinance? Yes.
2. Is the variance consistent with the Comprehensive Plan? Yes.
3. Does the proposal put the property to use in a reasonable manner? Yes.
4. Are there unique circumstances to the property not created by the landowner? Yes.
5. Will the variance maintain the essential character of the locality? Yes.
6. Does the alleged practical difficulty involve more than economic considerations? Yes.

Staff would like to set a Special Planning Commission date for the United States Distilled Products Site Plan Review. The Planning Commission Board said they could meet on Monday,

November 2, 2015 at 7:00 P.M. Those present from United States Distilled Products said that date would work for them.

## **B. Kennel Ordinance Amendment**

Community Development Director Memo:

City Staff is requesting the consideration of an Ordinance Amendment to address Ordinance NO. 716 INTERIM ORDINANCE PURSUANT TO MINNESOTA STATUTES SECTION 462.355, SUBDIVISION 4, ESTABLISHING A MORATORIUM PROHIBITING THE ISSUANCE OF CONDITIONAL USE OR INTERIM USE PERMITS FOR THE OPERATION OF A KENNEL

The city's ordinance defines a Kennel as:

**Kennel:** Any place where more than three domestic animals over eight months of age are owned, boarded, bred, trained or offered for sale, but not including veterinary clinics.

The city's regular ordinances identifies kennels as a nuisance and suggests they are not allowed anywhere in the city:

### **500.06 Kennels.**

(A) **Definition of kennel.** The keeping of three or more dogs, cats, and/or other domestic animals on the same premises, whether owned by the same person or not and for whatever purpose kept, shall constitute a "kennel;" except that a fresh litter of pups or kittens may be kept for a period of three months before that keeping shall be deemed to be a "kennel."

(B) **Kennel as a nuisance.** Because the keeping of three or more dogs or cats on the same premises is subject to great abuse, causing discomfort to persons in the area by way of smell, noise, hazard and general aesthetic depreciation, the keeping of three or more dogs or cats on the premises is hereby declared to be a nuisance, and no person shall keep or maintain a kennel within the city.

Still, in the city's zoning ordinances:

1. R-1 Residential: Kennels are an Allowed Use so long as there are "not more than three domestic animals" and a Conditional/Interim Use for more than 3 domestic animals.
2. R-2 Residential: Kennels are not an "Allowed Use" and can only exist with a Conditional/Interim Use (for more than 3 domestic animals).
3. R-3 Residential: Kennels are again an Allowed use so long as there are "not more than three domestic animals" and a Conditional/Interim Use for more than 3 domestic animals.



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4. B-1 Central Business District: Kennels are not allowed...even for a veterinarian clinic.
5. B-2 General Business District: Kennels are not mentioned but veterinarian clinics are a Conditional/Interim use. Because the Kennel above definition says it's not a kennel if it's operated by a veterinarian clinic, one assumes they can exist with a Conditional/Interim Use Permit.
6. B-3 Highway Commercial: Vet Clinics are an Allowed Use (with no overnight boarding) and a Conditional/Interim Use (with overnight boarding).

In an attempt to clarify and maintain consistency throughout both the City Code of Ordinances and the Zoning Ordinance #538 the City Council has made a motion directing the Planning Commission to process this Ordinance Amendment redefining the allowed number of domestic pets allowed in each respective district.

After discussion at the August 6<sup>th</sup>, 2015 Study Session, the consensus was to adjust the ordinance such that **any property in an R-1, R-2 or R-3 zoned area should be able to have up to 3 dogs or up to 3 cats but a combination of no more than 5 dogs and cats. In any property in a B-1, B-2 or B-3 zoned area should be able to be used as a veterinarian clinic, a pet store and/or a 'doggy day care' facility with the issuance of an Interim Use Permit.**

The reasoning behind this decision is that there are certain expectations by a resident when they live in a city versus a rural area. Because of the close proximity of buildings and the size of lots, having more than 3 dogs on a property could create a nuisance situation for neighboring properties.

While residents who temporarily take in 'rescue animals' are to be commended, the city has to balance the need for animal foster care with the expectations of neighbors who live on a smaller lot properties within a city.

That's not to say that Princeton residents cannot give temporary foster care to rescue pets, just that the number of dogs and/or cats need to be more limited than what might be possible in a more rural setting.

It is staff recommendation to **approve** this Ordinance Amendment redefining the allowed number of domestic pets and to maintain consistency throughout both Code of Ordinances and Zoning Ordinance.

\*\*\*\*\*End of Staff Memo\*\*\*\*\*

Foss said there was a moratorium on kennel licenses. The Council already approved this and it should have gone through the Planning Commission first. There is highlighted areas on the draft form that has been handed out tonight and those need to be discussed. Should the overnight boarding be allowed for veterinary clinics.

Edmonds said yes. Have an exception with overnight boarding for veterinary clinics. Veterinary clinics are identified in B-3 District.

Reynolds said in B-2 District Veterinary clinics and pet grooming, with no outdoor boarding are allowed with a Conditional Use Permit.

DeWitt said this draft Ordinance Amendment does not address the Residential Districts. It was in the Residential District where there had been an issue with the amount of pets.

Reynolds said to add language to this draft Ordinance that in B-2 District overnight boarding is allowed and make sure all three Residential Districts are addressed.

Heitschmidt said in B-3 District for the permitted use that veterinary clinics are allowed with no outside boarding facilities. Under the Interim Use section, outside boarding facilities are allowed with certain conditions. They do not allow overnight boarding.

Edmonds is okay with having overnight boarding with the Interim Use process.

Heitschmidt said in B-2 and B-3 Districts overnight boarding should be allowed with a Conditional Use Permit for veterinary clinics, but remove the outdoor boarding. It should have where they abide by the State laws for overnight boarding for pets in the veterinary clinics and pet stores. No kennel license in the Residential Districts.

Young believes that five animals per property is too many.

Foss said she ran it by Chief Fredrick and he thought that number was okay.

DeWitt suggested in the R-2 and R-3 Districts that a total of five domestic animals are allowed per property. In those districts there is multi-family housing and this could cause an issue with a site that has a multi-tenant structure.

**HEITSCHMIDT MOVED, SECOND BY REYNOLDS, TO LEAVE THE PUBLIC HEARING OPEN FOR THE KENNEL ORDINANCE AMENDMENT AND MAKE THE FOLLOWING CHANGES;**

- 1. IN R-2 AND R-3 DISTRICTS CAN HAVE UP TO THREE DOGS AND UP TO THREE CATS, BUT A COMBINATION OF NO MORE THAN FIVE DOGS OR CATS ARE ALLOWED PER PROPERTY LOT SITE.**
- 2. IN B-2 AND B-3 DISTRICTS OVERNIGHT BOARDING IS ALLOWED WITH A CONDITIONAL USE PERMIT. REMOVE OUTDOOR BOARDING.**
- 3. NO KENNEL LICENSE ALLOWED IN R-1, R-2, AND R-3 DISTRICTS.**

**THE PUBLIC HEARING WILL CONTINUE ON NOVEMBER 16, 2015 PLANNING COMMISSION MEETING. UPON THE VOTE, THERE WERE 4 AYES, 0 NAYS. MOTION CARRIED.**

**OLD BUSINESS: None**



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**NEW BUSINESS:** None

**COMMUNICATION AND REPORTS:**

**A. Verbal Report**

Foss said she has nothing.

**B. City Council Minutes for September, 2015**

HEITSCHMIDT MOVED, SECOND BY REYNOLDS, TO ADJOURN THE MEETING. UPON THE VOTE, THERE WERE 4 AYES, 0 NAYS. MOTION CARRIED. THE MEETING ADJOURNED AT 7:58P.M.

ATTEST:

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Jack Edmonds, Chairperson

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Mary Lou DeWitt, Comm. Dev. Assistant





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**THE SPECIAL MEETING OF THE PLANNING COMMISSION BOARD HELD ON NOVEMBER 2, 2015, AT 7:00 P.M., AT THE CITY HALL COUNCIL CHAMBERS**

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The meeting was called to order at 7:00 P.M., by Jack Edmonds. Members present were Jeff Reynolds, Chad Heitschmidt, and Chuck Young. Staff present were Jolene Foss (Comm. Dev. Director) and Mary Lou DeWitt (Comm. Dev. Assistant).

**NEW BUSINESS:**

**A. Site Plan for United States Distilled Products Addition**

Community Development Director Memo:

**REQUEST**

Jaeger Construction, on behalf of United States Distilled Products (USDP), has submitted an application for a Site Plan Review in order to construct a 5,491 square foot building addition on the property described as Lot 2, Block 1, Princeton Industrial Park Third Addition located at 1607 South 12<sup>th</sup> Street. The property is zoned MN-1 Industrial District and contains 10.3 acres.

**BACKGROUND**

The subject property is located south of 12<sup>th</sup> Street South, east of vacated 17<sup>th</sup> Avenue South, north of 14<sup>th</sup> Street South, and east of 18<sup>th</sup> Avenue South. The building is proposed to contain a distiller and warehouse space.

17<sup>th</sup> Avenue South between 12<sup>th</sup> and 14<sup>th</sup> Streets, directly to the west of the subject property, was vacated by the City on July 22, 1999. According to Resolution #99-31, the vacation was approved for future development of USDP industrial uses. According to Sherburne County, customary to street vacations, the west half of the right-of-way is now a part of Lot 1, Block 1, Princeton Industrial Park Third Addition, and the north half of the east half of the vacated right-of-way is now part of Lot 1, Block 4, Princeton Industrial Park, and the south half of the east half of the vacated right-of-way is now part of Lot 12, Block 4, Princeton Industrial Park for tax purposes. In regards to actual property lines and title work, the vacated portion of 17<sup>th</sup> Avenue South is its own separate parcel.

**SITE PLAN REVIEW**

**Zoning**

This parcel is zoned within the MN-1 Industrial District. Manufacturing and warehousing are permitted uses in this district.

The overall project includes a proposal to construct a distillery and warehouse addition to the existing building. This addition is proposed to be 5,491 square feet.

A variance is required as the proposed height of the addition is 36 feet and the proposed height exceeds the maximum allowed by Zoning Ordinance. The maximum height allowed by Ordinance is 30 feet (Chapter V.13.E). This variance for 40 foot height has been approved by the Planning Commission on October 19<sup>th</sup>, 2015.

### **Parking**

The required amount of parking spaces for the existing warehouse usable area is 243 spaces. The required number of parking spaces required for the warehouse addition usable area is 3 spaces for a total requirement of 246 spaces. The accessible spaces required are 7 accessible spaces for every 201-300 total spaces provided. Of those, 1 of every 6 accessible spaces needs to be a van space. So the proposed total number of standard spaces is 239, the total number of accessible spaces is 6 and the total number of van accessible spaces is 4 for a total of 249 spaces. This proposed addition maintains three spaces more than the required amount.

### **Airport Safety Zone Locations**

The subject property is located in Zone C of the Airport Safety Zones. The height restriction in Zone C states that no structures may be taller than 150 feet above the airport elevation, which is 981.0 feet. The height of the proposed building (1,021.0) will be below the 1,131.0 restriction.

### **Loading/Unloading**

The proposed site plan does not affect or change the existing loading and unloading capacity.

### **Landscaping**

The proposal will not affect any of the existing landscaping and will not require any additional landscaping.

### **Design Criteria/Building Materials**

The proposed exterior is to be a ribbed pre-cast that would match the previous addition. There are also some metal panels that would match the previous addition. The proposed exterior building materials meet the requirements of the Ordinance.

### **Signage**

The applicant has indicated that no signage is proposed at this time. A condition shall be added upon approval that a sign permit be obtained prior to the installation of any signage.

**City Engineer Comments.** The City Engineer has reviewed the proposed plans for the USDP expansion – his comments are attached to this report. The response indicates that there are no impacts from proposed storm water runoff. The building addition will take the place of existing impervious materials and the amount of runoff will be unchanged. The new addition will have rain leader that tie into the existing building. There are no utilities being proposed as a part of this project. The recommendation by the City Engineer is to approve the preliminary plans as submitted.

**Other Staff Comments.** The Fire Investigator, Public Works Director, Public Utilities Commission (PUC) have reviewed the proposed plans. The Fire Inspector had numerous meetings regarding fire walls and other requirements. He has stated that he is approving this site plan with the recommendations he specified regarding fire wall requirements. The Fire Chief and the Deputy State Fire Marshall addressed the sprinkler system. The existing sprinkler



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will remain as is in the existing fire connection at the exterior will be relocated to the address side of the new addition. See comments attached.

**CONCLUSION AND RECOMMENDATION**

The following includes the conclusion and staff recommendation:

Site Plan Review: As the building height variance has been approved, **staff would recommend approval of the Site Plan Review**, based on the finding that the proposal meets the Ordinance requirements, conditioned upon the following:

1. Prior to the installation of any signage, a sign permit shall be obtained.
2. Any conditions and comments from the City Engineer, PUC, Public Works, Fire Inspector, other staff, and the Planning Commission.

\*\*\*\*\*End of Staff Memo\*\*\*\*\*

Mike Nielson, City Engineer with WSB & Associates Memo:

Dated: October 8, 2015

WSB & Associates has completed a review of the preliminary plans dated September 14, 2015 for the USDP Distillery Building Addition in Princeton, Minnesota.

The project has very little impact in regards to the site. With the area where the building is being proposed already being impervious, there are no impacts from proposed stormwater runoff. No utilities are being proposed as part of this project.

At this time, we recommend that the preliminary plans be approved as submitted.

\*\*\*\*\* End of Memo\*\*\*\*\*

Loren Kohnen, City Building Official and Fire Marshall (Metro West Inspections) Memo:

Dated: October 13, 2015

Additional requirements of the MN State Building Code have arisen, that requires 60' setbacks to all lot lines existing or proposed.

The major problem is on the east side of the existing building. Until the 60' setback is resolved, the building code will not allow issue of any permits.

The architect is aware of this major problem.

\*\*\*\*\*End of Memo\*\*\*\*\*

Kevin J. McGinty, Deputy State Fire Marshal Memo:

Dated: October 12, 2015

Subject: Addition to USDP building A, 1607 12<sup>th</sup> St., Princeton, MN.

This memo is in regards to the accessibility of the sprinkler valve assembly in building "A" after the addition is constructed to the north side per the site plan we reviewed on October 8<sup>th</sup>, 2015 at Princeton City Hall.

Per our conversation and referencing the site plan letter provided by Metro West Inspection dated 10/5/15, item "e" looks like a PIV will be required for sprinkler water control of the existing building and the new addition. If that is correct, I believe that will alleviate any safety concern of a firefighter needing to enter the building during an emergency to operate the sprinkler control valve.

However, even though the sprinkler control room will no longer be on an exterior wall, the room and the valve assemblies must still be accessible and clearly marked. An access way should be maintained to the room and the room must be free from any storage.

Should any of the above information change we should revisit the issue.

Please feel free to contact me at any time if I can be of any further assistance.

\*\*\*\*\*End of Memo\*\*\*\*\*

James Roxbury, Princeton Fire Chief Memo:

Dated: October 14, 2015

Subject: Addition to USDP building A, 1607 12<sup>th</sup> St, Princeton, MN

With regards to the accessibility of the sprinkler valve assembly in building "A" after the addition is constructed to the north side per the site plan. After reviewing the letter from Metro West dated 10-5-15 and meeting with Kevin McGinty from the State Fire Marshals Office on 10-8-15. I see no problem with the riser location addressed in line K as long as the P.I.V. addressed in line E is properly located and installed. All other concerns brought out in the letter from Metro West on 10-5-15 will need to be addressed and resolved.

Attached is a copy of the Memo from Kevin McGinty.

\*\*\*\*\*End of Memo\*\*\*\*\*

Kaci Nowicki, Planner with SEH Engineering emailed Foss on the USDP height evaluation. Nowicki believes the proposed 40' structure elevation would be acceptable at the USDP site. However, due to their proximity to the Airport, they are required to complete an Airspace



Analysis with the FAA. This can be filed online and she gave the internet site location. This is required to be filed 45 days prior to construction. However, it would be beneficial to have the determination from the FAA prior to issuing any building permit to ensure the FAA does not determine the structure to be a hazard to air navigation. Such as if they intend to be using cranes for construction.

Foss said she had forward the email from Kaci Nowicki to Mike Tiedman (Architect for the project) and Barry Jaeger (Jaeger Construction) so they complete the Airspace Analysis with the FAA. Foss said she spoke to Barry Jaeger before the meeting and he will talk to Mike Tiedman to see if the form has been submitted. The Variance for the height of this addition was approved at the October 19, 2015 Planning Commission meeting.

DeWitt asked Jaeger to provide the City with a completed copy of the Airspace Analysis for our files. We need to know that the FAA is okay with the height of the building.

Jaeger said he will provide that.

Foss said Loren Kohen has had several meetings with Mike Tiedman and Barry Jaeger and they have been working on the issue of the setbacks from the last warehouse that was built and fire walls that are needed. They have worked out the issues with Kohen and Kohen has given Foss his verbal approval with the recommendation that the fire wall requirements are put in the plans. Kohen wants a fire wall between the two buildings. Foss asked Jaeger on the outside materials of the addition.

Jaeger said it will be the same metal panels that match the existing.

Foss said no signage is needed and if they did want to put up signage they would need to take out a Building Permit.

Carlos Margaria, USDP Technical Director said they will not need signage.

Edmonds asked why the upgrade for a new fire wall is needed.

Jaeger said he believes the building is fine as is. He is adding the fire wall to separate this building from the existing building so it is its own building. This is what Kohen is requesting.

Foss said the Fire Chief asked that the fire connection be moved to the outside of the building. The airport approval will be recommended for final approval as well.

Heitschmidt asked Jaeger what the 60 foot setback issue was about.

Jaeger explained that when the last warehouse was built there was a 60 foot setback required from the east side of the building. The Building Code says 60 feet from the property line. It had

been approved for the warehouse to build it with a 60 foot setback. Kohen does not agree with that and wanted a fire wall added for this addition. The fire connection will be moved to the outside of the building, but the fire service will not be moved.

Edmonds asked if down the road if they need to replace the equipment in this addition, if they would need to exceed the 40 foot height of this building.

Margaria said if they added another still or replaced this one, they would design it to fit in the building.

Jaeger said 40 feet is a good number. Warehouses do not exceed 40 feet.

HEITSCHMIDT MOVED, SECOND BY REYNOLDS, TO APPROVE THE SITE PLAN FOR UNITED STATES DISTILLED PRODUCTS 5,491 SQUARE FOOT ADDITION LOCATED IN THE MN-1 INDUSTRIAL ZONING DISTRICT AT 1607 12<sup>TH</sup> STREET SOUTH, AT THE DESCRIPTION DESCRIBED AS; USDP ADDITION, LOT 1, BLOCK 1, PID #90-413-0105 AND USDP ADDITION, LOT 2, BLOCK 1, PID #90-413-0110, WITH THE FOLLOWING CONDITIONS:

1. PRIOR TO THE INSTALLATION OF ANY SIGNAGE, A SIGN PERMIT SHALL BE OBTAINED.
2. ANY CONDITIONS AND COMMENTS FROM THE CITY ENGINEER, PRINCETON PUBLIC UTILITIES COMMISSION, PUBLIC WORKS, FIRE MARSHALL/BUILDING OFFICIAL, STATE FIRE MARSHALL, CITY STAFF, AND PLANNING COMMISSION BOARD WILL BE ADDRESSED.
3. APPLICANT WILL SUPPLY A COPY OF THE APPROVED AIRSPACE ANALYSIS FROM THE FAA FOR THE HEIGHT OF THE BUILDING.

UPON THE VOTE, THERE WERE 4 AYES, 0 NAYS. MOTION CARRIED.

Edmonds asked staff if the maximum height restriction in the Zoning Ordinance should be changed from 30 feet to 50 feet in this district.

Foss thinks that would be too high. She will look into it.

HEITSCHMIDT MOVED, SECOND BY REYNOLDS, TO ADJOURN THE MEETING. UPON THE VOTE, THERE WERE 4 AYES, 0 NAYS. MOTION CARRIED. THE MEETING ADJOURNED AT 7:36 P.M.

ATTEST:

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Jack Edmonds, Chairperson

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Mary Lou DeWitt, Comm. Dev. Assistant

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## MEMORANDUM

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TAB B



TO: Princeton Planning Commission  
FROM: Jolene Foss, Community Development Director  
SUBJECT: **Conditional Use Permit for Theresa McGuire**  
DATE: November 19<sup>th</sup>, 2015

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### BACKGROUND

Theresa McGuire has applied for a conditional use permit for the property address at 801 5<sup>th</sup> Ave N PRINCETON MN 55371  
PID # 24-040-2180, City of Princeton, Original Town site, Lot 1, Block 54, Mille Lacs County, Section 28, Township 36, Range 26

### ANALYSIS

The request is to allow a Home Bakery Business in R-2 Residential District.

**Zoning.** The current zoning for this property is R-2 Residential.

**Comprehensive Plan.** The Future Land Use Plan designates this property to remain R-2 Residential.

### R-2 Residential Definition:

The intent of the R-2 Residential District is to preserve the older historic areas of the city, which was platted into small modest sized lots with a less restrictive zoning district permitting a higher density but retaining the historic residential character of the district. The average density for this district is 4 to 8 units per acre.

Home occupations are an allowable use in R-2 with a Conditional Use Permit.

### Home Occupation Definition:

Any occupation or profession, regulated within this ordinance, which is carried out for gain by a resident and conducted as a secondary use in the resident's dwelling unit or in an accessory building as long as it does not utilize more than 25% of the total floor area of the dwelling. Home occupations may not utilize garages or accessory buildings. (See Chapter VI - Performance Standards, J. Home Occupations)

### Home Occupations (Rev. 11-18-2010; Ord. 658)

A home occupation is that accessory use of a dwelling that shall constitute either entirely or partly the livelihood of a person living in the dwelling. All permitted home occupations require an approved conditional use permit.

#### 1. Permitted Home Occupations

The following are permitted home occupations with an approved conditional use permit:

2. *The proposed use has been reviewed and approved by the City Engineer in regards to erosion, runoff, water pollution, and sedimentation.*

**Comment:** It does not appear that the proposed use will create any potential erosion, runoff, water pollution and sedimentation issues.

3. *Adequate parking and loading is provided in compliance with the Ordinance.*

**Comment:** The parking requirements are being met.

4. *Possible traffic generation and access problems have been addressed.*

**Comment:** No changes to the traffic generation or access are proposed with the CUP.

5. *The proposed use can be accommodated with existing public services and will not overburden the city's service capacity.*

**Comment:** The proposed use can be accommodated with existing municipal sewer and water.

6. *The proposed use conforms to the City's Comprehensive Plan and is compatible with present and future land uses of the area.*

**Comment:** The Comprehensive Plan states that the City should strive to expand and diversify the area tax base by promoting sound economic development opportunities and encourage wise land use patterns in the area.

#### **Staff Recommendation**

It is City Staff's recommendation to **approve** the Conditional Use Permit for the Home Occupation in R-2 Residential for Theresa McGuire to open a home bakery.

In my home bakery I will be baking pies, cookies, cupcakes, and decorated cakes for all occasions and making some candy. These will be available by order only and there will not be a retail area in my home. These items will be either picked up by the customer at my home at which I have a 4 car driveway available for off street parking, or delivered to the customer by myself. This should minimize any traffic issues or parking problems. I will be certified by the Dept. of AG under the cottage food laws, which also allows me to sell my products at community events and farmers markets. I am currently the pastry chef for a local restaurant and am a graduate of the International culinary school at the Art Institute.

Thank You

Theresa McGuire

ORDINANCE NO. \_\_\_\_\_

**AN ORDINANCE AMENDING VARIOUS SECTIONS OF THE PRINCETON CODE OF ORDINANCES AND THE PRINCETON ZONING ORDINANCE**

**THE CITY COUNCIL OF THE CITY OF PRINCETON, MINNESOTA DOES ORDAIN AS FOLLOWS:**

**SECTION 1: INTENT.**

It is the intent of the City of Princeton to amend the Code of Ordinances definition of kennel, and to amend how and where kennels are permitted within the City to ensure the keeping of dogs and cats in each zoning district does not create a nuisance situation for neighboring properties.

**SECTION 2: CODE OF ORDINANCE CHAPTER 500, ANIMALS, 500.06, KENNELS, TO READ AS FOLLOWS:**

(A) **Definition of kennel.** ~~The keeping of three or more dogs, cats, and/or other domestic animals on the same premises, whether owned by the same person or not and for whatever purpose kept, shall constitute a “kennel;” except that a fresh litter of pups or kittens may be kept for a period of three months before that keeping shall be deemed to be a “kennel.”~~ Any property, except veterinary clinics, where more than three dogs or three cats, or a combination of more than five dogs and cats together, over the age of eight months are owned, boarded, bred, trained, or offered for sale.

(B) ~~**Kennel as a nuisance.** Because the keeping of three or more dogs or cats on the same premises is subject to great abuse, causing discomfort to persons in the area by way of smell, noise, hazard and general aesthetic depreciation, the keeping of three or more dogs or cats on the premises is hereby declared to be a nuisance, and no person shall keep or maintain a kennel within the city.~~ **RECOMMENDED**

OR

(B) **Kennel as a nuisance in specific zoning districts.** Because the keeping, including owning, boarding, breeding, training, or offering for sale, of more than three dogs or three cats, or a combination of more than five dogs and cats together, over the age of eight months, is subject to great abuse, causing discomfort to persons in the area by way of smell, noise, hazard and general aesthetic depreciation, kennels are declared a nuisance within the zoning districts in which they are not specifically provided for within the Zoning Ordinance. **ALTERNATIVE**

**SECTION 3: AMEND ZONING ORDINANCE CHAPTER 2, DEFINITIONS, KENNEL, TO READ AS FOLLOWS.**

**Kenel:** Any property, except veterinary clinics, where more than three dogs or three cats, or a combination of more than five dogs and cats together, over the age of eight months are owned, boarded, bred, trained, or offered for sale.

**SECTION 4: AMEND ZONING ORDINANCE CHAPTER 4, R-1 RESIDENTIAL, AS FOLLOWS.**

B. Permitted Uses: Delete the following language:

- ~~Kennels for not more than three domestic animals;~~

C. Conditional Uses: Delete the following language:

- ~~More than three (3) domestic animals;~~

**SECTION 5: AMEND ZONING ORDINANCE CHAPTER 4, R-2 RESIDENTIAL, AS FOLLOWS.**

C. Conditional Uses: Delete the following language:

- ~~More than three (3) domestic animals.~~

**SECTION 6: AMEND ZONING ORDINANCE CHAPTER 4, R-3 RESIDENTIAL, AS FOLLOWS.**

B. Permitted Uses: Delete the following language:

- ~~Kennels for not more than three domestic animals;~~

C. Conditional Uses/Interim Uses: Delete the following language:

- ~~Kenel for more than three domestic animals.~~

**SECTION 7: AMEND ZONING ORDINANCE CHAPTER 5, SECTION 8, B-1 CENTRAL BUSINESS DISTRICT, ITEMS D AND E TO READ AS FOLLOWS.**

D. Conditional Uses: Delete the following Kennels language:

~~Kennels, provided that (Rev. 08-08-13; Ord. 699):~~

- ~~(a) No overnight boarding allowed.~~
- ~~(b) Animals allowed outside only under direct supervision.~~
- ~~(c) A maximum number of animals allowed at the facility, as determined by the Planning Commission.~~
- ~~(d) Noise shall be mitigated so as to not create a public nuisance for adjoining properties.~~
- ~~(e) Indoor and outdoor facilities are to be kept in a clean, dry, and sanitary condition. Waste shall be picked up immediately and disposed of in a sealed container.~~
- ~~(f) Adequate storage and refrigeration shall be provided to protect food supplies against contamination and deterioration.~~
- ~~(g) Indoor facilities shall be adequately ventilated and have ample light and heat.~~

D. Conditional Uses: Add the following language:

- Veterinary Clinics

E. Interim Uses: Add the following language:

- Kennels, provided that:
  - (a) No overnight boarding is allowed. Discuss this especially as it relates to veterinary clinics?
  - (b) Animals are allowed outside only under direct supervision.
  - (c) Maximum number of animals allowed at the facility will be determined by the Planning Commission.
  - (d) Noise shall be mitigated so as to not create a public nuisance for adjoining properties.
  - (e) All facilities are to be kept in a clean, dry, and sanitary condition. Waste shall be picked up immediately and disposed of in a sealed container.
  - (f) Adequate storage and refrigeration shall be provided to protect food supplies against contamination and deterioration.
  - (g) All facilities shall be adequately ventilated and have ample light and heat.

**SECTION 8: AMEND ZONING ORDINANCE CHAPTER 5, SECTION 9, B-2 NEIGHBORHOOD COMMERCIAL DISTRICT, ITEMS D AND E TO READ AS FOLLOWS.**

D. Conditional Uses: Delete the following Kennels language.

~~Kennels, provided that (Rev. 08-08-13; Ord. 699):~~

- ~~(a) No overnight boarding allowed.~~
- ~~(b) Animals allowed outside only under direct supervision.~~
- ~~(c) A maximum number of animals allowed at the facility, as determined by the Planning Commission.~~
- ~~(d) Noise shall be mitigated so as to not create a public nuisance for adjoining properties.~~
- ~~(e) Indoor and outdoor facilities are to be kept in a clean, dry, and sanitary condition. Waste shall be picked up immediately and disposed of in a sealed container.~~
- ~~(f) Adequate storage and refrigeration shall be provided to protect food supplies against contamination and deterioration.~~
- ~~(g) Indoor facilities shall be adequately ventilated and have ample light and heat.~~

E. Interim Uses: Add the following Kennels language:

\* Kennels, provided that:

- (a) No overnight boarding is allowed.
- (b) Animals are allowed outside only under direct supervision.
- (c) Maximum number of animals allowed at the facility will be determined by the Planning Commission.
- (d) Noise shall be mitigated so as to not create a public nuisance for adjoining

- properties.
- (e) Indoor and outdoor facilities are to be kept in a clean, dry, and sanitary condition. Waste shall be picked up immediately and disposed of in a sealed container.
  - (f) Adequate storage and refrigeration shall be provided to protect food supplies against contamination and deterioration.
  - (g) Indoor facilities shall be adequately ventilated and have ample light and heat.

**SECTION 9: AMEND ZONING ORDINANCE CHAPTER 5, SECTION 10, B-3  
GENERAL COMMERCIAL DISTRICT, ITEM E TO INCLUDE AS FOLLOWS.**

B. Permitted Uses: Amend the following language:

- Veterinary clinic with no ~~outside overnight~~ boarding facilities;

D. Interim Uses: Amend the following language:

- Veterinary Clinic with ~~outside overnight~~ boarding facilities provided that they meet all kennel regulations as established herein.
  - ~~(a) Any outside kennel or open area is located a minimum of 100 feet of any adjacent property lines.~~
  - ~~(b) Any outside kennel or open area used by animals is 100% screened along all property lines. No outdoor animal quarters or runs shall be located in the front yard.~~
  - ~~(c) All animal quarters and runs are to be kept in a clean, dry and sanitary condition.~~
  - ~~(d) Fencing surrounding exercise areas and/or runs shall be of a sufficient heights to prevent escape and shall be buried as part of installation to prevent escape by digging beneath the fence posts.~~
  - ~~(e) Kennel noise shall be mitigated so as to not create a public nuisance for adjoining properties. This shall exclude noise from exercise or training while outdoors during the daytime. Kennels shall comply with all local noise regulations.~~

D. Interim Uses: Add the following Kennels language:

\* Kennels, provided that:

- (a) ~~No overnight boarding is allowed.~~ Overnight boarding might be acceptable in this zoning district?
- (b) Animals are allowed outside only under direct supervision.
- (c) Maximum number of animals allowed at the facility will be determined by the Planning Commission.
- (d) Noise shall be mitigated so as to not create a public nuisance for adjoining properties.
- (e) Indoor and outdoor facilities are to be kept in a clean, dry, and sanitary condition. Waste shall be picked up immediately and disposed of in a sealed container.
- (f) Adequate storage and refrigeration shall be provided to protect food supplies against contamination and deterioration.

(g) Indoor facilities shall be adequately ventilated and have ample light and heat.

D. Interim Uses: Add the following language:

- Pet Stores provided they meet all kennel regulations as established herein.

**SECTION 10.** This Ordinance, its rules and regulations shall take effect and be in full force immediately following its adoption and publication by the Princeton City Council.

Adopted this \_\_\_\_<sup>th</sup> day of December 2015 by the City Council of the City of Princeton.

**PRINCETON CITY COUNCIL, CITY OF PRINCETON, MILLE LACS COUNTY,  
MINNESOTA**

By: \_\_\_\_\_  
Paul Whitcomb, Mayor

Attest:

By: \_\_\_\_\_  
Mark Karnowski, City Administrator

Published in the official newspaper the \_\_\_\_\_ day of \_\_\_\_\_, 2015.

\_\_\_\_\_  
Attest by Shawna Jenkins, City Clerk

**CITY OF PRINCETON  
PLANNING COMMISSION  
BYLAWS**

\*\*\*\*\*

**SECTION 1. ANNUAL MEETING**

The annual meeting of the Planning Commission shall be the first regular meeting in the month of January of each year. Such meeting shall be devoted to the election of officers for the ensuing year and such other business as shall be scheduled by the Planning Commission as per Section 6.

**SECTION 2. REGULAR MEETINGS**

Regular meetings of the Princeton Planning Commission shall be held in the City Hall at 7:00 p.m. on the third Monday of each month. At such meetings the Commission shall consider all matters properly brought before the Commission. A regular meeting may be cancelled or rescheduled by the Commission at a prior meeting.

**SECTION 3. SPECIAL MEETINGS**

Special meetings of the Planning Commission shall be called by the Chairperson or Vice-Chairperson who shall designate the time and place of the meeting. Written notice thereof shall be given to all members not less than 24 hours in advance of the special meeting.

**SECTION 4. QUORUM**

In order for any meeting to be called to order, a quorum of three regular members must be present. During the course of a meeting, at least three members must be present to take action on any matter before the Commission.

**SECTION 5. VOTING**

At all meetings of the Planning Commission, each member attending shall be entitled to cast one vote. Voting shall be by voice. In the event that any member shall have a personal interest of any kind in a matter then before the Commission, he/she shall disclose his/her interest and be disqualified from voting upon the matter, and the secretary shall so record in the minutes that no vote was cast by such member. The affirmative vote of a majority of members in attendance shall be necessary for the adoption of any resolution or other voting matter. The results of any vote shall be recorded, listing those voting Aye and those voting Nay.

**SECTION 6. PROCEEDINGS**

- A. At any regular meeting of the Planning Commission, the following shall be the regular order of business:
  - 1. Call to Order/Roll Call
  - 2. Review Minutes of the preceding meeting(s)
  - 3. Agenda Additions/Deletions
  - 4. Public Hearings - Applications
  - 5. Old Business
  - 6. New Business
  - 7. Communications and Reports
  - 8. Adjournment

- B. The following procedures will normally be observed; however, they may be rearranged by the Chairperson for individual items if necessary for the expeditious conduct of business:
1. Staff presents report and makes recommendation.
  2. The Planning Commission may ask questions regarding the staff presentation and report.
  3. Proponents of the agenda item make a presentation.
  4. Any opponents make presentations.
  5. Applicant makes rebuttal of any points not previously covered.
  6. Planning Commission asks any questions it may have of the proponents, opponents, or staff, and then takes a vote.
- C. Each formal action of the Planning Commission required by law, rules, or regulations shall be embodied in a formal vote duly entered in full upon the Minute Book after an affirmative vote as provided in Section 5 hereof.
- D. No new agenda items shall be taken up after 11:00 p.m.

#### **SECTION 7. DEADLINE FOR AGENDA**

The deadline for filing for placement on the agenda for items of New Business to be considered by the Planning Commission shall be 12:00 noon, Monday, one week prior to the meeting, unless a public hearing is required. Application deadlines are to be followed as per Developer's Guide requirements.

#### **SECTION 8. RULES OF PROCEDURE**

All meetings of the Planning Commission shall be conducted in accordance with Robert's Rules of Order unless there is a conflict with these bylaws, other ordinances, or statute.

#### **SECTION 9. MEMBER RESPONSIBILITIES**

The Planning Commission shall consist of five regular members who shall be residents of the City, except that one of the members may be a person who owns a business located within the City of Princeton so long as that person lives within the 55371 zip code area. In addition, three ex-officio members who shall each be a member of the Township Board or Township Planning Commission and be from the Townships of Baldwin, Greenbush, and/or Princeton.

Members are expected to be interested in Planning and Zoning matters as they relate to the overall general welfare and development of the community. It is realized that at times absence from meetings is unavoidable. However, any member absent from three (3) consecutive regular meetings, or a total of four (4) meetings annually, shall be deemed to have vacated his/her office, and the Planning Commission shall request that the City Council appoint someone to fill the vacant seat. The City Administrator shall notify in writing any person removed from her/his position in the above described manner.

#### **SECTION 10. OFFICERS**

The officers of the Planning Commission shall consist of a Chairperson, a Vice-Chairperson, and Secretary, elected by the Planning Commission at the annual meeting for a term of one year. In the event the secretary shall be absent from any meeting, the officer presiding shall designate an acting secretary.

### **SECTION 11. DUTIES OF OFFICERS**

The duties and powers of the officers of the Planning Commission shall be as follows:

A. Chairperson

1. To preside at all meetings of the Commission.
2. To call special meetings of the Planning Commission in accordance with these bylaws.
3. To sign documents of the Commission.
4. To see that all actions of the Commission are properly taken.

B. Vice-Chairperson

During the absence, disability, or disqualification of the Chairperson, the Vice-Chairperson shall exercise or perform all the duties and be subject to all the responsibilities of the Chairperson.

C. Secretary

To sign official documents of the Commission and other duties as required.

D. Secretarial duties to be delegated to City Staff.

1. To give or serve all notices required by law or by these Bylaws.
2. To prepare the agenda for all meetings of the Commission.
4. To be custodian of Commission records.
5. To inform the Commission of correspondence relating to business of the Commission and to attend to such correspondence.
6. To handle funds allocated to the Commission in accordance with its directives, the law, and City regulations.
7. To take the minutes of all meetings of the Commission for typing and filing into the appropriate minute book by City Staff.

### **SECTION 12. VACANCIES**

Should any vacancy occur among the members of this Planning Commission by reason of death, resignation, disability, or otherwise, immediate notice thereof shall be given to the City Administrator and Chairperson by the Secretary. The City Administrator shall then see that a new appointment is made by the City Council. Resignations should be made in writing to the Planning Commission Secretary stating the effective date of the resignation.

### **SECTION 13. AMENDMENTS**

These Bylaws may be amended by the City Council after a recommendation has been received from the Planning Commission.

RECOMMENDED FOR APPROVAL by the Planning Commission this 16<sup>th</sup> day of November, 2015.

ATTEST:

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Jack Edmonds, Chair

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Mary Lou DeWitt, Comm. Dev. Assistant

APPROVED by the Princeton City Council this 10<sup>th</sup> day of September, 2015.

ATTEST:

\_\_\_\_\_  
Paul Whitcomb, Mayor

\_\_\_\_\_  
Shawna Jenkins, City Clerk

**MINUTES OF A REGULAR MEETING OF THE PRINCETON CITY COUNCIL HELD ON  
OCTOBER 8, 2015 7:00 P.M. IN THE CITY HALL COUNCIL CHAMBERS**

\*\*\*\*\*

Mayor Paul Whitcomb called the meeting to order and led the Pledge of Allegiance to the Flag. Council members present were, Thom Walker, Dick Dobson, and Victoria Hallin. Staff present, Administrator Mark Karnowski, Finance Director Steve Jackson, Community Development Director Jolene Foss, Police Chief Todd Frederick, Public Works Director Bob Gerold, Liquor Store Manager Nancy Campbell, Fire Chief Jim Roxbury, Clerk Shawna Jenkins, Attorney's Damien Toven and Kelli Bourgeois, and Engineer Mike Nielson. Absent was Jules Zimmer.

**AGENDA ADDITIONS/DELETIONS**

None

**CONSIDERATION OF MINUTES**

- A. Regular Meeting Minutes of September 24, 2015

DOBSON MOVED TO APPROVE THE REGULAR MEETING MINUTES OF SEPTEMBER 24, 2015. HALLIN SECONDED THE MOTION. THE MOTION CARRIED UNANIMOUSLY

**CONSENT AGENDA**

- A. **Permits and Licenses**
  - 1. Christ Our Light Bingo on November 15, 2015
- B. **Personnel**
  - 1. Community Dev Dir. Jolene Foss Step 2 Increase to \$59,444 yr effective 10-23-15
  - 2. Police Officer Jason Cederberg Step 7 Increase to \$28.31 effective 10-19-15
- C. **Donations/Designations**

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

**OPEN FORUM**

**PUBLIC HEARINGS**

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

- A. Park Board Meeting of September 28, 2015
- B. Planning Commission Meeting of September 21, 2015

**PETITIONS, REQUESTS, AND COMMUNICATIONS**

**ORDINANCES AND RESOLUTIONS**

- A. Ordinance 723 – rezoning of 701 5<sup>th</sup> Ave North – FINAL READING

Foss advised that ordinance 723 is rezoning 701-5<sup>th</sup> Ave from R-2 Residential to R-3 Multiple Family Residential.

HALLIN MOVED TO APPROVE ORDINANCE 723 ZONING 705 5<sup>TH</sup> AVE NORTH AS R-3 MULTIPLE FAMILY RESIDENTIAL. WALKER SECONDED THE MOTION. THE MOTION CARRIED UNANIMOUSLY

B. Ord 724 – Amending CUP’s to allow ATV/snowmobile sales/service - 1st Reading

Foss reported that ordinance 724 would add ATV, snowmobile and motorcycle sales and service as a conditional use in the B-1 Central Business district. The attorney has reviewed the amendment and it was passed by the Planning Commission

Hallin asked if there was a specific request for this. Foss replied that Hytech Automotive made the request as they are planning to use their lot across the street for ATV, snowmobile and motorcycle sales and service.

DOBSON MOVED TO INTRODUCE ORDINANCE 724 THAT WOULD AMEND PROVISION C (CONDITIONAL USES) SECTION 8 (B-1 CENTRAL BUSINESS DISTRICT) CHAPTER V (ZONING DISTRICTS) OF THE CITY OF PRINCETON’S ZONING ORDINANCE BY ADDING A CONDITIONAL USE FOR ATV / SNOWMOBILE / MOTORCYCLE SALES AND SERVICE. HALLIN SECONDED THE MOTION. THE MOTION CARRIED UNANIMOUSLY

C. Ord 725 –Administrative Simple lot subdivisions & consolidations – 1<sup>st</sup> Reading

Foss advised that this ordinance amendment would allow for staff to approve administrative simple lot subdivisions, lot consolidations and boundary line adjustments. This has been approved by the Planning Commission.

DOBSON MOVED TO INTRODUCE ORDINANCE 725 AMENDING THE CITY OF PRINCETON’S SUBDIVISION ORDINANCE BY ADDING CHAPTER XVIII ALLOWING FOR ADMINISTRATIVE SIMPLE LOT SUBDIVISIONS, SIMPLE LOT CONSOLIDATIONS AND BOUNDARY LINE ADJUSTMENT. HALLIN SECONDED THE MOTION. THE MOTION CARRIED UNANIMOUSLY

D. Resolution 15-62 – award bid for 7<sup>th</sup> Ave Project

Nielson reported that the bid opening for the 7<sup>th</sup> Ave water and sewer project was yesterday at 1pm. They received 12 bids, with the low bidder of RL Larson Excavating, Inc at \$257,557.73.

WALKER MOVED TO APPROVE RESOLUTION 15-62 ENTERING INTO A CONTRACT FOR THE 7<sup>TH</sup> AVE NORTH SEWER AND WATER EXTENSION. HALLIN SECONDED THE MOTION. THE MOTION CARRIED UNANIMOUSLY

E. Resolution 15-63 – award bid for The Northland Drive Project

Nielson reported that the bid opening for the Northland Drive Project was yesterday at 1pm. They received 5 bids in total. Alternate number 1 has the project being completed November 15, 2015 and Alternate number 2 being completed June 2016. The difference between the bids is \$8,395.92.

Alternate one will avoid pothole maintenance through the winter and spring though. It can be susceptible to poor weather, but the contractor has indicated they would start work the week of October 19<sup>th</sup> and be completed by November 1<sup>st</sup>.

Dobson likes the idea of getting the project done this fall as the road has been in bad shape

for quite some time. He questioned how much time and expense it would take to keep the road maintained until spring. Gerold replied that he has spoken with Nielson and a good figure to keep it maintained until spring construction would be about \$5,000.

Hallin asked for clarification on pothole maintenance. Nielson explained that if alternate 1 was not approved, the pot holes would need to be repaired until spring. Karnowski asked if we can get some of the millings. Nielson said he will speak to the contractor about that.

HALLIN MOVED TO APPROVE RESOLUTION 15-63, ALTERNATE ONE, ENTERING INTO A CONTRACT FOR THE NORTHLAND DRIVE PROJECT TO BE COMPLETED FALL OF 2016. DOBSON SECONDED THE MOTION. THE MOTION CARRIED UNANIMOUSLY

### **UNFINISHED BUSINESS**

### **NEW BUSINESS**

#### A. State Fire Marshal Grant

Karnowski reported that Firefighters are becoming increasingly aware of the long-term effects — namely cancer — of wearing dirty personal protective clothing that exposes them to both known and unknown contaminants through skin absorption and off-gassing.

There are also short-term risks associated with wearing soiled protective clothing. One of greatest risk is that as more particles attach to and remain on protective gear, that gear gradually loses its effectiveness — putting firefighters at increased risk.

That the protective clothing that's designed to protect a firefighter may then facilitate a dangerous event because it reflects less radiant heat, becomes more flammable and can even conduct electricity.

Both the short- and long-term risks associated with wearing soiled and contaminated protective clothing can be minimized through regular cleaning following the manufacturer's recommendations.

Many fire departments have found commercial turnout gear washer/extractors, which can cost upwards of \$10,000, to be cost prohibitive. In response, the Minnesota Fire Service and the MN State Fire Marshal Division has announced a \$200,000 Turnout Gear Washer/Extractor Award Program. It's a matching grant program with the following match requirements:

<b>Population</b>	<b>Required Match %</b>
Up to 10,000	10%
10,001-25,000	25%
25,001-50,000	35%
Over 50,000	50%

So, if Princeton is awarded a grant, our match would be 25%. The program application deadline is 4:30pm CST on November 3, 2015. Roxbury feels he could get the relocation program to contribute as well.

Chief Roxbury is requesting permission to apply for a grant through this program as well as a letter of support for the application. If the Council agrees with pursuing one of these grants, a motion to authorize submittal of a grant application as well as a letter of support would be in order.

MOVED TO AUTHORIZE THE SUBMITTAL, OF A GRANT APPLICATION WITH A LETTER OF SUPPORT. SECONDED THE MOTION. THE MOTION CARRIED UNANIMOUSLY

**MISCELLANEOUS**

Hallin said she will be providing invitations to the Council for the Lights on After School event they are holding at the Teen Center.

**BILL LIST**

HALLIN MOVED TO APPROVE THE BILL LIST WHICH INCLUDES THE MANUAL CHECKS AS LISTED ON THE MANUAL BILL LIST FOR A TOTAL OF \$74,140.88 AND THE ITEMS LISTED ON THE LIQUOR BILL LIST AND GENERAL CITY BILL LIST WHICH WILL BE CHECKS 72490 TO 72582 FOR A TOTAL OF \$633,310.15. DOBSON SECONDED THE MOTION. THE MOTION CARRIED UNANIMOUSLY

**ADJOURNMENT**

There being no further business:

HALLIN MOVED TO ADJOURN THE MEETING AT 7:15pm SECONDED THE MOTION. THE MOTION CARRIED UNANIMOUSLY

Respectfully Submitted,

ATTEST:

\_\_\_\_\_  
Shawna Jenkins  
City Clerk

\_\_\_\_\_  
Paul Whitcomb, Mayor

**MINUTES OF A STUDY SESSION MEETING OF THE PRINCETON CITY COUNCIL HELD ON  
OCTOBER 15, 2015 7:00 P.M. IN THE CITY HALL COUNCIL CHAMBERS**

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Mayor Paul Whitcomb called the meeting to order and led the Pledge of Allegiance to the Flag. Council members present were, Thom Walker, and Victoria Hallin. Staff present, Administrator Mark Karnowski, Finance Director Steve Jackson, Community Development Director Jolene Foss, Police Chief Todd Frederick, Public Works Director Bob Gerold, Liquor Store Manager Nancy Campbell, Fire Chief Jim Roxbury, Clerk Shawna Jenkins, Attorney's Damien Toven, and Engineer Mike Nielson. Absent was Dick Dobson and Jules Zimmer.

**AGENDA ADDITIONS/DELETIONS**

None

**CONSIDERATION OF MINUTES**

- A. Regular Meeting Minutes of October 8, 2015

HALLIN MOVED TO APPROVE THE REGULAR MEETING MINUTES OF OCTOBER 8, 2015. WALKER SECONDED THE MOTION. THE MOTION CARRIED UNANIMOUSLY

**CONSENT AGENDA**

- A. **Permits and Licenses**
- B. **Personnel**
  - 1. Liquor Store – Tara Hilgeman resignation as of October 6, 2015
- C. **Donations/Designations**

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

**OPEN FORUM**

**PUBLIC HEARINGS**

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

- A. EDA Board Meeting of September 24, 2015
- B. Airport Board Meeting of October 5, 2015

**PETITIONS, REQUESTS, AND COMMUNICATIONS**

**ORDINANCES AND RESOLUTIONS**

- A. Ordinance 724 – Allow sales and service by CUP – FINAL READING

Foss advised that ordinance 724 is an amendment that will allow the sale and service of ATV's, Snowmobiles and motorcycles with a Conditional Use Permit in the B-1 Central Business District.

HALLIN MOVED TO APPROVE ORDINANCE 724 AMENDING PROVISION C (CONDITIONAL USES) SECTION 8 (B-1 CENTRAL BUSINESS DISTRICT) CHAPTER V (ZONING DISTRICTS) OF THE CITY OF PRINCETON'S ZONING ORDINANCE BY ADDING A CONDITIONAL USE

FOR ATV/SNOWMOBILE/MOTORCYCLE SALES AND SERVICE. WALKER SECONDED THE MOTION. THE MOTION CARRIED UNANIMOUSLY

B. Ord 725 – Amending Subdivision Ord. to allow Administrative Splits and consolidations – FINAL READING

Foss reported that ordinance 725 would allow staff to provide administrative approval for simple lot subdivisions, simple lot consolidations and boundary line adjustments.

HALLIN MOVED TO APPROVE ORDINANCE 725 AMENDING THE CITY OF PRINCETON'S SUBDIVISION ORDINANCE BY ADDING CHAPTER XVIII ALLOWING FOR ADMINISTRATIVE SIMPLE LOT SUBDIVISIONS, SIMPLE LOT CONSOLIDATIONS AND BOUNDARY LINE ADJUSTMENT. WALKER SECONDED THE MOTION. THE MOTION CARRIED UNANIMOUSLY

**UNFINISHED BUSINESS**

A. 8<sup>th</sup> Avenue Drainage Project – Information

Nielson advised that they have completed the feasibility report and the Public Hearing will be held next week on the 22<sup>nd</sup>. There are 2 options, one is to extend 12inch storm sewer from the current catch basin and run it down to a casting in the problem area. The second option is to run a catch basin to the west side of the road as well, which will required the removal of some curb and gutter and the street re-patched. The less expensive option would be to only extend it to the east side, but that may not alleviate the problem entirely.

Nielson reported that has received 3 bids, with West Branch Construction being the least expensive and about \$5000 cheaper than the next lowest price.

Nielson said he would like to get some comments from the residents that petitioned for this repair and the school district.

Chris Caskey asked if the preliminary assessment in the feasibility study was based off the quotes that have been received. Nielson responded that the amounts listed in the feasibility study were based on his estimates and not the actual quotes received. Now that quotes have been received, they can have little better assessment estimate at the public hearing next week.

Caskey added that when they see high winds accompanied by rain, the wind actually blows the water right into the road away from the current catch basin. Another resident said he did not agree with how Nielson has determined the drainage. Nielson said drainage is difficult to calculate and determine as they can only look at surveys and topography contours.

Walker asked if there was anything else we can do to alleviate the drainage issue if we did not put drains on both sides of the road. One resident asked if the catch basin to the north could be lowered, as that is higher than the road. Nielson said they can look to see if there is adjusting rings on it and they will lower it if possible.

A resident said the City created the problem by raising the road, and asked if the City would be contributing to the project. Nielson responded at this point the city is not planning any contribution.

A resident said they feel the catch basin added on the east side should fix 90% of the issue.

Resolution 15-64 – approve plans and specifications, and request quotes

HALLIN MOVED TO APPROVE THE PLANS AND SPECIFICATIONS AND SOLICIT FOR QUOTES FOR THE 8<sup>TH</sup> AVENUE DRAINAGE PROJECT. WALKER SECONDED THE MOTION. THE MOTION CARRIED UNANIMOUSLY

B. Senior Citizen Assessment Deferral Discussion

Karnowski reported that the City has been approached by a city resident regarding whether or not a senior citizen deferral is available for a project assessment. Currently, the city's assessment policy does not include any provision for a senior citizen assessment deferral.

The research staff has done on the topic suggests that, if the Council wishes to include such a provision, here are the criteria that other entities include in their policies:

1. The unpaid (deferred) assessment is subject to interest (above the interest added at the time of being levied. The rates vary from half a percent per month (6% for the year) to two percent (2%) above the levied rate of interest.
2. The property owner must be:
  - A. 65 years of age or older.
  - B. One or both of the property owners must be over 65 years old or permanently disabled.
3. The property must be homesteaded.
4. The applicant must be the owner of the property
5. The applicant must occupy the property as his/her principal place of residence.
6. The property owner must have been a city resident for 5 years or more.
7. Household income (three different options):
  - A. Income, as determined by the applicant's most recent federal or state income tax return, is no more than 60 percent of the median income for the Minneapolis-St. Paul metropolitan area, as determined by the United States Department of Housing and Urban Development, adjusted for family size, and the average annual payment for all assessments on the property exceeds 1½ percent of the applicant's adjusted gross income. For this purpose, the average annual payment of assessments shall be the aggregate of all assessments levied against the property, excluding interest, divided by the term of years of each assessment.
  - B. Income from all sources shall not exceed the low income limit as established by the Department of Housing and Urban Development as used in determining the eligibility for Section VIII housing.
8. The size of the assessment proposed to be deferred (two options):

- A. Must be \$300 or more.
  - B. The annual assessment payment must exceed one percent (1%) of the adjusted gross income of the applicant as evidenced by the applicant's most recent federal income tax return. The average annual payment of an assessment shall be the total cost of the assessment divided by the number of years over which it is spread.
9. Other possible conditions/restrictions/:
- A. If a mortgage or an unpaid balance on a land contract encumbers the homestead, a deferment of special assessments shall not be made without the written consent of the mortgagee or the land contract vendor. The consent letter must state that the mortgagee or the land contract vendor understands that the lien by the State of Michigan is the 'First Lien' on the property. Said letter must be notarized at the municipality assessing office.
  - B. This policy does not forgive the assessment, but merely postpones the payment. Also, the accrual of interest begins on the same date as other non-deferred payments and runs until date of payment.
  - C. In the event that the deferment terminates during the Assessment period adopted by the Council, full payment of the installment and accrued interest up to that date will be required in a single payment. The remaining balance may then be paid over time according to the original pay back schedule.
  - D. No person shall be considered to have a hardship if he or she participates in the Minnesota senior citizen property tax deferral program.
  - E. It shall be the duty of the applicant to notify the Clerk of any change in his/her status that would affect eligibility for deferment.
  - F.
10. The assessment will become due and payable:
- A. As soon as:
    - 1. The homestead or any part thereof is sold
    - 2. The homestead is transferred to another
    - 3. A contract to sell is entered into
    - 4. One year has elapsed following the owner's death, subject to further order by the probate court.
    - 5. The subject property loses its homestead status for any reason.
  - B. Within sixty days after loss of eligibility by the applicant. If the special assessment is not paid within the sixty (60) days, the City Clerk shall add thereto interest at a per annum interest rate of two percent (2%) above the bond interest rate and the total amount of principal and interest shall be certified to the County Auditor for collection with taxes the following year.
11. All deferral applications must be made on forms approved by the City and submitted to the City Clerk. Qualified applications will be submitted to the City Council for consideration of deferment.

Based on the above, staff recommends that the City Council adopt the appropriate resolution amending the city's assessment policy by adding a section entitled "Senior Citizen Deferrals" which has been drafted for the Council to review.

Karnowski added that he has reviewed assessment policies of other cities and he likes some

that have a greater attention to detail. If we are going to add this senior citizen deferment option, we may want to look at updating the entire policy.

Walker added that he would like to suggest the addition of a house going into a trust would require payment of the assessment. Attorney Toven replied that the way it is worded, a trust should be covered under the required payment if the property is transferred.

Whitcomb and Hallin both agree with the option of a senior citizen deferment, but feel the applicant should provide an income tax statement or something to prove a financial hardship.

The Council agreed they would like to see this option researched and added to the policy.

### C. 7<sup>th</sup> Ave assessment

Karnowski reported that the PUC apparently feels that the amount of the assessments against the residential property owners on the west side of 7<sup>th</sup> Avenue North are higher than they should be.

He believes the logic used is that the Water & Sewer project for which they are being assessed was not requested by them and, actually, was reviewed several years ago before the school construction project was anticipated and was rejected by those same residents.

Scott Daniels from the PUC explained their suggestion of the City and PUC both contributing \$20,000 which will greatly bring down the assessment to each residential property owner.

Karnowski added that he is not sure how you can adjust an assessment for one side of the street, but not the other. However, he did mention it to the school district and he got the feeling that the school board would be okay with the City and Puc buying down the west side of the street to help the residents.

Karnowski asked how much the assessments would be lowered now that the project cost also come in lower. Daniels stated that his calculations show the lot assessment going from \$5,879.16 down to \$879.16.

Whitcomb said he has no issues with the City contributing \$20,000 to the project.

Daniels added that the PUC had also discussed how to give the residents a break on SAC and WAC if they hooked up now, so they can start bringing in some revenue from those properties. Whitcomb replied that with the current reduced rate, they are hoping that will really prompt them to pay the fees now. Karnowski stated that the ordinance does state that a property must hook up within a certain time frame once water and sewer is available. If a property had a new system recently put in, that could be extended somewhat, but put on record when they needed to hook up.

Karnowski said that if the residents all went with the same contractor for their water and sewer abandonment and installation, they may be able to save money that was as well.

Walker asked for clarification that no one can defer this assessment. Karnowski replied that if the residents were seniors and we passed the senior citizen deferral they could defer the principle if they qualified.

Walker added that he does see this as an incentive to hook up now and he is in favor of contributing \$20,000 to the project.

Hallin asked how many properties would be assessed on the West Side. Whitcomb and Nielson confirmed that there were 6 homes and 2 vacant lots.

Whitcomb stated that with the City and PUC contributing \$40,000 it brings the assessment down to about \$880 which is a huge savings. Foss added that she agrees there should be a time frame on when they can hook up. Karnowski responded that he has seen it worded as "10 years, when system fails, or when the house sells".

Daniels asked if a septic system failed and they had to hook up, would they be required to hook up to water as well. The Council agreed that they would require both. Walker added that this additional \$40,000 contributed to the project is really an incentive for the residents to hook up now.

HALLIN MOVED TO CONTRIBUTE \$20,000 TO THE 7<sup>TH</sup> AVE WATER AND SEWER PROJECT TO ASSIST IN THE REDEUCTION OF RESIDENTIAL ASSESSMENTS. WALKER SECONDED THE MOTION. THE MOTION CARRIED UNANIMOUSLY

Daniels asked how soon they can let the residents know. Walker said he thinks it may be okay to inform them of the reduction and try to get a feeling how many would be hooking up immediately. Daniels will talk with them.

#### D. 7<sup>th</sup> Ave Project Update

Karnowski reported that RL Larson called today and confirmed that they will be starting on 7<sup>th</sup> Avenue (CSAH 4) on Tuesday October 20<sup>th</sup>. They will begin with reclaiming the pavement and aggregate base and general removals. The roadway will be closed to thru traffic during this time. The underground work will take approximately 2 weeks and the roadway work will follow after. They are estimating the work will be done in 3-3 ½ weeks.

Karnowski advised that he has left a message for Tim Wilhelm at the bus company to call so staff can inform him of the traffic changes. Notice will also be mailed or hand delivered to residents along the road.

RL Larson has confirmed they received the contracts in the mail and are processing.

#### E. School district discussion items

Karnowski stated that the School District and City have tentatively agreed to the following pending Council concurrence:

##### 1. SAC/WAC Fees

A. Primary School. Initial estimates are approx.(\$270,000)  
Actual:  $750/18 = 41.67 \times 4,202 = \$175,097.34$  (SAC)  
 $X 3,825 = \underline{159,387.75}$  (WAC)  
334,485.09  
Less credit for 250 students in portables: -111,415.00

\$223,070.09 (total)

- B. SAC/WAC – High School. Initial estimates are approx. \$145,000. We need to understand how this calculation is being derived. This is not a cost we were planning for at all. (We used 1/110 seats...didn't charge for the new classroom).

Based on max. seating:  $1987/110 = 18.06 \times 4,202 = \$ 75,888.12$  (SAC)  
 $\times 3,825 = \underline{69,079.50}$  (WAC)  
\$144,967.62 (total)

(Still waiting for direction from MCES)

WAC/SAC Calculations:	Gym	110 seats	1
	Schools (elementary)	18 students	1
	Schools (secondary)	14 students	1

2. Assessment for 7<sup>th</sup> Avenue North (Engineer's Est: \$315,000, final: \$260.762.63)
3. Purchase price of Police Station – \$50,000
4. Lease Rate City Hall space – Initial rate: \$2/sf/month.  
Agreed to rate: \$12/sf/yr. – District pays utilities and custodial in exchange for 13 years free rent.

Staff has drafted a lease, however it still needs a lot of work on the details.

Karnowski questioned if there should be any WAC and SAC charges for the new addition for the gym/auditorium. He has several calls into the Metropolitan Council to find out they would determine that use and addition.

Walker questioned if asked if there is an increase in students and it was calculated that way. Karnowski replied that there is one classroom being added in the High School Addition.

## **NEW BUSINESS**

### A. Sherburne County Mutual Aid

Karnowski advised that Sherburne County is looking for a mutual aid agreement with all the Cities in the County.

Walker asked if this was the same as was done previously. Karnowski replied that it was.

WALKER MOVED TO AUTHORIZE THE SUBMITTAL, OF A GRANT APPLICATION WITH A LETTER OF SUPPORT. HALLIN SECONDED THE MOTION. THE MOTION CARRIED UNANIMOUSLY

## **MISCELLANEOUS**

Hallin said Family Pathways is having their "National Lights On" and their 3<sup>rd</sup> annual Open House and hopes everyone can attend.

ADJOURNMENT

There being no further business:

HALLIN MOVED TO ADJOURN THE MEETING AT 7:57PM. WALKER SECONDED THE MOTION. THE MOTION CARRIED UNANIMOUSLY

Respectfully Submitted,

ATTEST:

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Shawna Jenkins  
City Clerk

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Paul Whitcomb, Mayor