

**MINUTES OF A REGULAR MEETING OF THE PRINCETON CITY COUNCIL HELD ON  
MARCH 27, 2014 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, Dick Dobson, Jules Zimmer and Victoria Hallin. Staff present, Administrator Mark Karnowski, Finance Director Steve Jackson, Police Chief Brian Payne, Community Development Director Carie Fuhrman, Clerk Shawna Jenkins, Attorneys Dick Schieffer and Damien Toven.

**AGENDA ADDITIONS/DELETIONS**

None

**CONSIDERATION OF MINUTES**

- A. Regular Meeting Minutes of March 13, 2014

HALLIN MOVED TO APPROVE THE REGULAR MEETING MINUTES OF MARCH 13, 2014. ZIMMER SECONDED THE MOTION. THE MOTION CARRIED UNANIMOUSLY

**CONSENT AGENDA**

- A. Permits and Licenses
- B. Personnel
- C. Donations / Designations

**OPEN FORUM**

A Resident asked about the drainage at 13<sup>th</sup> street north and 15<sup>th</sup> Avenue. He asked if the street department can clean it up a bit better and fix the drainage as there is a large amount of standing water there. Gerald responded that the area was not set up to drain very well. Also, there has been an issue with the apartment residents parking their cars on the street, which has not made plowing easy. It has also been a bad winter with the large amount of snow we have received so they have been doing the best they can.

**PUBLIC HEARINGS**

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

- A. 4R Board of January 22, 2014
- B. 4R Board of February 26, 2014
- C. PUC Board of January 22, 2014
- D. PAVC Board of March 10, 2014
- E. Park Board of March 24, 2014

**PETITIONS, REQUESTS, AND COMMUNICATIONS**

- A. Initiative Foundation Letter

Karnowski reported that the city has received a letter from the Initiative Foundation thanking the council for their support and investment of \$2,750.00.

B. Wine and Spirits Grant Request for the Summer Reading Program

Karnowski reported that the Princeton Area Library is requesting a Wine and Spirits Grant to assist with the Summer Reading Program. In the past year the City has provided \$750 dollars to assist. About 5 years ago when the budget was a little less stressed, the City was contributing a bit more.

Dobson said he is in favor of the summer reading program, but thinks the city should continue to donate the same amount as has been approved in the past. Hallin asked if we could increase it slightly to \$900

HALLIN MOVED TO APPROVE THE PRINCETON LIBRARY'S REQUEST, AND WILL APPROVE A GRANT IN THE AMOUNT OF \$900 TO BE USED FOR THEIR SUMMER READING PROGRAM. WHITCOMB SECONDED THE MOTION.

Walker said one of the reasons why we don't fund the full amount, is there are a lot of kids coming from all outside the Community and he would like to see the reading program also request help from surrounding communities.

VOTE 4:1, WALKER OPPOSED, MOTION CARRIED

**ORDINANCES AND RESOLUTIONS**

A. Ordinance 704 – amending Administration and Enforcement – SECOND READING

Fuhrman reported that the City Attorney is recommending some changes to the Appeal Process as outlined in the Zoning Ordinance. The appeal process is in place for any situations when it is alleged that there is an error in any order, requirement, decision, or determination made by the Planning Commission, Zoning Administrator, Building Inspector, or any other City Staff in regards to the Zoning Ordinance and Subdivision Regulations. The City Council serves as the Board of Adjustments and Appeals.

The recommended changes are in the attached draft Ordinance for the City Council's review – some minor changes have been made since the first reading at the February Study Session. The Planning Commission held a public hearing on the topic as it is part of the Zoning Ordinance.

The recommendation of the Planning Commission and staff is for the Council to approve Ordinance #704.

Chuck Nagle, Baldwin Township said he is a proponent for the residents and business owner's rights. He said has a question about section 4 that states the appellant shall pay the city's costs. It implies that even if the appellant wins the case, they are still required to pay the city's costs for the appeal.

Schieffer stated that whether it goes to the Court of Appeal or District Court is determined by the law. For an example, an appeal on a CUP in terms of how much parking is required, signage and other issues would be heard by the Court of Appeals as there are many factors that are being reviewed and weighed.

He added that in both the Court of Appeal and District Court, there is no trial. A transcript from the original appeal is reviewed and the City and Appellants attorneys would meet with a judge.

In regard to the appellant covering the City's costs, the Council can remove that provision if they choose to.

Chuck Nagle said based on the requirement for the appellant to pay the City's Attorney's fees, he suspects not many people would be able to appeal a decision.

Tim Siercks added that it would make it nearly impossible for someone to file an appeal if they are required to cover the costs for themselves and the City. Walker said he understands that argument and questioned if there was a way to include language that stated the City would be responsible for the initial presentation, and anything additional would be paid by the appellant. He said he feels the City should cover their costs for the motion and pre-hearing work that would be required.

Hallin and Zimmer asked what is common for cities. Schieffer responded that this provision is not usually included in the ordinances and Cities cover their own costs. He added that it would be difficult to require the appellant to cover some but not all costs. He stated it is usually more expensive to go to the Court of Appeals than it is to District Court. You are relying on the transcript, but there is prep time needed and there could be other consultants involved as well.

Walker said he feels the city should pay their own attorney's fees, but questioned what could be done with those costs if something were to get to the frivolous level.

Daniel Erickson asked if there is a problem in the past, and questioned what the reason was for this ordinance. Whitcomb responded that there was an ordinance in place already, but this is just cleaning it up a little so the process is clear. Schieffer added that citizens have a right to appeal a decision. He tried to be inclusive of all actions that could be appealed. He added the language making it clear how to get from the Board of Appeal level to the Court level, and the process that is done.

Walker asked if this ordinance was not in place and someone filed in court, who would pay the legal fees. Schieffer responded that both parties would pay their own legal fees.

Dobson said he sees this ordinance as explaining the steps for the average citizen to file an appeal. He added that he also does not want frivolous lawsuits.

Schieffer said he has been practicing City law for almost 50 years. He said everyone has a right to appeal a decision, and it can be brought to court whether or not the municipality has an ordinance such as this.

He added that a couple things he wanted to point out in this ordinance is that an appeal needs to be filed within 33 days, which is a fairly short period of time in most standards. He added 3 days to the standard 30 days to provide time for mailing. He stated that frivolous lawsuits can happen anytime, so this is not creating an avenue for them to happen. He said the original appeal would be before the City Council, and the transcription from that appeal is what the judge would review in an appeal.

Dobson said he agrees that the city should pay its own Attorney's costs and the appellant should pay theirs. Walker stated he feels the appellant should still pay the transcription costs. He would like to see the wording removed that states the Appellant shall reimburse the city for the costs it incurs for consultants and attorney's fees.

WALKER MOVED TO REMOVE THE LAST LINE IN ORDINANCE 704 AMENDING CHAPTER IV (ADMINISTRATION AND ENFORCEMENT) OF TITLE 11 (ZONING) OF THE CITY OF PRINCETON CODE OF ORDINANCES, AMENDING THE APPEAL PROCESS, REMOVING THE PROVISION THAT THE APPELLANT WILL BE REQUIRED TO REIMBURSE THE CITY FOR THEIR CONSULT AND ATTORNEY COSTS, AND BRING IT BACK TO THE COUNCIL FOR APPROVAL WITH THAT CORRECTION. DOBSON SECONDED THE MOTION.

Hallin asked Schieffer if the filing fee should also be covered by the appellant. Schieffer responded that each party is required to pay a filing fee.

THE MOTION CARRIED UNANIMOUSLY

### **UNFINISHED BUSINESS**

### **NEW BUSINESS**

#### A. Resolution 14-11 regarding drug drop box funding

Karnowski reported Sergeant Joe Backlund is requesting that the Council adopt the attached resolution accepting funds that were donated from the local Coborns' Pharmacy, the local Wal-Mart Pharmacy and the Fairview Northland Pharmacy.

The Princeton Police Department has partnered with these businesses to provide a drop box for used prescriptions. The drop box will be located in the lobby area of the new Princeton Police & Fire Building.

The total cost of the drop box was \$800.00. The funds were split up equally by the three businesses. Backlund has already applied and received approval from the Minnesota PCA for the necessary permit to place the drop box in the city facility.

The used prescriptions dropped off will be stored in the PD evidence room and then taken for disposal at a facility once a year in Alexandria, Minnesota.

ZIMMER MOVED TO APPROVE RESOLUTION 14-11 ACCEPTING A JOINT \$800 DONATION FROM THE PRINCETON COBORNS PHARMACY, THE PRINCETON WALMART PHARMACY AND THE FAIRVIEW NORTHLAND PHARMACY FOR THE COST TO PURCHASE A USED PHARMACEUTICAL DEPOSIT BOX AT THE PRINCETON PUBLIC SAFETY BUILDING LOBBY. HALLIN SECONDED THE MOTION.

Dobson asked if there is a cost to dispose of the drugs yearly. Payne stated he does not believe there is any cost at the site in Alexandria, just the expense to drive up once a year. Dobson said he thinks this is a great option for the city residents and surrounding areas that need to dispose of any medication.

Hallin asked if they need to be in the original bottle. Payne said they do not need to be. Walker said he noticed a "no sharps" marking on the box in the photograph. He asked what people should do with preloaded insulin pens, etc. He would like to see an option for disposal of those types of items too. Payne responded that the Hospital does have "sharps away" boxes for people to use.

#### THE MOTION CARRIED UNANIMOUSLY

##### B. Proclamation of National Donate Life Month

Whitcomb proclaimed April is considered National Donate Life Month;

Organ, eye and tissue donation is a gift which extends hope and healing to those in need; and nearly 115,000 Americans and approximately 3,000 people in Minnesota are waiting for a life-saving transplant.

There is a serious shortage of transplantable organs in the United States, resulting in only 28,000 transplants and nearly 6,000 preventable deaths each year. One organ, eye and tissue donor can save or improve the lives of up to sixty people.

Minnesota is a leader in registered organ, eye and tissue donors. Any person of any age can become a donor by indicating their preference on their state ID or by registering on-line through either Donate Life Minnesota or Lifesource, one of America's Leading organ procurement organization

I, Mayor Paul Whitcomb do hereby proclaim April, 2014 as NATIONAL DONATE LIFE MONTH and I urge all residents of Princeton to mark this day by taking the time to consider becoming an organ donor in order to help others continue to celebrate life.

DOBSON MOVED TO PROCLAIM THE MONTH OF APRIL AS NATIONAL DONATE LIFE MONTH. HALLIN SECONDED THE MOTION. THE MOTION CARRIED UNANIMOUSLY

##### C. Resolution 14-12 web page publishing of legals

Karnowski reported the League of Minnesota Cities has asked the city to look at a resolution to allow cities to publish legal notices on their website instead of the local newspaper if they choose to. It is deemed to be a cost saving measure. He added that one thing that has frustrated him for a long time is that the highest advertising rate is what is charged for the publication of legals.

He said he is not currently in favor of doing away with the newspaper publications. Instead, he has suggested to the League that the rate to publish Legals be the same as if you were running for office, which is required to be charged as the paper's cheapest advertising rate.

Dobson said there are still a number of people that do not have access to the internet. If a person really cares about what is happening in an area, they would almost have to click on a cities website daily. There are some areas that don't have high speed, so that would take a long time. He agrees with Karnowski that the Cities and Townships should not have to pay the high advertising rate.

Walker said a newspaper is where all notices can be seen so he is not ready to support this resolution right now.

DOBSON MOVED TO NOT SUPPORT RESOLUTION 14-12. WHITCOMB SECONDED THE MOTION.

Zimmer stated the resolution reads that the city still has the option of publishing in the newspaper if they choose to. Maybe that would give the City some leverage to negotiate a better rate with their local papers. Dobson said he is not confident that every entity would do the right thing and post it or publish it where people can see it.

Vote 4:1, ZIMMER OPPOSED. THE MOTION CARRIED UNANIMOUSLY

#### D. Potential MN Design Team Visit

Fuhrman reported that the Princeton Downtown Committee is pursuing a potential MN Design Team (MDT) Visit. The MDT is comprised of several design professionals (Landscape Architects, Architects, Planners, Engineers, and so on from around the state) that will come into a community for a long weekend and work with the community on whatever needs or issues the community might be facing.

The entire process is a way to bring people together to generate ideas to improve the community – residents, elected and appointed officials, city staff, civic and service organizations, businesses owners, Chamber of Commerce, School District, and so on. It is a way to develop a process for turning many of the ideas into reality. The MDT will provide visual design concepts and a potential implementation timeline for the recommended changes/updates. In return, the community “hosts” the Design Team by providing housing, food, and facilities for the weekend (Thursday evening through Saturday evening).

The cost is \$5,000, which is essentially a fraction of the cost it would be to bring all of these professionals separately into a community. The Downtown Committee is working with the Initiative Foundation in seeking a grant fund to cover the costs of the visit.

Staff has been involved in the work of the Downtown Committee and sees a MDT visit as a great asset to the Princeton community. The MDT process is truly an entire community-wide effort, which I think is key for Princeton. We have numerous organizations and groups with their own ideas for the future of the community, and this is a process to bring all those ideas together. The other benefit is when it comes time to implement some of the potential recommended changes, having community involvement is vital.

The Downtown Committee met with the MN Design Team Chair and is hopeful for a fall 2014 visit, if the application is approved. As a part of the application, letters of support are very important. They specifically state that they will not accept “form letters”, but need to indicate the type of support that will be offered to the weekend visit and long-term implementation after the weekend visit.

Staff is requesting not only the City Council’s approval of the Mayor’s signature on a letter of support on behalf of the City Council, but also a commitment from the City Council members to participate in the preparation for the visit, as well as the actual visit weekend. If the application is approved, all City staff and officials will be asked to participate in the process, and so the letter would indicate the City Council’s commitment to participating in the Visit (if

schedules allow) and consideration of including the ideas in future planning efforts (Comprehensive Plan Update, capital improvement planning, budgeting process, etc). The City has received an encouraging email from Nathan Johnson, the Community Development Director from the City of Pine City, regarding Pine City's experience with the MN Design Team visits. (Both the Planning Commission and EDA were encouraged by the potential MN Design Team Visit and letters of support will be provided on their behalf from their Chairs). In addition, if anyone is interested in writing their own letter of support, that would be appreciated.

WALKER MOVED TO APPROVE THE LETTER OF SUPPORT TO BE SENT. DOBSON SECONDED THE MOTION.

Walker asked if this can look at the housing and industrial studies that are going to be done. Fuhrman replied that depending on what is found, they may be able to be incorporated. The PAVC's report card from 2006 may be utilized as well. Fuhrman said they will be provided with everything we have that may be of use to them.

Zimmer asked if there will be a lot of staff time devoted to this, as it is said it typically takes a community 6 months to prepare for this. Fuhrman said the Downtown Committee has already taken on a lot of the planning on this.

THE MOTION CARRIED UNANIMOUSLY

## **MISCELLANEOUS**

### **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 \$111,487.49 AND THE ITEMS LISTED ON THE LIQUOR BILL LIST AND GENERAL CITY BILL LIST WHICH WILL BE CHECKS 69698 TO 69758 FOR A TOTAL OF \$129,192.07. ZIMMER SECONDED THE MOTION. THE MOTION CARRIED UNANIMOUSLY

### **ADJOURNMENT**

There being no further business:

HALLIN MOVED TO ADJOURN THE MEETING AT 7:54 pm. DOBSON SECONDED THE MOTION. THE MOTION CARRIED UNANIMOUSLY

Respectfully Submitted,

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Shawna Jenkins  
City Clerk  
ATTEST:

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Paul Whitcomb, Mayor