

**MINUTES OF A REGULAR MEETING OF THE PRINCETON CITY COUNCIL HELD ON  
SEPTEMBER 22, 2016 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. Others present:, Police Chief Todd Frederick, Development Director Jolene Foss, Public Works Director Bob Gerold, Clerk Shawna Jenkins, Engineers Andy Brotzler and Mike Nielson, and Attorney Kelli Bourgeois. Absent was Administrator Mark Karnowski and Finance Director Steve Jackson

**AGENDA ADDITIONS/DELETIONS**

**CONSIDERATION OF MINUTES**

- A. Regular Meeting Minutes of September 8, 2016

DOBSON MOVED TO APPROVE THE REGULAR MEETING MINUTES OF SEPTEMBER 8, 2016. HALLIN SECONDED THE MOTION. THE MOTION CARRIED UNANIMOUSLY

**CONSENT AGENDA**

**A. Permits and Licenses**

**B. Personnel**

1. Police Chief Todd Frederick Step Increase to \$73,515 year effective 10-1-16
2. Liquor Store Employee Mike Gatewood Step Increase to \$12.46 effective 9-12-16
3. Liquor Store Employee Tyler Bialuka Step Increase to \$12.46 effective 8-17-16
4. Police Officer Cole Wubben Step Increase to \$23.85 effective 9-24-16

**C. Donations/Designations**

1. Resolution 16-45 accept donations to the Police Department

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

**OPEN FORUM**

**PUBLIC HEARINGS**

- A. Northland Drive Improvement Assessment Hearing

Nielson reported that this is the public hearing for the Improvements made on Northland Drive. Notices were sent to all property owners that will be assessed and in the newspaper.

WHITCOMB OPENED THE PUBLIC HEARING AT 7:07PM

DOBSON MOVED TO CLOSE THE PUBLIC HEARING AT 7:07PM WITH NO COMMENTS. HALLIN SECONDED THE MOTION. THE MOTION CARRIED UNANIMOUSLY

1. Resolution 16-46 – adopting Special Assessment

WALKER MOVED TO APPROVE RESOLUTION 16-46 ADOPTING THE SPECIAL ASSESSMENT FOR THE NORTHLAND DRIVE IMPROVEMENT. DOBSON SECONDED THE MOTION. THE MOTION CARRIED UNANIMOUSLY

**B. 8<sup>th</sup> Ave Drainage Improvement Assessment Hearing**

Nielson advised that this is the public hearing for the 8<sup>th</sup> Avenue drainage improvement that several residents petitioned for. Letters were sent to the property owners to be assessed and advertised in the paper.

WHITCOMB OPENED THE PUBLIC HEARING AT 7:11PM

DOBSON MOVED TO CLOSE THE PUBLIC HEARING AT 7:11PM WITH NO COMMENTS.  
HALLIN SECONDED THE MOTION. THE MOTION CARRIED UNANIMOUSLY

1. Resolution 16-47 – adopting Special Assessment

HALLIN MOVED TO APPROVE RESOLUTION 16-47 ADOPTING THE SPECIAL ASSESSMENT FOR THE 8<sup>TH</sup> AVENUE DRAINAGE PROJECT THAT WAS PENTIONED FOR BY THE RESIDENTS. ZIMMER SECONDED THE MOTION. THE MOTION CARRIED UNANIMOUSLY

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

A. EDA Board Meeting of August 18, 2016

**PETITIONS, REQUESTS, AND COMMUNICATIONS**

**ORDINANCES AND RESOLUTIONS**

A. Resolution 16-50 – Interim Use Permit for Motion Wellness

Foss advised that Dr. Keith Billstein has submitted an application for an Interim Use Permit to allow the operation of a small animal chiropractic office in the B-1 Central Business Zoning District.

The property site is located at 103 South Rum River Drive on the property described as Damon's Addition, E 61.99 FT on N & E 62.24 FT on S of N 63.36 FT on E & 62.9 FT on W of Lot 6, Block 3, (Building address 101 Rum River Drive South), PID #24-041-0220, City of Princeton, Mille Lacs County, Section 33, Township 36, Range 26. The location is zoned B-1 Central Business District.

It is the intent of the B-1 Central Business District to create an area which will serve as the focal point of community interest and as a focal point of commercial, financial, office, entertainment, and governmental activity.

Dog Daycare, Training, and Grooming Facility with no overnight boarding are allowed uses with an Interim Use Permit. At this time, there are no zoning regulations regarding animal chiropractic offices addressed in Zoning Ordinance #538.

**Interim Use Permit Review Standards/Findings of Fact.** When reviewing 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 an interim use listed in the district in which the application is being made;
2. The date or event that will terminate the use can be identified with certainty and continued;
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;
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.

The user agrees to any and all conditions that the city deems appropriate for permission of the use. The conditions may include but are not limited to:

1. A performance bond for the entire period of the interim use sufficient to cover any future costs the city may incur to enforce the provisions of the interim use permit;
2. Hours of operation, parking restrictions, lighting restrictions, screening, landscaping, fencing, signing restrictions, noise restrictions and the like.

Any interim use may be terminated by a change in this chapter or violations of any of the conditions imposed after the original or subsequent hearings held by the city. Any interim use permit issued by the city automatically expires upon the termination date noted in the permit or upon change of the ownership of the property, whichever comes first.

Based on the findings that the proposed Interim Use appears to meet the review standards and provisions as listed in the Zoning Ordinance, the ***Planning Commission recommends that the City Council approve the proposed Interim Use Permit for an animal chiropractic clinic in a B-1 Central Business Zoning District.***

This recommendation is contingent upon these:

**Conditions of Approval:**

1. The Interim use permit would terminate if the applicant Keith Billstein decides to discontinue leasing and/or sell the site in the future.
2. The signage permit needs to be picked up at City Hall
3. A Building permit will need to be reviewed and approved by the city of Princeton Building Inspector prior to renovations of the site.
4. Outdoor facilities are to be kept in a clean, dry, sanitary condition. Waste shall be picked up immediately and disposed of in a sealed container. Should there be an issue with this, the interim use permit will be reviewed and appropriate action taken.

Dobson asked for clarification that there would be no need for overnight boarding. Billstein confirmed that there would not be overnight boarding. He added that the animals are brought in and only there for 15-30 minutes.

DOBSON MOVED TO APPROVE RESOLUTION 16-50 APPROVING AN INTERIM USE PERMIT FOR DR. KEITH BILLSTEIN WITH THE FOLLOWING CONDITIONS:

1. THE INTERIM USE PERMIT WOULD TERMINATE IF THE APPLICANT KEITH BILLSTEIN DECIDES TO DISCONTINUE LEASING AND/OR SELL THE SITE IN THE FUTURE.
2. THE SIGNAGE PERMIT NEEDS TO BE PICKED UP AT CITY HALL.

3. A BUILDING PERMIT WILL NEED TO BE REVIEWED AND APPROVED BY THE CITY OF PRINCETON BUILDING INSPECTOR PRIOR TO RENOVATIONS OF THE SITE.
  4. OUTDOOR FACILITIES ARE TO BE KEPT IN A CLEAN, DRY, SANITARY CONDITION. WASTE SHALL BE PICKED UP IMMEDIATELY AND DISPOSED OF IN A SEALED CONTAINER. SHOULD THERE BE AN ISSUE WITH THIS, THE INTERIM USE PERMIT WILL BE REVIEWED AND APPROPRIATE ACTION WILL BE TAKEN.
- HALLIN SECONDED THE MOTION. THE MOTION CARRIED UNANIMOUSLY

- B. Resolution 16-44, yearly agreement with the state to access computers.

Frederick advised that this is a yearly agreement that allows the Police Department to access the State computers.

MOVED TO APPROVE RESOLUTION 16-44 APPROVING THE AGREEMENT WITH THE STATE OF MN. SECONDED THE MOTION. THE MOTION CARRIED UNANIMOUSLY

### **UNFINISHED BUSINESS**

- A. Main Sanitary Lift Station Pay Voucher #3

Jenkins advised that staff has received Pay Voucher #3 for the Main Sanitary Lift Station project. The project is on schedule and about 75% finished

HALLIN MOVED TO APPROVE PAY VOUCHER #3 FOR THE MAIN STREET LIFT STATION IN THE AMOUNT OF \$224,669.70. ZIMMER SECONDED THE MOTION. THE MOTION CARRIED UNANIMOUSLY

- B 7<sup>th</sup> Ave Water and Sewer
1. Resolution 16-48 – declaring cost and ordering preparation of assessments
  2. Resolution 16-49 – Calling for an assessment hearing

Brotzler reported that this is the project that was done to extend water and sewer to the properties along 7<sup>th</sup> Ave N across from the schools.

There is a change to from the preliminary assessment roll in that there is additional service that was added.

Hallin asked adding the additional service would lower the per property cost. Brotzler responded that because the offset that the PUC put in was split between 9 properties instead of 8, the cost per property will go up a couple hundred dollars.

HALLIN MOVED TO APPROVE RESOLUTION 16-48 DECLARING THE COST AND ORDERING THE PREPARATION OF ASSESSMENTS FOR THE 7<sup>TH</sup> AVE WATER AND SEWER PROJECT. WHITCOMB SECONDED THE MOTION.

Walker said he would like to see some clear updated assessment rolls as the originals were a bit confusing.

THE MOTION CARRIED UNANIMOUSLY

DOBSON MOVED TO APPROVE RESOLUTION 16-49 CALLING FOR AN ASSESSMENT HEARING FOR THE 7<sup>TH</sup> AVE WATER AND SEWER PROJECT. ZIMMER SECONDED THE MOTION. THE MOTION CARRIED UNANIMOUSLY

- C. TH95 & County Road 157
  - 1. Roundabout Right of way acquisition appraisals

Brotzler advised that the right of way needs for the above project have been identified. Appraisals to purchase temporary and permanent easements and to pay for damages have been prepared and reviewed. It was initially anticipated that easements would need to be acquired from each of the owners of property of the four corners of the intersection; however it was later determined that acquisition in the northeast quadrant could be avoided by modifying the project design.

Following are a list of the owners of the three parcels from which easements are needed along with the acreage and appraised value of the various easements and the cost to cure damages to the properties:

**PARCEL 1** – SW quadrant TH95/21st Avenue – Robert W Soule Trust – Robert and Madelyn Soule, trustees  
Permanent easement of .0258 acres \$800  
Temporary easement – .1788 acres for 1.5 year period \$650  
**Subtotal \$1,450**

**PARCEL 2** – SE Quadrant of TH95/21st Avenue – Anthony J and Cheryl L Hofman  
Temporary easement of .02169 acres for 1.5 years \$375  
**Subtotal \$375**

**PARCEL 4** – NW quadrant of TH95/21st Avenue – Jeanette Oakes  
Permanent easement of .015 acres \$675  
Temporary easement of .2348 acres for 1.5 years \$1,275  
Cost to cure damage to trees and shrubs \$13,850  
**Subtotal \$15,800**

**GRAND TOTAL \$17,625**

It is requested that Council consider adopting a motion to authorize the presentation of offers to the three property owners in the amount set forth above. The Council was provided with Summaries of the appraisals on each property.

Walker asked if the property owners have signed off on these as if yet. Brotzler said they have not signed off on them, but they are aware of the easements and process. If the Council approves these amounts, the offers will be presented to them. There is usually some negotiation and once those amounts are determined, it will come back to the council for approval.

DOBSON MOVED TO APPROVE AND PRESENT THE OFFERS ON THE PROPERTY ACQUISITIONS. WALKER SECONDED THE MOTION. THE MOTION CARRIED UNANIMOUSLY

- 2. Proposed Scope & fee for Phase II & Feasibility Report – Resolution 16-51

Brotzler advised that the original authorized scope for the TH 95 and CR 157 Roundabout included the completion of a Phase I Environmental Site Assessment for the project. It is customary to perform a Phase I Environmental Site Assessment on the adjacent properties to understand if contamination is expected during construction and if further investigation is required. During the scoping for the design of the project, WSB conferred with MnDOT to verify that this would be required. They indicated it would be required, and the budget for these tasks was included in the original design scope.

The Phase I included plan level research on historical data of the adjacent properties to identify documented leaks on the properties. A Phase II is only required when the results of the Phase I show a likelihood for contamination that may need to be addressed during construction. The other part that is difficult to determine with a Phase II is just how much investigation will need to occur. In this case, the gas station in the southeast quadrant of the project includes an active leak site. As it is not known whether Phase II is required or not and what the extent of a Phase II assessment may be until the Phase I assessment is complete, the original scope did not include a

#### Phase II assessment.

The results of the Phase I Environmental Site Assessment have been shared with MnDOT and they have indicated a Phase II Environmental Site Assessment is required to be performed. The Phase 1 Environmental Site Assessment is available for your review upon request. Performing a Phase II Environmental Site Assessment will provide additional information that will reduce some risk of potential project cost increases during construction in the event that contaminated materials are encountered during construction. Where the Phase I Environmental Site Assessment is a desktop analysis of available information, a Phase II Environmental Site Assessment includes field investigation to better identify and evaluate the potential existent and extent of contaminated material. The availability of this information ahead of construction will facilitate a more competitive bid on the handling of any contaminated material, and will reduce the risk of delays to the contractor during construction. Following is a description of the proposed scope of work for the

#### **LIMITED PHASE II ESA SCOPE OF WORK**

A Limited Phase II ESA will be completed to investigate subsurface conditions and determine if past historical uses at the adjacent property has resulted in soil and/or groundwater impacts. Soil boring placement will be determined predominantly based on RECs documented in the Project Corridor Limited Phase I ESA completed by WSB.

#### **Soil Borings**

The investigation activities will include the following:

- Complete a public and a private utility locate.
- Advance up to three mechanical push-probe borings to a depth of 20 feet below ground surface (bgs) along the Project Corridor to assess soil conditions downgradient of the gas station/leak site.
- Advance one boring to a depth of 30 feet bgs at/near the temporary easement at the southeast corner of the intersection to assess subsurface soil and groundwater conditions.
- Screen soils using a photoionization detector (PID) with a 10.6 eV lamp.
- Record general soil classifications/observations on a field log.
- Seal borings per Minnesota Department of Health (MDH) requirements.

Note: In the event that soil or groundwater impacts are identified at the one of the southern borings, one to two additional/alternate borings will be advanced at the median and/or north side of TH 95 to identify the lateral extent of impacts at the Project Corridor.

#### Sampling

WSB will collect soil and groundwater samples during the investigation based on MPCA guidance. The sampling activities will include collection of up to six soil samples and one groundwater sample for chemical analysis by a MDH certified laboratory. The proposed analytical sampling includes:

##### *Soil*

- 6 – Diesel range organics (DRO) using the Wisconsin Method with silica gel cleanup
- 6 – Gasoline range organics (GRO) using the Wisconsin Method
- 6 – Petroleum volatile organic compounds (PVOCs) using the Wisconsin Method
- 6 – Lead using EPA method 6010/7471A

##### *Groundwater*

- 1 – DRO using the Wisconsin Method with silica gel cleanup
- 1 – GRO using the Wisconsin Method
- 1 – Volatile organic compounds (VOCs) using the EPA Method 8260
- 1 – Lead using EPA method 6010/7471A

#### Limited Phase II ESA Reporting

WSB will summarize the results of the Limited Phase II ESA in a final report. At a minimum, the report will include the following:

- Scope of work
- Sample location map
- Sample methods and procedures
- Results tables and laboratory analytical reports
- Investigation results
- Conclusions and recommendations

#### Assumptions

The following items are assumed for this scope of work:

- The City will assist with obtaining Property access (if required).
- Lane closures and/or traffic control will not be required.
- Subsurface obstructions will not inhibit boring advancement. TH 95 and CR 157 Roundabout September 22, 2016 Page 3
- Groundwater flow at the Property is anticipated to be northward towards the West Branch Rum River and depth to groundwater is estimated to be approximately 25 feet bgs.
- Samples will be submitted for laboratory analysis with standard 10-day turnaround time.
- The scope includes advancing four mechanical soil borings ranging in depth from 20-30 feet bgs, with two additional (contingency) borings to a depth of 20 feet bgs.
- The client will provide one review/comment of environmental reports.

The cost to perform the above described Limited Phase II ESA with three borings to 20 feet bgs and one boring to 40 feet bgs is not to exceed **\$6,873**. If contamination is observed at any of these borings, two additional borings to 20 feet bgs will be completed at a cost of an additional **\$300**. WSB will contract with a drilling contractor and laboratory to perform the borings and analytical testing. If additional work is required beyond the scope outlined above, WSB

will receive authorization from the City prior to completing any extra work. Upon authorization, the work can be performed as early as September 23, 2016.

#### **AUTHORIZE PREPARATION OF FEASIBILITY REPORT**

The TH 95 and CR 157 Roundabout project is proposed to be funded from a combination of Federal, State, and Local funding sources. For the City's local share it is proposed that a portion of the local share be assessed to the surrounding benefitting property owners. As such, the preparation of a feasibility report and administration of the 429 Process is necessary. Attached for City Council consideration is a resolution to authorize the preparation of a feasibility report for the TH 95 and CR 157 Roundabout project. The estimated fee for the preparation of the feasibility report **\$5,143** which will include the following activities:

- Prepare report text summarizing the existing conditions, proposed improvements, required permitting, and environmental documentation requirements.
- Engineer's opinion of probable cost.
- Preliminary assessment roll.
- One property owner meeting prior to the assessment hearing.
- Prepare a presentation and handout materials for the assessment hearing.
- Facilitate the assessment hearing.

#### **SUMMARY**

It is requested that Council consider the following actions:

- **Motion to authorize the preparation of the Limited Phase II Environmental Assessment; and**
- **Motion to adopt a resolution authorizing the Preparation of a Feasibility Report for the TH 95 and CR 157 Roundabout project.**

WALKER MOVED TO APPROVE RESOLUTION 16-51 AUTHORIZING THE PREPATATON OF A FEASIBILITY REPORT. HALLIN SECONDED THE MOTION. THE MOTION CARRIED UNANIMOUSLY

HALLIN MOVED TO AUTHORIZE A LIMITED PHASE II ENVIRONMENTAL ASSESSMENT. DOBSON SECONDED THE MOTION. THE MOTION CARRIED UNANIMOUSLY

#### **NEW BUSINESS**

##### **A. Lights on Afterschool Proclamation**

Jenkins advised that Councilor Hallin asked the Council to again consider recognizing October 20<sup>th</sup> as Lights on Afterschool, which promote the importance of quality afterschool programs in the lives of children, families and communities.

DOBSON MOVED TO RECOGNIZE OCTOBER 20<sup>TH</sup> AS LIGHTS ON AFTERSCHOOL. HALLIN SECONDED THE MOTION. THE MOTION CARRIED UNANIMOUSLY

##### **B. MN Manufacturer's Week**

Foss reported that October 2<sup>nd</sup> through the 8<sup>th</sup> is Minnesota's Manufacturing week which is a dynamic segment of Minnesota's economy, and an integral part of Minnesota's economic development strategy. Her and the Chamber is working on an event to recognize the cities manufacturers

WALKER MOVED TO RECOGNIZE OCTOBER 2<sup>ND</sup> THROUGH OCTOBER 8<sup>TH</sup> AS MINNESOTA MANUFACTURING WEEK. DOBSON SECONDED THE MOTION. 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 \$115,291.48 AND THE ITEMS LISTED ON THE LIQUOR BILL LIST AND GENERAL CITY BILL LIST WHICH WILL BE CHECKS 74297 TO 74339 FOR A TOTAL OF \$387,792.52. ZIMMER SECONDED THE MOTION. THE MOTION CARRIED UNANIMOUSLY

ADJOURNMENT

There being no further business:

DOBSON MOVED TO ADJOURN THE MEETING AT 7:29 PM. ZIMMER 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