

**MINUTES OF A REGULAR MEETING OF THE PRINCETON CITY COUNCIL HELD ON
DECEMBER 23, 2014 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, Victoria Hallin and Jules Zimmer. Staff present, Administrator Mark Karnowski, Finance Director Steve Jackson, Community Development Director Jolene Foss, Police Chief Todd Frederick, Clerk Shawna Jenkins, Engineer Mike Nielson and Attorney Damien Toven. Absent was Public Works Director Bob Gerold.

AGENDA ADDITIONS/DELETIONS

None

CONSIDERATION OF MINUTES

- A. Regular Meeting Minutes of December 11, 2014

HALLIN MOVED TO APPROVE THE REGULAR MEETING MINUTES OF DECEMBER 11, 2014. WALKER SECONDED THE MOTION.

ZIMMER RECOMMENDED ONE CHANGE TO THE MINUTES IN REGARD TO THE DISCUSSION ON WHETHER THE EMPLOYEES WILL BACK OUT ONTO FIRST STREET OR THE ALLEY. JENKINS WILL MAKE THAT CHANGE

THE MOTION CARRIED UNANIMOUSLY

CONSENT AGENDA

- A. **Permits and Licenses**
- B. **Personnel**
 - 1. Liquor Store – Accept Resignation of Amy Wells effective 12-26-14
- C. **Donations / Designations**
 - 1. Resolution 14-39 accepting donation for the Police K9 Unit

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

OPEN FORUM

REPORTS OF OFFICERS, BOARDS, AND COMMITTEES

PETITIONS, REQUESTS, AND COMMUNICATIONS

ORDINANCES AND RESOLUTIONS

- A. Ordinance 714 Amending the Fee Schedule – FINAL READING

Karnowski reported staff has reviewed the fee schedule and are recommending a few changes. Staff is still working on a fee change and rental agreement for the Civic Center

HALLIN MOVED TO APPROVE ORDINANCE 714 AMENDING THE FEE SCHEDULE. ZIMMER SECONDED THE MOTION.

Walker questioned if the foam cost amendments were on the first reading. Dobson replied that it was on the first reading that was approved at the last meeting.

THE MOTION CARRIED UNANIMOUSLY

UNFINISHED BUSINESS

NEW BUSINESS

A. Power Source North Interim Use Permit in B-1 Central Business District

Foss reported that Matt McClay in behalf of Power Source North has submitted an application for an Interim Use Permit to allow for church services and other religious activities to take place on the premises at 120 North Rum River Drive in the Riverside Plaza building. The property site is owed by Sherburne State Bank and they have signed the application. The applicant has an offer on the property with a contingency that the Interim Use Permit to allow church services and other religious activities at the site is approved. This site is zoned B-1, Central Business District.

The B-1 Central Business District allow churches or places of worship as Interim Use Permits, provided that:

(a) *Such space is within a multi-tenant building.*

Staff Comment: The church is located in a multi-tenant building.

(b) *Joint parking arrangements allow for compliance with parking requirements for all uses (as regulated by Chapter VI, Performance Standards).*

Staff Comment: Staff is not aware of any concerns or complaints received regarding enough parking being provided to accommodate church attendees and plaza shoppers and employees. If the Planning Commission is concerned, a condition upon approval could be added that the parking be reviewed within one year of the Interim Use Permit approval by the Council.

Interim Use Permit Review Standards. When reviewing an application for an interim use, the City shall base its judgment on the following factors and any other factors it may deem appropriate for the specific property. The interim use may be granted if:

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

Staff: Churches and places of worship are listed as an interim use in the B-1 Zoning District.

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

Staff: The Planning Commission shall recommend to the City Council a date or event that will terminate the use. Staff is recommending that the Interim Use Permit terminate when the lease agreement between Power Source North and the property owner terminates. Power Source North has said they are intending to purchase the property and if that were to happen and they decide to sell the site in the future, the Interim Use Permit terminate at the sale.

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

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

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

Staff: It does not appear that permission of the use will impose additional costs on the public if it is necessary for the public to take the property in the future.

As a condition upon approval, a sign permit application shall be submitted for review by the Building Inspector.

If any renovations are to be done, a building permit review and approval shall be required. The Building Inspector reviewed the seating plans and there are three exit areas and those areas need to have exit signs with emergency lights. The plans show 183 seats and that number has to be posted for maximum occupancy load.

Based on the findings that the proposed Interim Use appears to meet the review standards and provisions as listed in the Zoning Ordinance, staff would recommend that the Planning Commission recommend approval to the City Council of the proposed Interim Use Permit for a church at 120 North Rum River Drive, subject to the following conditions:

1. The Interim Use Permit shall be reviewed annually.
2. The Interim Use Permit shall terminate when the lease agreement between Power Source North and the property owner terminates or if Power Source North does purchase the building site and in the future they sell the site, the Interim Use Permit will terminate on the sale.
3. Activities shall be limited to those as proposed by the applicant:
 - a. Church services on each Sunday of the month from 10:00 AM to 1:00 PM.
 - b. Monday through Friday limited use allowed for weddings, funerals and one activity during traditional business hours. No restrictions on evenings or weekends.
 - c. Added activities will need to have an amended Interim Use Permit.
4. A building permit will need to be obtained prior to any renovations or signage. The three exits will need signage with emergency lights, and 183 maximum occupancy load be posted.

Hallin asked where the parking is located. The applicant replied that the parking is along the river. Whitcomb asked for clarification that the property will be tax exempt. The applicant and real estate agent replied that it will be once the closing is complete.

Walker asked if taxes were pro-rated if a church were to begin doing any for profit business. He gave an example of churches that provide day care and other services that people are charged for.

Darryl Bronniche stated churches are in the business of helping people. Those services are usually formed as a separate entity. McClay has no plans of doing that, or anything else he could think of that would fall under that category.

Zimmer asked what "limited use" for "one activity" entails. Foss replied that the Planning Commission put that condition on the use for week day activities to minimize parking issues.

Hallin asked if they will be having a youth group once a week. McClay said they do plan on holding a youth group one evening a week.

McClay said he has looked at the parking and said there seemed to be about 200 spots available. He did ask who he would talk to regarding the striping layout as it could use some changes in terms of that.

DOBSON MOVED TO APPROVE THE INTERIM USE PERMIT FOR POWER SOURCE NORTH, FOLLOWING THE FOLLOWING CONDITIONS:

1. THE INTERIM USE PERMIT SHALL BE REVIEWED ANNUALLY.
2. THE INTERIM USE PERMIT SHALL TERMINATE WHEN THE LEASE AGREEMENT BETWEEN POWER SOURCE NORTH AND THE PROPERTY OWNER TERMINATES OR IF POWER SOURCE NORTH DOES PURCHASE THE BUILDING SITE AND IN THE FUTURE THEY SELL THE SITE, THE INTERIM USE PERMIT WILL TERMINATE ON THE SALE.
3. ACTIVITIES SHALL BE LIMITED TO THOSE AS PROPOSED BY THE APPLICANT:
 - A. CHURCH SERVICES ON EACH SUNDAY OF THE MONTH FROM 10:00 AM TO 1:00 PM.
 - B. MONDAY THROUGH FRIDAY LIMITED USE ALLOWED FOR WEDDINGS, FUNERALS AND ONE ACTIVITY DURING TRADITIONAL BUSINESS HOURS. NO RESTRICTIONS ON EVENINGS OR WEEKENDS.
 - C. ADDED ACTIVITIES OR ANY FOR PROFIT SERVICES WILL NEED TO HAVE AN AMENDED INTERIM USE PERMIT.
4. A BUILDING PERMIT WILL NEED TO BE OBTAINED PRIOR TO ANY RENOVATIONS OR SIGNAGE. THE THREE EXITS WILL NEED SIGNAGE WITH EMERGENCY LIGHTS, AND 183 MAXIMUM OCCUPANCY LOAD BE POSTED.

HALLIN SECONDED THE MOTION. THE MOTION CARRIED UNANIMOUSLY

B. PUC Proposed Plat

Karnowski reported the Public Utility Commission is going to purchase two ten foot parcels. Easements will be granted back to the original owners for parking and driveway purposes, but not for construction of any structures of permanent improvements.

A similar Preliminary Plat was presented to Planning and Zoning in 2007 and approved it at that time. The parcel purchase became necessary because of a state requirements that all municipal wells be located more than 50 feet from its property line. By obtaining ownership of the east 10 feet of parcel #1 and the West 10 feet of parcel #2, the wells will be in compliance. Unfortunately, the owner of one parcel changed its mind and refused to sign the deed just before the final plat was to be signed and filed. Agreements have now been reached to complete the transaction as originally contemplated.

Although it is questionable whether any new approval of the proposed plat is required before it can be signed by the Chair and Secretary, since it was previously granted, the attorney requests that the Commission review and approve the proposed plat. Further, that the Chair and Secretary of the Planning Commission be authorized to sign the final Plat when all approvals have been received.

DOBSON MOVED TO APPROVE THE PLAT FOR PUC TO ACQUIRE TWO TEN FOOT PARCELS TO MEET THE REQUIREMENTS FOR MUNICIPAL WELLS. HALLIN SECONDED THE MOTION. THE MOTION CARRIED UNANIMOUSLY

C. 2015 Employee Wages and Union Contracts

Karnowski reported that the city has finally completed negotiations with the two unions that represent some of our employees: AFSCME (representing our non-supervisory staff that are not police officers) and LELS (representing non-supervisory police officers).

AFSCME: The AFSCME negotiations was just a re-opener for wages. The agreement, subject to Council approval, is for a 2.5% cost of living adjustment (COLA) increase plus the previously required 40 hour furlough will no longer be in effect.

If the Council agrees with that proposal, a motion supporting the 2.5 COLA and termination of the required furloughs would be in order.

LELS: The second union, Law Enforcement Legal Services (LELS), has agreed to a 2-year contract with the following changes:

1. An employee who's called back to service within 11 hours of getting off duty will earn an extra \$3 per hour for that entire shift. Currently the additional pay is \$1/hr. within 8 hours of the end of the last shift. The change in hours was made because the officers now, generally, work 10 hour shifts. The wage adjustment was made because the \$1 was in effect since the original police contract was entered into...many years ago. Staff anticipates the change will add less than \$300 to our annual budget.
2. The city currently authorizes one union rep to attend the annual MPPOA Conference. The city will now authorize one union employee to attend the annual MPPOA Legislative Conference and will cover the conference fee and mileage. Staff feels that it's important to have a representative at the Legislative Conference to discuss proposed or pending legislation regarding law enforcement.
3. The contract includes a 2% COLA for the first 6 months of 2015 and an additional 1% COLA for the second 6 months of 2015 (which is just slightly over 2.5%). For 2016, the COLA is 2.5%.
4. The required furloughs also go away.
5. The uniform allowance increases by 5% each of the 2 contract years.
6. The language covering the Canine unit – taken out in the 2003 contract – has been slightly modified and put back in the contract.

If the Council concurs that the above 6 modifications are reasonable, a motion to authorize the Mayor and Administrator to sign the 2-year contract would be in order.

Rest of Staff: For the balance of the employees, staff is recommending a 2.5% COLA. If the Council agrees with that adjustment, a motion to that effect would be in order.

The cost of all of the above was anticipated and is covered in the 2015 budget approved by the Council.

DOBSON MOVED TO APPROVE THE MAYOR AND ADMINISTRATOR TO SIGN THE 2 YEAR CONTRACT FOR LELS and the CONTRACT for AFCSME AFTER THE UNION'S SIGN THE AGREEMENTS, AND THE 2.5% FOR NON UNION STAFF. HALLIN SECONDED THE MOTION.

Walker asked if the furloughs were still an option if the employee wanted them. Karnowski said staff has discussed them and the consensus was that it impacts the departments negatively.

THE MOTION CARRIED UNANIMOUSLY

D. Fire Marshall Inspections

Karnowski reported Firefighter Chris Wilke has been doing new construction plan reviews for the city for several years. He's advised that he's unable to continue to do that service for the city.

Staff has contacted Metro West Inspections (who does our other building inspection and plan reviews) and they advise that they will take over and do those plan reviews and inspections at a rate of \$50/hr.

Our standard practice is to bill that expense back to the requester. A motion to modify the existing Metro West contract to include Fire Marshal services is recommended.

Dobson asked if the fire station will still be involved somewhat. Roxbury said they will be involved, just may not have someone at all the pre-construction meetings. Metro west does Fire Marshall Inspections for quite a few other communities as well. Dobson said his reason for asking is that each community can have a few little variations in what they require.

Karnowski said when staff gets something in, we have a meeting with the Fire Department, PUC, and Building Inspector. Everyone goes through the plans together and expresses any concerns or issues they see

Hallin asked if the additional fees will be a wash. Karnowski replied that the fee will be covered in the building permit fee.

DOBSON MOVED TO MODIFY THE EXISTING METRO WEST CONTRACT TO INCLUDE FIRE MARSHAL SERVICES. HALLIN SECONDED THE MOTION. THE MOTION CARRIED UNANIMOUSLY

MISCELLANEOUS

BILL LIST

Whitcomb asked about some payments in regard to the Public Safety building. Karnowski said they have been reviewed and payments are approved by staff and the architect.

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

AS LISTED ON THE MANUAL BILL LIST FOR A TOTAL OF \$123,661.67 AND THE ITEMS LISTED ON THE LIQUOR BILL LIST AND GENERAL CITY BILL LIST WHICH WILL BE CHECKS 71148 TO 71224 FOR A TOTAL OF \$495,869.55. ZIMMER SECONDED THE MOTION. THE MOTION CARRIED UNANIMOUSLY

ADJOURNMENT

There being no further business:

DOBSON MOVED TO ADJOURN THE MEETING AT 7:33 PM. ZIMMER SECONDED THE MOTION. THE MOTION CARRIED UNANIMOUSLY

Respectfully Submitted,

Shawna Jenkins
City Clerk

ATTEST:

Paul Whitcomb, Mayor