

**CITY OF PRINCETON
Planning Commission
Agenda
August 18, 2014
7:00 P.M., City Hall**

- 1. Call to Order**
- 2. Approval of Minutes of Regular Meeting on July 28th, 2014 – Tab A**
- 3. Agenda Additions/Deletions**
- 4. Public Hearing:**
 - A. Fence Ordinance Amendment – Tab B**
- 5. Old Business: N/A**
- 6. New Business: N/A**
- 7. Communication and Reports:**
 - A. Verbal Report**
 - (1) Request to discuss sign replacements**
 - (2) Update on the Sign Ordinance Changes (City Council)**
 - (3) MN Design Team Visit (handout out at meeting)**
 - B. City Council Minutes for July, 2014 – Tab C**
- 8. Adjournment**

MEETING PROTOCOL

1. The chair of any board or commission has the same rights as the other board or commission members in that he/she can both make and second motions.
2. The chair of any board or commission also has the right to vote on all motions that come before the body. Historically, if there's a roll call vote (as opposed to the standard voice vote) the chair sometimes opts to vote last.
3. Generally, a board or commission member should vote on all issues before the group unless they have a disqualifying personal interest in the issue. In cases where the member has a conflict of interest, the member should:
 - A. Advise the board of their intent to abstain and state the conflict before the vote is taken.
 - B. If the member has a true disqualifying personal interest they should take the liberty of seating him/herself in the audience for the duration of the discussion (from where the member can comment on the proposal) until the vote is recorded.
4. On a voice vote, if a member does not vote 'aye' or 'nay', then the member is considered to have voted with the prevailing side. In other words, on a 5 person board, if only 2 members vote 'aye' and the others don't say 'aye' or 'nay', then the vote should be recorded as passing unanimously.
5. If the chair, or one of the member, is not sure of the outcome after a voice vote is taken the chair or member can request a roll call vote whereby the chair asks each member to indicate their preference and the final tally is taken from the results of that polling.
6. It is incumbent on all board and commission members to exhibit professionalism and maintain the respectful decorum required of a assemblage representing the public. Members (as well as the public) should raise their hand and be recognized by the chair before commenting on the issue before the body. Members should also refrain from engaging in member to member debate. The public discussion of issues should not deteriorate into an argument between members. Comments of members and of the public should be directed to the Chair, not to individual board or commission members or other members of the public. The members should also treat their fellow board/commission members and staff with respect.

**THE REGULAR MEETING OF THE PLANNING COMMISSION BOARD HELD ON JULY 28TH, 2014,
AT 7:00 P.M., AT THE CITY HALL COUNCIL CHAMBERS**

The meeting was called to order at 7:00 P.M., by Jack Edmonds. Members present were Jeff Reynolds, Eldon Johnson, Chad Heitschmidt, and Jim Kusler (Princeton Twsp. Rep). Staff present were Mike Nielson (City Engineer with WSB & Assoc.), Carie Fuhrman (Comm. Dev. Director), and Mary Lou DeWitt (Comm. Dev. Assistant).

Absent was Mitzi Mellott.

APPROVAL OF MINUTES OF REGULAR MEETING ON JUNE 16, 2014

JOHNSON MOVED, SECOND BY REYNOLDS , TO APPROVE THE MINUTES OF JUNE 16, 2014. UPON THE VOTE, THERE WERE 4 AYES, 0 NAYS. MOTION CARRIED.

AGENDA ADDITIONS/DELETIONS:

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

PUBLIC HEARING:

**A. #14-05 Variance for Princeton Public Utilities Fence in the Public Right-of-Way
Community Development Director Memo:**

Connie Wangen, Princeton Public Utilities General Manager, has submitted an application for a variance to allow a fence within the public road right-of-way. The property site is 907 First Street and zoned R-3, Multiple Family Residential.

The Princeton Utilities plant and offices are located on the south side of First Street/CSAH 31. An L-shaped fence was constructed without a permit along the sidewalk in front of the office building, with at least a portion in the right-of-way. Photos were provided for review. The fence is 18 inches from the curb. It is 10' long running north to south, and 5' long running east to west.

According to the applicant's narrative, the nearby tree was pushing the sidewalk up, so they removed a portion of the sidewalk as they did not want anyone tripping on it. They then installed the fence so no one would step off of the sidewalk. They also intend for the fence to be used as a handrail for customers stopping in to pay their utility bills. The narrative goes on to state that Princeton Public Utilities Commission employees maintain the street and sidewalk in front of their buildings in the winter, and they acknowledge that if the fence is damaged from the snow plow, they would accept responsibility for repairing it. They would also like to keep the shade tree in place.

The request is a variance from Chapter VI.I.5 of the Zoning Ordinance, which states "No fences shall be permitted on public right-of-way".

Variance Review Standards: Requests may be made for variances from the literal provisions of

the Zoning Ordinance in instances when the applicant for the variance establishes that there are practical difficulties in complying with the Zoning Ordinance.

A variance shall not be granted by the Planning Commission unless it conforms to all of the following standards:

1. Is the variance in harmony with the general purpose and intent of the zoning ordinance?

Comment: The general purposes and intent of the Zoning Ordinance is to promote the public health, safety, morals, and general welfare. One of the methods to achieve this purpose is through regulating the location and size of structures, such as fences. Fences are not allowed within the public right-of-way to help keep the right-of-way clear of any unnecessary obstructions for maintenance and safety reasons. The fence being located within the public right-of-way and in very close proximity to the actual improved road is not in harmony with the general purposes and intent of the Zoning Ordinance.

2. Is the variance consistent with the Comprehensive Plan?

Comment: One of the transportation policies identified in the Comprehensive Plan specifies to maintain all transportation facilities (roads, walks, and trails) in good repair and keep the facilities free from a buildup of dirt, snow, and ice. The subject variance would not be consistent with this policy as it hinders in the maintenance of both the street and sidewalk.

3. Does the property owner propose to use the property in a reasonable manner not permitted by the Zoning Ordinance?

Comment: A fence, in accordance with the Zoning Ordinance, is normally a reasonable use of a property, but a fence located in the right-of-way is not proposing to use the property in a reasonable manner.

4. Are there circumstances unique to this property not created by the landowner?

Comment: A tree root causing a sidewalk to upheave happens occasionally, and it is acknowledged that the Princeton Public Utilities does have a significant amount of the public that frequent their office to pay utility bills. But, there is another alternative to addressing the concern without violating the Ordinance, such as trimming the tree root or removing the tree. These options would address the customer safety concern as it would prevent the sidewalk from upheaving and not require a fence.

5. Will the issuance of the variance maintain the essential character of the locality?

Comment: A fence located in the right-of-way does not maintain the essential character of the locality as fences within the right-of-way are not normally found.

6. Does the alleged practical difficulty involve more than economic considerations?

Comment: Yes, the alleged practical difficulty is to prevent customers from stepping off of the sidewalk because of the upheaving sidewalk due to the tree root, so the safety concern is more than an economic consideration.

Staff address an email from Mille Lacs County Engineer:

Bruce Cochran, Mille Lacs County Engineer, commented that fences are not allowed within the public right-of-way, whether in urban or rural areas of the county. His comment in an email was: *Public right-of-way, whether acquired in fee, easement or dedication, is for public purpose. Personal use of the right-of-way is not appropriate. This includes excessive landscaping and fencing of all types. In the rural parts of the county fences are not permitted in the right-of-way. For consistency and other reasons, fences are not permitted in the right-of-way in urban areas. From a practical perspective, the fence post closest to the street will not last through a snow removal season. I suspect a snow plow wing will shear off the post. Additionally, the fence will hinder snow removal for the sidewalk in front of the Princeton Public Utilities building. Please have the Princeton Public Utilities remove the fence.*

Conclusion: To approve the variance request, the City must find that the proposal uses the property in a reasonable manner, and that the applicant has demonstrated that there are practical difficulties unique to the property not created by the property owner that interfere in complying with the Zoning Ordinance. The City is concerned with keeping the public right-of-way free from obstructions. The safety of the customers of the Princeton Public Utilities is also of concern to the City, as well as property aesthetics; however, it appears that there is an alternative to address the safety concern without violating the Ordinance.

Staff would recommend denial of the variance for the fence placement in the right-of-way of First Street/CSAH 31, based on the findings that it provides a safety and maintenance hazard, and the variance does not meet all six (6) of the standards required for approval of a variance.

1. The variance is not in harmony with the general purposes and intent of the zoning ordinance.
2. The variance is not consistent with the Comprehensive Plan.
3. The property owner does not propose to use the property in a reasonable manner not permitted by the Zoning Ordinance.
4. The issuance of the variance will not maintain the essential character of the locality.

If the Planning Commission denies the variance, a deadline date to remove the fence within the right-of-way should be established. If a portion of the fence is outside of the right-of-way, and the Princeton Public Utilities would like to keep that portion, a fence permit would be required to be obtained, which requires location and identification of the property line/pins to ensure it is within the property.

*****End of staff memos*****

Connie Wangen, Princeton Public Utilities General Manager wrote the following memo:

June 16, 2014

Dear Planning Commission Chairman and Members:

Princeton Public Utilities is requesting a short "L" shaped fence be allowed in the road right-of-way. This fence is in front of our office building located at 907 1st Street, Princeton MN. We had to remove some sidewalk because the tree nearby was pushing the sidewalk up and we did not want anyone tripping on it. We then installed this cedar fence so no one would step off the sidewalk. This fence will also be used as a handrail for customers stopping in to pay electric, water and sewer utility bills. It has been well received by customers already.

The fence is located 18' from curb. It is 10' long north to south and 5' long east to west. It is about 36" high.

Princeton Public Utilities employees do maintain the street and sidewalk in front of our office in the winter, keeping snow and ice away at all times. We also realize that if this fence is damaged from the snow plow pushing snow up along the curb, we will be responsible to repair it.

Thank you for your time and consideration.

*Sincerely,
Connie Wangen*

*****End of Wangen's memo*****

Fuhrman said without a survey it is hard to determine how much into the right-of-way the fence protrudes.

Reynolds asked if there are any ordinances for handrails.

Fuhrman said in the Building Codes there would be, but not in the City Ordinances.

Heitschmidt said the sod should be level with the sidewalk. He does not see a reason for the fence.

Connie Wangen, Princeton Public Utilities General Manager, was present and said now that the grass has grown more, it has become more level.

Edmonds opened the public hearing. There were no residents present to address this item.

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

Edmonds commented that all should be treated the same with this type of request. Staff's evaluation looks good and he would support denying the request for a variance.

Heitschmidt agreed, there are other options available instead of the fence.

Johnson asked Wangen if the root can be trimmed to save the tree.

Wangen said that is possible. The root extends to where the sidewalk is now. The roots should not hinder the sidewalk right now, but in the future it probably will. They took out two sections of the old sidewalk where it was pushing up the concrete, and put the new sections in.

Johnson asked if something could be put in the corner.

Wangen said people were walking on the dirt so they thought the fence should be put up.

Edmonds said he understands it was not intentional by Princeton Public Utilities to install the fence without a fence permit.

Wangen said that is true, they put it up without proper consideration of the process.

ELDON MOVED, SECOND BY HEITSCHMIDT, TO DENY ITEM #14-05 VARIANCE FOR PRINCETON PUBLIC UTILITIES LOCATED AT 907 FIRST STREET, FOR A FENCE IN THE PUBLIC RIGHT-OF-WAY OF FIRST STREET/CSAH 31, BASED ON THE FINDINGS THAT IT PROVIDES A SAFETY AND MAINTENANCE HAZARD, AND THE VARIANCE DOES NOT MEET ALL SIX (6) OF THE STANDARDS REQUIRED FOR APPROVAL OF A VARIANCE:

1. THE VARIANCE IS NOT IN HARMONY WITH THE GENERAL PURPOSES AND INTENT OF THE ZONING ORDINANCE.
2. THE VARIANCE IS NOT CONSISTENT WITH THE COMPREHENSIVE PLAN.
3. THE PROPERTY OWNER DOES NOT PROPOSE TO USE THE PROPERTY IN A REASONABLE MANNER NOT PERMITTED BY THE ZONING ORDINANCE.
4. THE ISSUANCE OF THE VARIANCE WILL NOT MAINTAIN THE ESSENTIAL CHARACTER OF THE LOCALITY.

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? No, the general purposes and intent of the Zoning Ordinance is to promote the public health, safety, morals, and general welfare. One of the methods to achieve this purpose is through regulating the location and size of structures, such as fences. Fences are not allowed within the public right-of-way to help keep the right-of-way clear of any unnecessary obstructions for maintenance and safety reasons. The fence being located within the public right-of-way and in very close proximity to the actual improved road is not in harmony with the general purposes and intent of the Zoning Ordinance.

2. Is the variance consistent with the Comprehensive Plan? No, one of the transportation policies identified in the Comprehensive Plan specifies to maintain all transportation facilities (roads, walks, and trails) in good repair and keep the facilities free from a buildup of dirt, snow,

and ice. The subject variance would not be consistent with this policy as it hinders in the maintenance of both the street and sidewalk.

3. Does the proposal put the property to use in a reasonable manner? No, a fence in accordance with the Zoning Ordinance, is normally a reasonable use of a property, but a fence located in the right-of-way is not proposing to use the property in a reasonable manner.

4. Are there unique circumstances to the property not created by the landowner? Yes, a tree root causing a sidewalk to upheave happens occasionally, and it is acknowledged that the Princeton Public Utilities does have a significant amount of the public that frequent their office to pay utility bills. But, there is another alternative to addressing the concern without violating the Ordinance, such as trimming the tree root or removing the tree. These options would address the customer safety concern as it would prevent the sidewalk from upheaving and not require a fence.

5. Will the variance maintain the essential character of the locality? No, a fence located in the right-of-way does not maintain the essential character of the locality as fences within the right-of-way are not normally found.

6. Does the alleged practical difficulty involve more than economic considerations? Yes, the alleged practical difficulty is to prevent customers from stepping off of the sidewalk because of the upheaving sidewalk due to the tree root, so the safety concern is more than an economic consideration.

Fuhrman said this will not go to the City Council. Staff will work with setting the date if the Princeton Public Utilities wants to comeback on this variance. Fuhrman will talk to Wangen.

B. Sign Ordinance

Community Development Director Memo:

Last month, I brought some Sign Ordinance updates/discussion items to the attention of the Planning Commission. Staff is now bringing them in front of the Planning Commission for the public hearing. The Ordinance proposes the following:

1. Multi-Tenant Building Wall Signs:
 - Allows each tenant up to 3 wall signs.
 - Requires a comprehensive sign plan only for NEW multi-tenant buildings.
2. Wall, projecting, under-canopy, and fascia/soffit Signs:
 - No substantial changes; only formatting changes.
3. Billboards, Pylon, Monument, Multi-Tenant, and Video Display Signs:
 - Clarifies that replacement of existing billboards, pylon, monument, multi-tenant pylon, and Video display signs only requires staff review.

4. Monument Signs:

- Clarifies that only one sign is allowed per property and is required to be on the property of the organization being advertised.
- Updates the allowed sign areas and heights in the various districts for more consistency.
- Adds sign requirements for the MOR District.

5. Existing Signs*:

- Removes language entirely.
- Note: Section 10 of the existing Sign Ordinance spells out the provisions for requiring the removal of signs that are erected or maintained in violation of the Ordinance.

6. Non-Conforming Signs*:

- Updates the language to match the State Statue language in regards to non-conformities.

*City Attorney opinion is being sought in regards to these two sections.

After conducting the public hearing, staff would recommend approval of the attached Ordinance, which will then be brought in front of the City Council for two readings.

*****End of staff memos*****

Edmonds opened the public hearing. There was no one present to address this item.

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

JOHNSON MOVED, SECOND BY HEITSCHMIDT, TO FORWARD TO THE CITY COUNCIL CONTINGENT OF THE CITY ATTORNEY'S REVIEW, AN ORDINANCE AMENDING CHAPTER VII (SIGNS) OF TITLE 11 (ZONING) OF THE PRINCETON CODE OF ORDINANCE BY AMENDING THE REGULATIONS FOR MULTI-TENANT BUILDING WALL SIGNS, MONUMENT SIGNS, EXISTING, AND NON-CONFORMING SIGNS, AND PROVIDING CLARIFICATION FOR SIGN REGULATIONS WITHIN THE CITY OF PRINCETON. UPON THE VOTE, THERE WERE 4 AYES, 0 NAYS. MOTION CARRIED.

OLD BUSINESS:

A. Caribou Coffee Revised Site Plan & Pylon Sign Review

Community Development Director Memo

Background: United Properties Investment LLC has requested to amend the site plan review approval for the Caribou Coffee project at 703 Northland Drive, which was approved, along with a variance for a drive-thru service lane, by the Planning Commission at their June 16, 2014 meeting. This memo will highlight the changes from the original site plan approval. They are also requesting approval for a freestanding pylon sign.

Building Size: The applicants are now proposing a 2,500 square foot building (original site plan approval was for a 1,750 square foot building). The additional 750 square feet is requested to allow for the ability to convert the building into a Caribou/Bruegger's Bagels co-branded store in the future. The additional building area will initially be used for a conference/community room, but allows for the opportunity to one day potentially convert the area to a bagel bakery. The new building size meets setback requirements.

Parking Layoff/Traffic Flow: The parking and traffic flow through the parking lot have been adjusted slightly. The revised site plan proposes 28 60-degree parking stalls (the original proposed 34 stalls). The ordinance requires one space per three patron seats, plus one space per employee on the largest shift. The coffee shop will have 48 interior seats and 8 employees, requiring 24 stalls. If the 16 outdoor patio seats are included in the calculation, 29 parking stalls would be required. However, the patio seating is only used seasonally-therefore, staff would recommend the approval of the proposed 28 stalls.

The entrance into the parking lot has been adjusted slightly so it is "enter only" on the southernmost opening, "exit only" closest to the building and drive-thru. Vehicles will enter into the site via the southernmost opening and exit in front of the building or go around the building/drive-thru lane and exist on the north side of the building. Drive-thru patrons will enter via the southernmost opening and exit on the north side of the building. "Do not enter" signs are proposed to assist in directing traffic, as well as painted traffic arrows and text on the asphalt.

One item to note is the parking does not meet the 3 foot setback requirement from the property lines. This shall be adjusted as a condition of approval.

Landscaping: The Landscaping Plan proposes landscaping within several of the parking lot "islands", as well as surrounding the outdoor patio to the west, north of the building, and to the east of the building, which appears to meet Ordinance requirements. Additional landscaping has been added to the southeast of the building near the drive-thru entrance.

Pylon Sign: The applicants are seeking the Planning Commission's approval of a new freestanding pylon sign. The applicants are proposing a freestanding pylon sign in the southeast corner of the site; 45 feet tall and 150 square feet in size, which meets Ordinance requirements as it is less than 900 feet from Highway 169 and Rum River Drive interchange.

Conditions of Original Approval: The site plan and variance approval on June 16, 2014 was subject to numerous conditions, which the applicants have addressed in the following manner:

1. Bicycle racks shall be placed near the entrance.

Staff Comment: Bicycle racks have been provided near the entrance.

2. The signage shall be reviewed and permits obtained prior to installation. Planning Commission review is required for a new pylon sign or utilization of the MTB signage.

Staff Comment: The freestanding signage details had not yet been determined at the June meeting. The applicant is proposing to install a 45 foot tall pylon sign, 150 square feet in area. Approval of the pylon sign is requested at this Planning Commission meeting.

3. The trash enclosure shall match the exterior building materials in color. The trash enclosure shall not be of concrete block construction.

Staff Comment: The trash enclosure is proposed to be a six foot tall high board-on-board fence painted to match the building EIFS color.

4. Additional information shall be provided for the City Engineer's review.

Staff Comment: Additional information has been provided to the City Engineer.

5. The conditions of the City Engineer memo dated June 10, 2014 shall be met prior to the issuance of the Building Permit or Certificate of Occupancy.

Staff Comment: The applicants resubmitted additional information on June 13, 2014. The City Engineer has reviewed the revised plans and responded in memo dated July 10, 2014.

6. If digging in the street is required for the sanitary sewer hook-up, an escrow will be required, as well as a two-year warranty.

Staff Comment: The applicant has acknowledged this will be complied with if required.

7. If access is required within any of the easements, the financial costs of removal and replacement shall be the responsibility of the property owner (parking, trash enclosure, signage; etc). An agreement between the City and applicant may be required by the City Attorney.

Staff Comment: The applicant has acknowledged they will work with city staff on an agreement if required.

8. All necessary permits shall be applied for and approved prior to construction, including, but not limited to: building, signage, Water Access Charge (WAC), and Sewer Access Charge (SAC).

Staff Comment: The applicant has acknowledged this requirements.

9. Any consultant costs over and above the original escrow fee shall be the responsibility of the applicant.

Staff Comments: The applicant has acknowledged this requirement.

Conclusion: (Revised Site Plan Review) Based upon the Zoning review standards, staff would recommend approval of the revised site plan review, subject to the condition that the parking meet the 3 foot setback from property lines. The conditions of approval of the original site plan review still stand.

Pylon Sign Review: The proposed pylon sign meets Zoning Ordinance requirements, therefore staff would recommend approval of the new pylon sign, subject to the condition that a building permit be obtained prior to installation.

*****End of staff memos*****

City Engineer Memo:

City Engineer: Mike Nielson (WSB & Associates, Inc) Memo dated July 10, 2014

Revised site plans were submitted by Alliant Engineering, dated 7/7/2014. The plans include Sheets C-0, Existing Topo and Sheets C1-C4, L-1 and L-2. Storm water calculations have also been submitted for the proposed storm sewer system.

General Comments:

The previous comments noted that the applicant has removed a series of 3 catch basins and a 24" pipe that drains to the existing stormwater pond adjacent to Rum River Drive that was not replaced in the original submission. The revised plans have replaced the existing pipe 24" storm sewer pipe with a 24" pipe. The revised plan maintains the 5 catch basin inlets that previously existed. No calculations were provided, but drainage does not enter city streets. Any drainage capacity issues will be the responsibility of the owner to address.

Sheet C-0 – Cover Sheet (No Comments)

Sheet – Alta Survey

Comments Addressed.

Sheet C-1, Site Plan

Parking lot flow has been revised to a one way concept directing traffic to the south where cars will queue up for the drive through or proceed into parking areas. This concept is acceptable. The site appears to be adequately signed to direct traffic.

Sheet C-2 – Grading and Drainage Plan

1. No additional Comments. The previous comments have been addressed.

Sheet C-3 – Utility Plan

1. Add to Note 10. All underground utility work to be inspected by the City and Public Utility. 28 hour notice to be given prior to starting work.

Sheet C-4 Detail Sheet

1. Comments Addressed.

Sheet L-1, Landscape Plan

Comments Addressed.

Sheet L-2, Photometric Plan – Plan submitted.

*****End of City Engineers memo's *****

Maleah M. Miller, Project Manager for Caribou Coffee submitted the following memo dated July 7, 2014:

Subject: Amend Approved Site Plan Review for Caribou Coffee

Alliant Engineering is requesting to amend the Site Plan Review documents for the Caribou Coffee project that were previously approved before the Planning Commission meeting on June 16, 2014.

Caribou Coffee proposes to construct a 2,500 s.f. co-brand hybrid building. The additional 700 s.f. of building is requested to allow for the ability to in the future to convert the existing Caribou Coffee into a Caribou Bruegger's Bagels co-branded store. The additional building area will initially be used for a conference/community room and if in the future a co-brand remodel occurs this area will be converted to a bagel bakery.

The submitted site plan submittal has addressed the Planning Commissions conditions of approval dated June 16, 2014. The following is the response to the conditions of approval per Memorandum dated June 10, 2014:

1. Bicycle rack have been provided near the entrance.
2. Signage: Caribou Coffee is proposing to install a Pylon sign 45' high and 150 sf sign face. The signage application and documents have been submitted at this time for the Planning Commission review and approval process. Permit will be obtained prior to installation.
3. Trash Enclosure will be a 6' high board on board fence painted to match the building EIFS color. Note added to site plan.
4. Additional information has been provided to the City Engineer in regard to sanitary sewer and storm sewer design for their review and approval. Refer to response memo dated 6.13.14
5. The conditions of the City Engineer memo dated June 10, 2014 have been addressed and resubmitted 6.13.14. Alliant Engineering will work with City Engineer to address any new comments due to the revised plans for the approval prior to the issuance of the Building Permit or Certificate of Occupancy.
6. An escrow will be provided, as well as a two-year warranty if digging in the street is required for the sanitary sewer hook-up and will be coordinated with City staff as needed.
7. If access is required within any of the easements, the financial costs of removal and replacements shall be the responsibility of the property owner (parking, trash enclosure, signage, etc). Applicant will work with city staff on an agreement if required.
8. All necessary permits will be applied for and approved prior to construction, including, but not limited to: building, signage, Water Access Charge (WAC), and Sewer Access Charge (SAC).
9. The applicant understands any consultant costs over and above the original escrow fee will be their responsibility.

*****End of memo*****

Fuhrman does ask that separate motions be made for the revised site plan and another for signage.

Charles Schatz, Project Architect was present and said he was fine with the staff recommendation. He appreciates the consideration of this review.

Mike Nielson, City Engineer was present and said he is fine with the plans.

Heitschmidt asked City staff that with more and more traffic in this area, if anyone has addressed the ramp when entering and exiting the northeast side of the parking lot for McDonald's and Shopko. A low car can bottom out from it.

Nielson said they will remove that with extending the sanitary sewer and it will be adjusted when that is done so it does not slope so much.

Edmonds asked if the right-of-way by Shopko and McDonald's will stay there.

Fuhrman said it was planned for this right-of-way to go to this property site. On the west side of Shopko is a platted street that if the land by Shopko were developed the access would be behind the Shopko building from Northland Drive.

Nielson said he will let the applicants address this easement with McDonald's.

Fuhrman said it is Shopko's easement where this driveway is to enter or exit.

Schatz said McDonald's had utilized that easement for parallel parking, and if we are removing that area, we will most likely do that to the slope there. He might be speaking out of hand for the owner, but he assumes they will fix the situation.

Edmonds said that should be addressed.

Schatz agreed.

Fuhrman said the easement is 24 feet. The question is if it is a city easement or private easement. If they can reach an agreement on not parking there as McDonald's customers have been, that would be the best.

Nielson said the stripping should not be there by McDonalds. We need to have 20 feet clear for the Fire Department. We have a 24 foot easement so there should not be parking there.

Johnson said the City should talk to Shopko and see if they could get an extra eight feet from Shopko to give to McDonalds for parking.

Nielson said worse case is McDonalds removes the stripping and there are "No Parking" signs put up.

Heitschmidt asked if there should be a recommendation on the removal of the stripping McDonald's has in that easement.

Nielson said staff should notify McDonald's that they can no longer park there and if they need more parking to ask Shopko if they could share some more of their parking area.

HEITSCHMIDT MOVED, SECOND BY JOHNSON, TO APPROVE THE CARIBOU COFFEE REVISED SITE PLAN SUBJECT TO THE CONDITION THAT THE PARKING MEET THE THREE FOOT SETBACK FROM PROPERTY LINES, THE CONDITIONS OF APPROVAL OF THE ORIGINAL SITE PLAN REVIEW STILL STAND, AND WITH THE RECOMMENDATION THAT MCDONALD'S WORK WITH SHOPKO RESOLVING THE PARKING ISSUES. UPON THE VOTE, THERE WERE 4 AYES, 0 NAYS. MOTION CARRIED.

JOHNSON MOVED, SECOND BY REYNOLDS, TO APPROVE THE PYLON SIGN REVIEW WITH THE CONDITION THAT A BUILDING PERMIT BE OBTAINED PRIOR TO INSTALLATION. UPON THE VOTE, THERE WERE 4 AYES, 0 NAYS. MOTION CARRIED.

NEW BUSINESS:

A. Erdman Automation Building Addition Site Plan Review

Community Development Director Memo

Background: R.W. Builders, on behalf of Erdman Automation, has submitted a site plan review application for the construction of an addition to an existing building at 1705 14th Street South.

The subject property is 2.25 acres, zoned MN-1 Industrial, and designated as Industrial on the Future Land Use Plan. Industrial use aligns with both the zoning and future land use designation.

Analysis: The site contains an 18,000 square foot building with a loading dock and parking area to the north of the building. The Erdman's own the subject lot and both lots immediately adjacent to the east and west. There is a 50 foot easement on the rear of the lot. The project consists of a 17,280 square foot (120' by 143') one-story addition to the rear of the existing building. The addition will be used for production and warehouse. A new parking area will be placed in the northeast corner of the lot, directly to the east of the existing parking lot.

Access/Traffic Flow/Lots: Access is currently provided through one curb cut into the building dock area and parking lot in the northwest corner of the lot.

Two 20-foot asphalt drive aisles are proposed along both sides of the building, both of which widen towards the rear of the building for access to the two overhead side doors. A second curb cut access is proposed directly to the north of the east drive aisle. The proposed west asphalt drive encroaches into the vacant lot to the west, which is owned by the Erdman's as well. If the Erdman's were to sell that lot in the future, it would be their responsibility to establish an easement for the drive aisle, or remove the portion of the drive aisle that encroaches into the adjacent lot.

According to the applicant, any potential future expansions will likely happen to the east of the existing building and onto the vacant lot, also owned by the Erdman's. Adequate room on the current site to accommodate the building addition, parking, drive aisles, and stormwater runoff is tight. If the building were to be added on to further in the future, staff would recommend combining the lots.

Parking: The existing parking lot is north of the building with 16 90-degree parking stalls that run north-south. Two parking stalls will be removed for the new access. The new parking area is proposed in the northeast corner of the lot, to the east of the existing parking, with an additional 18 stalls proposed to run east-west. The Code requires 32 parking stalls, which appears to be met by the proposed additional parking:

Manufacturing: Five plus one for each employee on the largest working shift, but not less than one per 1,000 SF.

Comment: Approximately 12,900 SF is or will be utilized as manufacturing. This requires 12.9 stalls.

Warehouse: Five plus one for each employee on the largest working shift, but not less than one per 2,000 SF.

Comment: Approximately 21,510 SF will be utilized as warehouse. This requires 10.8 stalls.

Office: One parking space for every 250 square feet of useable floor area.

Comment: Approximately 1,875 SF is or will be office space, requiring 7.5 stalls.

The new parking area proposes 90 degree parking stalls, which are required to be a minimum of 9 feet by 18 feet with a 26 foot aisle. The northernmost parking stalls appear to be located within the public right-of-way (according to the Elfering drawing), which is not allowed. The layout should provide the northernmost parking stalls adequate room to back out and turn to navigate south to the exit. In addition, parking lots are required to be setback 3 feet from lots lines. These shall be conditions of approval.

Landscaping: The landscape plan is attached and proposed five new trees on the north side of the property. Staff would recommend additional bushes or perennials along the west building elevation.

Signage: No signage has been applied for as part of this application. Any new signs will require approval prior to installation. (New freestanding signs require Planning Commission review).

Building Materials: The new addition will be of the same steel material as the existing building and with the same roof line.

City Engineer: The City Engineer has reviewed the site plan application and submitted comments via a memo. Approval of the site plan shall be subject to the conditions and recommendations in the memo.

Conclusion: Based on the above review, staff is recommending approval of the site plan review of the Erdman Automation building addition, subject to the following conditions:

1. If the property owners were to sell the vacant lot to the west in the future, it would be their responsibility to establish an easement for the drive aisle encroachment or remove the portion of the drive aisle that encroaches.
2. The new parking area shall meet the stall size and aisle width requirements. No parking stalls are allowed within public right-of-way. The northernmost stalls should have adequate space to back out and turn south to the exit. The new parking area shall be setback 3 feet from all property lines.
3. Additional bushes or perennials shall be added along the west building elevation.
4. Any new signage shall require approval prior to installation. New freestanding signs require Planning Commission review.
5. The City Engineer and Fire Inspector's conditions and recommendation shall be followed.
6. A building permit shall be submitted and approved by the City's Building Official prior to commencement of construction.

*****End of staff memo *****

City Engineer Memo:

City Engineer: Mike Nielson (WSB & Associates, Inc) Memo dated July 11, 2014

Site plans were submitted by Elfering & Associates, dated 7/7/2014. The plans include Sheets 1- Proposed and Sheet 2, Storm Water Pollution Prevention Plan. Storm water calculations have also been submitted for the proposed storm sewer system. The stormwater calculations were prepared by Elfering & Associates and dated, 7/16/2014.

The plans and stormwater calculations were received via e-mail on 7/16/2014.

General Comments: The existing site is 29.5% impervious and the proposed site is 75% impervious. The applicant is proposing to construct a stormwater detention pond on site that will provide 23,510 cubic feet of storage below the 976.00 elevation. The proposed high water elevation is 975.34 and is controlled by a broad crested weir at the southwest corner of the parcel. The first floor elevation for the existing and proposed building is 976.54. This EOF provides 1.20 feet of freeboard from the high water elevation in the pond.

The applicant has used the adjacent vacant lot in the stormwater runoff calculations. As a standalone parcel the stormwater information should be provided using this lot only. At this time I cannot evaluate the proposed stormwater improvements for this development without knowing how future development will affect the runoff.

Sheet 1 – Proposed

1. Parking Lot

- a. The 2 northern stalls are constructed in the public ROW and must be removed.
- b. The north most stalls do not have a back out area.
- c. The parking lot does not have the required 3-foot setback from the adjacent lot.
- d. The bituminous paving for the loading dock area is within the public ROW. The bituminous should be removed from the ROW area.
- e. 17 Spaces are shown for new parking. The plan should indicate all parking stalls on the property.

2. Fire Access Road

- a. The fire access road on the west side of the property is on the adjacent parcel. Easements should be provided from the west parcel to the east parcel.
- b. Clarification from the fire department should be obtained on the width of the access road on the south side. It is shown as 16'. 20' is required.
- c. If fire trucks need to be able to drive around the building turning radius should be verified and shown on the plan.
- d. The south fire access road encroaches into the drainage and utility easement. The applicant must be notified that any removal of pavement or other improvements in the ROW must be removed and replaced at no expense to the city when drainage improvements within the easement are required.
- e. The drainage from the fire access road drains onto the west property. Drainage easements should be provided.

3. Pond Construction

- a. Roof drain discharge locations should be provided and erosion protection should be provided.
- b. Turf reinforcement mat should be provided along the fire access road to prevent erosion.

4. Manhole adjustment details must be provided. If the number of rings exceeds 6 a one-foot section of manhole barrel must be provided.

Sheet 2 – SWPP

1. Catch Basin inlet protection must be provided for all downstream catch basins.
2. Turf reinforcement mat should be provided on all pond slopes adjacent to the fire access road to prevent washouts.
3. Access to the site should be identified on the plan. If access will be from adjacent lots a rock construction entrance should be provided.

At this time I cannot recommend approval of the site plan as submitted. Additional information must be provided for the stormwater runoff and modifications to the parking area must be completed.

If you have any questions or comments regarding the above information, please contact me at (320) 534-5940.

*****End of City Engineers memo's *****

Fuhrman said two of the northern most parking stalls are in the right-of-way, so Ron Weyer, R.W. Builders, will have to address that. Also two stalls do not have back out room and he will have to address that. Staff recommends approval with the condition that the northern most stalls have adequate room to move out. No signage is proposed at this time. There was a question on the drive area for the fire lane. It would have to be 20 feet wide, and it would not need to be paved, or it could have a turnaround for the fire trucks for the back corners.

Edmonds asked Ron Weyer who was present on the issues.

Ron Weyer said he will bring the parking downward to fix the parking issue in the right-of-way. He spoke to Chris Wilke, Fire Inspector about the turnaround regulations and the road will have four feet added to the width to make it 20 feet. Wilke said he would like the road to be either gravel, class five, or it can be blacktopped. The west side of the property in regards to the blacktop, the owner understands the two parcels may be combined or if the parcel is sold an easement will have to be addressed.

Mike Nielson, City Engineer with WSB, said there is a 50 foot utility and drainage easement. There is a storm sewer pipe under that and the applicant understands the bituminous would be removed at the applicants cost if it were to need repair in the future.

Weyer said he is okay with all of the staff comments.

JOHNSON MOVED, SECOND BY REYNOLDS, TO APPROVE THE ERDMAN AUTOMATION BUILDING ADDITION SITE PLAN REVIEW WITH THE FOLLOWING CONDITIONS:

- 1. IF THE PROPERTY OWNERS WERE TO SELL THE VACANT LOT TO THE WEST IN THE FUTURE, IT WOULD BE THEIR RESPONSIBILITY TO ESTABLISH AN EASEMENT FOR THE DRIVE AISLE ENCROACHMENT OR REMOVE THE PORTION OF THE DRIVE AISLE THAT ENCROACHES.**
- 2. THE NEW PARKING AREA SHALL MEET THE STALL SIZE AND AISLE WIDTH REQUIREMENTS. NO PARKING STALLS ARE ALLOWED WITHIN PUBLIC RIGHT-OF-WAY. THE NORTHERNMOST STALLS SHOULD HAVE ADEQUATE SPACE TO BACK OUT AND TURN SOUTH TO THE EXIT. THE NEW PARKING AREA SHALL BE SETBACK 3 FEET FROM ALL PROPERTY LINES.**

3. ADDITIONAL BUSHES OR PERENNIALS SHALL BE ADDED ALONG THE WEST BUILDING ELEVATION.

4. ANY NEW SIGNAGE SHALL REQUIRE APPROVAL PRIOR TO INSTALLATION. NEW FREESTANDING SIGNS REQUIRE PLANNING COMMISSION REVIEW.

5. THE CITY ENGINEER AND FIRE INSPECTOR'S CONDITIONS AND RECOMMENDATION SHALL BE FOLLOWED.

6. A BUILDING PERMIT SHALL BE SUBMITTED AND APPROVED BY THE CITY'S BUILDING OFFICIAL PRIOR TO COMMENCEMENT OF CONSTRUCTION.

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

COMMUNICATIONS AND REPORTS:

A. Verbal Report

Fuhrman said Fairview has their path done and will be starting construction soon.

Edmonds asked if John Peterson is going to start building in Sharco Estate Second Addition where he wanted to put in the eight single family homes.

Fuhrman said he wants to re-plat that site since he realized it was not feasible for the plat they revised because the sewer charge would be too high.

B. City Council Minutes for June, 2014

The Planning Commission had no comments.

HEITSCHMIDT MOVED, SECOND BY JOHNSON, TO ADJOURN THE MEETING. UPON THE VOTE, THERE WERE 4 AYES, 0 NAYS. MOTION CARRIED. THE MEETING ADJOURNED AT 8:01 P.M.

ATTEST:

Jack Edmonds, Chairperson

Mary Lou DeWitt, Comm. Dev. Assistant

MEMORANDUM



TO: Planning Commission
FROM: Carie Fuhrman, Community Development Director
SUBJECT: **Fence Ordinance Amendment (Public Hearing)**
DATE: August 13, 2014

BACKGROUND

Two months ago, the Planning Commission discussed changes to the City's fence regulations.

ANALYSIS

The attached Ordinance, for the most part, proposes several housekeeping changes to the fence regulations and cleans up some of the existing language to make it clearer. A few specifics to point out:

- 1) For boundary line fences, it clarifies that a fence may be located on a property line if one of three conditions exist:
 - (1) property owner has a current Certificate of Survey; OR
 - (2) property identification irons have been located; OR
 - (3) the neighboring property owner agrees in writing.
- 2) It clarifies that a fence within the triangular visibility area on a corner lot cannot exceed 3 feet in height.
- 3) It allows more than just a chain link fence to be utilized in the front yard of a Commercial or Industrial lot, as long as at least 75% of the fence is open for passage of air and light and provides for traffic visibility. It allows the fence to be up to 8 (eight) feet in height.
- 4) It removes the Interior Yard Fence subsection as the three provisions are either already stated or already allowed via a previous subsection.

CONCLUSION

Following the public hearing, staff would recommend the Planning Commission recommend approval of the proposed changes to the City Council, subject to the City Attorney review. It would then go to the City Council for two readings.

For your information, also attached are two documents created by staff to assist property owners.

Encl: Ordinance ____ Update to the Fence Regulations
Residential Fence Guidelines
Hints for Locating Property Lines

CITY OF PRINCETON, MINNESOTA

ORDINANCE NO. ____

AN ORDINANCE AMENDING SECTION I (FENCES) OF CHAPTER VI (PERFORMANCE STANDARDS) OF TITLE 11 (ZONING) OF THE PRINCETON CODE OF ORDINANCES BY AMENDING THE FENCE REGULATIONS WITHIN THE CITY OF PRINCETON

.....

The City Council of the City of Princeton, Minnesota, does hereby ORDAIN:

SECTION 1. Purpose and Intent. The purpose and intent of this Ordinance is to coordinate the type, placement, and size of fences within the different zoning districts.

SECTION 2. Section I (Fences) of Chapter VI (Performance Standards) of Title 11 (Zoning) of the Princeton Code of Ordinances is hereby amended as follows (strikeouts indicate deletions; underline indicates additions):

I. Fences

1. Permit required.

No person, firm or corporation, except on a farm and related to farming, shall construct or cause to be constructed or erected within the City of Princeton any fence without first making an application for and securing an administrative fence permit. A fence more than six (6) feet in height shall require a building permit.

2. General Standards.

- a. A current Certificate of Survey by a registered land surveyor may be required by the Zoning Administrator or Building Inspector to establish the property lines.
- b. Fences may be constructed within public and private drainage and utility easements provided that removal or replacement of the fence, or a portion thereof, shall be at the property owner's expense if access is required.
- c. No fence shall obstruct the flow of water nor divert water onto a neighboring property.
- d. Tennis courts shall be enclosed with fencing. Chain link fences used for the enclosure of tennis courts or other such recreational purposes shall not exceed ten (10) feet in height and shall be located in the rear yard in Residential Districts.

3.2. Construction and Maintenance.

- a. Every fence shall be constructed in a substantial, workmanlike manner and of substantial material reasonably suited for the purpose for which the fence is proposed to be used.
- b. All fences shall be constructed of either stone, brick, finished wood, durable vinyl or other durable plastic materials, ornamental non-corrosive aluminum or iron, or chain link.
- c. Fences shall be constructed so that their more attractive side faces neighboring property.
- d. Every fence shall be maintained in a condition of reasonable repair; if allowed to become and remain in a condition of disrepair or danger, or constitute a nuisance, public or private, the Zoning Administrator shall commence proper proceedings for the abatement thereof.
- 3. e. Link fences, wherever permitted, shall be constructed in such a manner that no barbed ends shall be at the top.
- 4. f. Barbed wire fences and electric fences shall only be permitted on farms. Barbed wire fences shall also be permitted and for demonstrated security purposes in commercial and industrial districts.
- g. Fences that exist as an enclosure and restrict access shall provide a gate that affords reasonable and convenient access for public safety.
- h. No physical damage of any kind shall result to abutting property.

5. ~~No fences shall be permitted on public right-of-way. (language moved)~~

6. ~~All tennis courts must be enclosed with fencing. (language moved)~~

7. ~~Locations: Fences may be located adjacent to, but not on, a property line. A maintenance free fence may be erected upon the division line of the respective properties if the owner of the property adjoining agrees in writing. A survey made by a registered land surveyor may be required by the owner of the property upon which a fence now exists, or is proposed, to establish the boundary lines of their property and the neighboring property in the event that the two property owners cannot agree on the location of the fence. If a property owner cannot obtain consent from the neighboring property owner, does not have a survey or property identification irons marked, then a fence shall be located a minimum of two (2) feet off the property line in order to provide ample space for maintenance. If a fence is constructed over or near any utility and the utility needs to be reached, the City and/or utility owner has the right to move or pull fence out to get to utilities, without assuming responsibility for replacement of or damage to such fence, or for any other damage caused by such. No fence shall obstruct the flow of water nor divert water onto a neighboring property. Where the property line is not clearly defined, a survey may be required by the Building Inspector to establish the property line.~~

4. Location.

- a. Fences may be located on a property line adjoining another property, if:

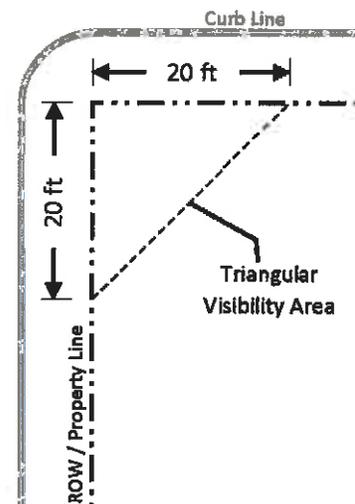
- (1) The property owner has a current Certificate of Survey; or
- (2) The property identification irons have been located; or
- (3) The neighboring property owner agrees in writing.

- b. If the conditions of subsection 7a. cannot be met, then a fence shall be located a minimum of two (2) feet off the reasonably-identified property line.
- c. No fence shall be located on public right-of-way.

5.8. Residential District Fences.

- a. No boundary line fence shall be erected or maintained more than six (6) feet in height in any Residential District.
- b. No physical damage of any kind shall result to abutting property. (language moved)
- b.e. No fence shall be erected in any required front yard and side yard adjacent to a street to a height in excess of three and one-half feet (3 1/2).

- c.d. The required front yard of a corner lot shall not contain any fence which may cause danger to traffic on a Street or public road by obscuring the view. On corner lots in all districts no fence or planting shall be permitted within the intersection sight distance triangle. No fence, wall, hedge, screen, sign, structure, vegetation, planting, snow pile or other obstruction shall be higher than three (3) feet above grade on any corner lot or parcel in any zoning district requiring front and side yards within the tri-angular area formed by the intersecting street right-of-way lines and a straight line joining the two (2) street lines at points which are thirty (30) feet distant from the point of intersection, measured along or within twenty (20) feet from the intersecting property lines if there is no curb. See graphic.



- e. In those instances where a fence exists as an enclosure which restricts access from the front to the rear yard, a gate, or other means of recognizable ingress shall be unobstructed and a minimum of three (3) feet in width. The location of such ingress points shall be positioned at

~~any point paralleling the front lot line, between the side lot property line and the principal structure. (language moved)~~

6.9. Commercial and Industrial District Fences.

- a. Fences in all Commercial and Industrial Districts shall not exceed eight (8) feet in height.
- b. Boundary line fences abutting residential districts shall conform to those conditions applying to the residential district.
- c. Fences on which barbed wire may be placed and are erected primarily to secure a particular given area may have arms not to exceed thirty-six (36) inches in length located a minimum of seven feet (7') and a maximum of eight feet (8') above the ground surface.
- d. Fences erected within the required front yard or side yard adjacent to a street shall not be over eight (8) six (6) feet in height and shall be of a chain link construction permitting maximum visibility at least seventy-five (75) percent open for the passage of air and light and provide for traffic visibility.

10. Interior Yard Fences.

- ~~a. Any fence erected within any portion of the required front yard shall not exceed three and one half (3 1/2) feet in height. (already stated)~~
- ~~b. Within a rear yard, at a one (1) foot from any property line, a solid fence up to six (6) feet in height may be erected. If erected as a total enclosure, said enclosure shall have adequate means of emergency access, and shall conform to other specialized requirements of the Princeton Ordinance as may be amended. (already allowed)~~
- ~~c. Chain link fences used for the enclosure of tennis courts or other such recreational purposes shall not exceed ten (10) feet in height and shall be located in a rear yard only. (language moved)~~

EFFECTIVE DATE. This ordinance shall take effect upon its summary publication in the City's official newspaper. Said publication shall read as follows:

Ordinance #___ amends the fence regulations within the City of Princeton. A copy of the full ordinance is available for review at City Hall.

.....

ADOPTED by the City Council of the City of Princeton this ___ day of ____, 2014

Paul Whitcomb, Mayor

ATTEST:

Shawna Jenkins, City Clerk

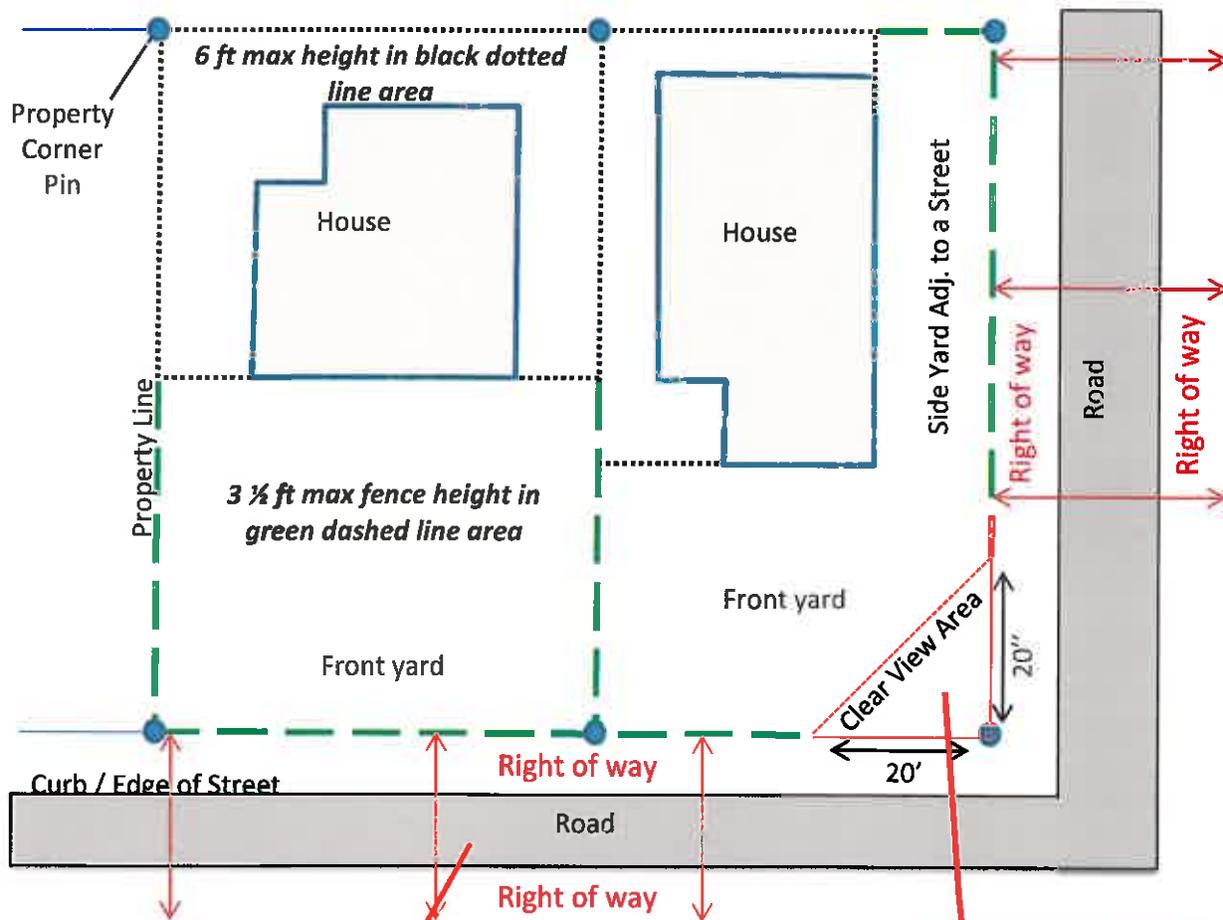


RESIDENTIAL FENCE GUIDELINES



A few things to remember:

- It is the property owner's responsibility to know where their property lines are. The City cannot locate property lines. Where the property line is not clearly defined, a Certificate of Survey may be required (See *Locating Property Lines*).
- Fence must be 2 feet from adjoining property lines, unless the owner: (1) has a Certificate of Survey; OR (2) property pins located; OR (3) the neighboring property owner agrees in writing through the *Property Line Fence Maintenance Agreement*.
- Fences may be placed in utility easements with the understanding that they will be removed at the owner's expense if access is required. Fences cannot be in the ROW.



A fence cannot exceed 3 feet in height within the triangular area.

The Right-of-Way (ROW) is land dedicated for public use. Fences are not allowed within the ROW. NOTE: The ROW generally extends beyond the paved road.



HINTS FOR LOCATING PROPERTY LINES



- It is the property owner's responsibility for knowing and locating their property lines and corner pins/stakes.
- The city can provide (if available): lot dimensions and copy of the plat or Survey.
- City staff cannot locate property lines and/or corner pins for you.
- Property corner pins are typically a ½" to ¾" round iron pipe flush or slightly below the grade line. Newer pins will have a plastic cap with a survey's license number on it. Some older pins could be metal posts, rebar, axle irons, pips, and other items.
- Do not rely on trees, bushes, utility poles, fences, sheds, or where you mow as your property line.
- A metal detector may be needed to help locate corner pins.
- Ask your neighbors if they have recently located corner pins for their properties.
- Once a pin is found, you can measure from that point to try and find the other corner pins.
- If you do locate a corner pin, do not disturb its location. It is a misdemeanor violation of Minnesota law.
- Sometimes a corner pin is no longer in place or has been moved due to erosion, construction, landscaping, or other action.
- A registered land surveyor may need to be hired to either locate property pins/lines or set new property corner pins. It is ultimately the property owner's responsibility. Only a licensed land surveyor can determine your actual property line, and a survey is the only document that can accurately show your property lines. While it may seem expensive to hire a surveyor, it may be cheaper than relocating improvements or legal costs caused by encroachment.
- Do not rely on measuring from the middle of the street or curb to identify property lines: right-of-way, street, and boulevard widths vary across the city. This should only be used as a starting point to look for corner pins.

The City of Princeton assumes no liability for accuracy. It remains the property owner's responsibility to seek a registered land surveyor for reliable proof of the precise location of property lines.

**MINUTES OF A REGULAR MEETING OF THE PRINCETON CITY COUNCIL HELD ON
JULY 10, 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, Jules Zimmer, and Victoria Hallin. Staff present, Administrator Mark Karnowski, Finance Director Steve Jackson, Police Chief Brian Payne, Police Sergeant Joe Backlund, Police Investigator Todd Frederick, Community Development Director Carie Fuhrman, Public Works Director Bob Gerold, Clerk Shawna Jenkins, Engineer Mike Nielson, and Attorney Damien Toven.

AGENDA ADDITIONS/DELETIONS

None

CONSIDERATION OF MINUTES

- A. Dangerous Dog Hearing Minutes of June 26, 2014
- B. Regular Meeting Minutes of June 26, 2014

HALLIN MOVED TO APPROVE THE DANGEROUS DOG HEARING MINUTES OF JUNE 26, 2014 AND THE REGULAR MEETING MINUTES OF JUNE 26, 2014. ZIMMER SECONDED THE MOTION. THE MOTION CARRIED UNANIMOUSLY

CONSENT AGENDA

- A. **Permits and Licenses**
- B. **Personnel**
 - 1. Liquor Store – Resignation of Janet Enderle
- C. **Donations / Designations**
 - 1. 14-26 – donation from the Princeton Jaycee’s for the Splash Park

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

OPEN FORUM

Jan Jude spoke about her position as Mille Lacs County Attorney and stated she will be running for re-election. She has been the County Attorney for 12 years, and was born and raised in the county. Her son went to school and played hockey here in Princeton. She reports that she has stopped turnover in the office, and she is the longest serving attorney the County has had. She has reduced the need to have outside council and touched on the County Attorney budget, which she stated is primarily salary. The only overhead they have is the computers that are on a schedule, and she only asks for what they need to operate. She stated Mille Lacs County does have a higher crime rate than some other counties, which is primarily attributed to the north side of the county. She has started a youth type program that they hope will benefit them in the future. She also produces a law enforcement bulletin that updates the police departments on law changes, current issues, updates on trials, etc. She said she also serves on the Strategic Planning Committee, where they are trying to find ways to make the overall system more efficient.

PUBLIC HEARINGS

- A. Airport DBE Hearing

Karnowski reported that in order to qualify for FAA funding for airport improvement projects, the city needs to have a Disadvantaged Business Enterprise (DBE) Goal.

The Airport engineer advises that it's also a good idea to have a hearing on the topic to see if there is any public comment. To date we've had no one request to see the document and have had no one comment on it.

Still a hearing should be opened to see if anyone is interested in commenting.

NOTICE OF DBE CONSTRUCTION GOAL

The City of Princeton, Minnesota has set a Disadvantaged Business Enterprise (DBE) Goal of 3.4% for the FY2014/15/16 Airport Improvement Projects which are funded, at least in part, by Federal grant(s).

The goal and rationale are available for inspection during normal business hours at the Princeton City Hall, 705 2nd Street North until July 14, 2014.

The City of Princeton and the US Department of Transportation will accept comments on the DBE construction goal until July 29, 2014 at the above address for the City and at:

US Department of Transportation
Federal Aviation Administration
AGL-9
2300 E. Devon Avenue
Des Plaines, IL 60018

For the US Department of Transportation.

WHITCOMB OPENED THE HEARING AT 7:08PM

HALLIN MOVED TO CLOSE THE PUBLIC HEARING AT 7:08PM WITH NO COMMENTS.
DOBSON SECONDED THE MOTION. THE MOTION CARRIED UNANIMOUSLY

REPORTS OF OFFICERS, BOARDS, AND COMMITTEES

- A. Planning Commission Meeting Minutes of June 16, 2014
- B. EDA Meeting Minutes of June 19, 2014

Verbal report by Carie Fuhrman

Fuhrman reported they have been working on cleaning up a few properties, 2 of them are the old Bergstrom house and the old gas station. They just voted to hire West Branch construction to demolish those properties.

Secondly, she stated the EDA is looking for a motion from the council. The EDA had provided computers to Rum River Health Services and have picked those up. They are looking to hire a company to clean out the computers and get them ready for possible resale. They had TDT Computers which does a lot of work for the Police Station, and F1 Computers of Princeton provide quotes. The EDA is asking for a motion approving \$2465 to pay for TDT to do that work. Liquor store funds will be used to pay for that ser-

vice, then when the computers are sold those funds can be replenished.

WALKER MOVED TO APPROVE THE EDA TO SPEND \$2465 TO CLEAN THE COMPUTERS FROM RUM RIVER HEALTH SERVICES. DOBSON SECONDED THE MOTION. THE MOTION CARRIED UNANIMOUSLY

C. Fire Board Meeting Minutes of July 1, 2014

PETITIONS, REQUESTS, AND COMMUNICATIONS

ORDINANCES AND RESOLUTIONS

UNFINISHED BUSINESS

A. Block Party Request

Karnowski reported that Scott Berry has contacted staff to request additional street closures for the Block Party. The County is aware of the changes as well.

He said the city did receive some concern on part of the speedway, as they will be having a special event that evening and they were concerned with the shutting down of First Street, it may be difficult for some to find their way to the Fairgrounds.

Hallin asked what time the roads will be closed. Berry replied they would like them to be closed about Noon Friday July 25th, until approximately 11pm. Our Downtown Block Party has always been north or south of First Street. The purpose of closing both north and south, as well as part of First Street is to allow people to go back and forth safely, and allow all the businesses to participate. The Block Party was originally created to bring people downtown when the bridges were under construction. There will be some traffic inconvenience, but it should be easy to navigate around.

Payne said they had planned on putting just one officer on the event, so with the additional road closures, they may need assistance from the block party to put signs up. Berry agreed they would assist in putting the signs up.

ZIMMER MOVED TO APPROVE THE REQUEST TO CLOSE RUM RIVER DRIVE FROM 2ND AVENUE NORTH TO 2ND AVENUE SOUTH, AND FIRST STREET TO BE CLOSED FROM 6TH AVENUE NORTH TO 4TH AVENUE SOUTH. WALKER SECONDED THE MOTION. THE MOTION CARRIED UNANIMOUSLY

B. Reconsideration of August 12th meeting, due to Primary Election

Karnowski reported that at the last meeting, the council motioned to move the August 14th meeting to Tuesday August 12th, because of the Design Team Prep meeting. Since that meeting, it occurred to staff that Tuesday August 12th is the Primary Election and according to state statute 204C.03, we cannot hold a public meeting on Election Day from 7am to 8pm.

Would the Council like to reschedule the meeting to August 19th, or to another date.

WALKER MOVED TO MOVE THE MEETING TO AUGUST 14TH AT 5:30PM. DOBSON SECONDED THE MOTION. THE MOTION CARRIED UNANIMOUSLY

NEW BUSINESS

A. Appointment of Primary and General Election judges

Karnowski reported that the Council needs to appoint the judges for the Primary and General Elections.

HALLIN MOVED TO APPOINT THE FOLLOWING JUDGES FOR THE PRIMARY AND GENERAL ELECTIONS:

Marilyn Trunk	Ann Bien	Lori Akers	Diann Boser
Jane Hanson	Vicki Lind	Don Britt	Meilan Haehn
Maureen Gould	Fran Howard	Norma Stay	Evelyn King
Anne Stevenson	Jo Seifert	Joan Quickstrom	Delores Topliff
Carol Whitcomb			

ZIMMER SECONDED THE MOTION. THE MOTION CARRIED UNANIMOUSLY.

B. Police Chief Pending Retirement

Karnowski reported that he has been advised that Police Chief Payne is retiring in October. While October still seems like a ways off, it's less than 90 days away.

Recalling the situation we had in 2007 when the previous Police Chief basically gave the city two weeks' notice of his resignation, I'd like the Council to direct staff to begin the process of selecting Chief Payne's successor as soon as possible. He thinks, and Chief Payne agrees, that the transition would work best if Payne's successor was designated before Payne actually retires.

In order to do that, staff needs to get a sense of how the Council would like to proceed. He said he believes the Council has two options. The Council can decide to:

1. Limit applications to current members of the Princeton Police Department and promote from within, or
2. Solicit applications from all qualified candidates and strongly encourage current members of the department to apply.

He said it has always been his belief that opening up the position to all qualified candidates while strongly encouraging current department employees to apply has advantages over limiting applications from current employees only.

The rationale is that if a current employee beats out all competition from both inside and outside the department, then that candidate would know that they are truly the best person for the job rather than simply the best candidate of the current employees. It adds to the credibility of the appointment for not only the public but the department as well.

The reason he is suggesting the Council begin the process for selecting a new Police Chief now is that, if a current employee is appointed, the city will need to go through at least one more hiring process to replace the officer appointed. And, if the person selected is, for instance, either the current Sergeant or Investigator, then a third hiring process will have to be undertaken to select a replacement for one of those positions.

He asked how the Council wished to proceed.

Dobson said the problem is opening up to the outside, is right now we have a great department and everyone is working together very well. Bringing someone new in, may upset the department and we could lose some good officers. Zimmer expanded on that and said smaller departments don't have a lot of opportunity for advancement and if you want to retain your officers they need to know they are looked at for those positions in the future. Otherwise, they may go elsewhere where they can expand their career. He would like to look within first, where there would likely be qualified candidates. Hallin asked if there would be a new officer hired. Karnowski replied that there will be one person hired. Walker added that while there is still some time, if it was opened up to outside applicants, there would be some time lost. He asked if the Council should also approve the positing of an additional officer at this time. Whitcomb responded that he thinks there is a little time before that needs to be posted.

WALKER MOVED TO LIMIT APPLCIATIONS TO CURRENT EMPLOYEES. DOBSON SECONDED THE MOTION. THE MOTION CARRIED UNANIMOUSLY

DOBSON MOVED TO ACCEPT POLICE CHIEF PAYNE'S RESIGNATION WITH REGRET. HALLIN SECONDED THE MOTION. THE MOTION CARRIED UNANIMOUSLY

C. Elim Care and Rehab Road Closure request

Karnowski reported that Elim Care and Rehab Center is requesting the ability to close off 8th Avenue for their 28th Annual Elim Fest on Sunday, August 17th. If the Council approves this request, they ask if the Street Department could drop the barricades again on the boulevard sometime before the event and they will set them up at each ends of the block around 11am and they will remove them at or before 8pm after clean up from the event. As in the past, they will gladly keep a path open on the north side of the street for ambulance and other emergency vehicle access.

HALLIN MOVED TO APPROVE THE CLOSURE OF 8TH AVE FROM 11AM TO 8PM ON SUNDAY, AUGUST 17TH FOR THE 28TH ANNUAL ELIM FEST. ZIMMER 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 \$105,307.90 AND THE ITEMS LISTED ON THE LIQUOR BILL LIST AND GENERAL CITY BILL LIST WHICH WILL BE CHECKS 70273 TO 70344 FOR A TOTAL OF \$390,397.27. ZIMMER SECONDED THE MOTION. THE MOTION CARRIED UNANIMOUSLY

ADJOURNMENT

There being no further business:

HALLIN MOVED TO ADJOURN THE MEETING AT 7:27 PM. WALKER SECONDED THE MOTION. THE MOTION CARRIED UNANIMOUSLY

Respectfully Submitted,

Shawna Jenkins
City Clerk
ATTEST:

Paul Whitcomb, Mayor

**MINUTES OF A REGULAR MEETING OF THE PRINCETON CITY COUNCIL HELD ON
JULY 24, 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, and Jules Zimmer. Staff present, Administrator Mark Karnowski, Police Chief Brian Payne, Police Sergeant Joe Backlund, Public Works Director Bob Gerold, Clerk Shawna Jenkins, Engineer Mike Nielson, and Attorney Dick Schieffer. Absent was Victoria Hallin, Finance Director Steve Jackson and Community Development Director Carie Fuhrman.

AGENDA ADDITIONS/DELETIONS

None

CONSIDERATION OF MINUTES

- A. Regular Meeting Minutes of July 10, 2014

WALKER MOVED TO APPROVE THE REGULAR MEETING MINUTES OF JULY 10, 2014. DOBSON SECONDED THE MOTION. THE MOTION CARRIED UNANIMOUSLY

CONSENT AGENDA

- A. **Permits and Licenses**
1. Princeton Lion's Raffle – K Bob Restaurant on October 20, 2014
2. Non Intoxicating License for Finish Line Cafe – Mille Lacs County Fair
- B. **Personnel**
1. Public Works – Dan Peirce Step 3 Increase to \$21.88 effective 8-1-14
- C. **Donations / Designations**

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

OPEN FORUM

Mark Herzing said he is running for Mille Lacs county attorney. He is running because this county's budget is double what other local counties spend. He points out that costs are rising, but effectiveness is not. The 2012 report of Offenders Sentenced per arrest shows Mille Lacs County at only 8.3%. Morrison County is at 40% with the average at about 15.6%. Mille Lacs is the lowest and about half the average. It could be a high number of plea bargains, but he feels it should be looked into further. He is running for the office to talk about these issues and discuss the budget. He invited everyone to stop and talk with him at the block part tomorrow

PUBLIC HEARINGS

REPORTS OF OFFICERS, BOARDS, AND COMMITTEES

PETITIONS, REQUESTS, AND COMMUNICATIONS

- A. Fairview Northland 5K route request

Karnowski reported that Fairview is holding a 5K run on September 20, 2014 and are requesting approval of the route they have chosen. The proposed route will include 9th Ave South, 2nd street, 11th Ave South and Old County Road 18 South.

Whitcomb asked if Payne had a chance to review the route. Payne said he had and he likes the proposed route.

WALKER MOVED TO APPROVE THE PROPOSED ROUTE FOR THE FAIRVIEW NORTHLAND 5K TO BE HELD ON SEPTEMBER 20, 2014. ZIMMER SECONDED THE MOTION. THE MOTION CARRIED UNANIMOUSLY

ORDINANCES AND RESOLUTIONS

UNFINISHED BUSINESS

A. Reconsideration of Computer bid

Karnowski reported that at the July 10th Council meeting, the Council concurred with the recommendation of the EDA to approve an expenditure of \$2,465 to clean up the hard drives of the computers recovered from the former Rum River Health Services operations and award the contract for the work to TDT. The City received two bids for that work, one from TDT and one from F1 Computer Experts.

Because the EDA meeting where that recommendation was determined adjourned just minutes before the Council meeting, there was no time for staff to provide a memo regarding the issue. The Council, therefore, was not made aware of the details for the bids received nor the fact that the EDA apparently based their decision on TDT's previous work experience at the Public Safety Building and not on the bid price alone.

When Mayor Whitcomb later learned that F1 Computer Expert's bid (\$1,914) was about \$500 lower than TDT's bid, he directed staff to put the issue back on the agenda for further Council discussion.

If the Council opts to award the contract based on the low bid, then the Council could adopt a motion to rescind the previous motion awarding the contract to F1 Computer Experts of Princeton for \$1,914 as bid.

Walker said the EDA had a lengthy discussion on who to choose for this contract. The end goal is to sell these computers and that was a big part of the discussion and decision. TDT has a record of refurbishing and selling computers. With that, it was a 6 to nothing vote with one person abstaining. He had Clerk Jenkins print out an email chain that showed F1 Computer's response to the decision. He is still comfortable with the decision that was made.

Whitcomb said F1 is based in Princeton and their bid was almost \$500 less. He is sure that they can do the same and will be able to refurbish and sell the computers. Zimmer said he does like that they are a local business and have a lower price, but he is a little concerned with their response. Whitcomb said he understands that and feels the emails were likely sent in anger.

Dobson said he likes to support the local businesses, and it is a slightly lower bid. He has had some experience with both outfits and he has nothing negative to say about either of them. Although, he was not real happy with some of the comments made in the emails.

Schieffer said it will take 2 motions. One to reconsider, then another to award it to F1.

ZIMMER MOVED TO RECONSIDER THE MOTION AWARDING THE CONTRACT TO TDT COMPUTERS. DOBSON SECONDED THE MOTION. VOTE: 3:1, WALKER OPPOSED, THE MOTION CARRIED.

ZIMMER MOVED TO AWARD THE CONTRACT TO F1 COMPUTER EXPERTS OF PRINCETON. DOBSON SECONDED THE MOTION. VOTE: 3:1, WALKER OPPOSED, THE MOTION CARRIED.

NEW BUSINESS

A. Cemetery Rules and Regulations Amendment

Karnowski reported Administration is recommending the following amendments to the cemetery rules and regulations to clarify what is allow for above ground markers and update the times in which marker settings are done. He spoke about the perpetual care, and how it does not come close to covering those charges.

Walker said he feels it's a good idea to have it spelled out clearly and he likes the amendments.

WALKER MOVED TO APPROVE THE CEMETERY RULES AND REGULATIONS AS FOLLOWS:

8.2 No monuments or above ground markers will be allowed unless at least two full size cemetery lots are owned and only one monument / above ground marker per two lots.

8.5 All markers, monuments, foundations, and cement will be set by the City of Princeton personnel at their convenience. All markers will be dropped off at a site designated by the City. Work orders must be completed at City Hall immediately. Markers are set from ~~approximately April 15th to October 15th~~ twice per year, once in the spring and once in the fall, weather permitting

DOBSON SECONDED THE MOTION. THE MOTION CARRIED UNANIMOUSLY.

B. Fire Prevention Project

Karnowski reported that Princeton Fire & Rescue is proposing to partner with the Baldwin Fire department to promote fire safety in the Princeton School District.

They are proposing to work with representatives from the Community Safety Net Company who will be contacting local businesses to sponsor the printing of fire prevention booklets to be distributed to the school district's 4th graders.

The business contacts are scheduled to start this coming Monday.

The PFRD and the Princeton Police Department have used this company in the past and have had very good responses from the public. The program is done at no cost to the fire department.

Staff is requesting that the City Council give the PFRD the authority to enter into an agreement to have the Safety Net Company raise the funds necessary for the program as described above.

If the Council agrees, a motion to that effect would be appreciated.

DOBSON MOVED TO GIVE THE PRINCETON FIRE AND RESCUE DEPARTMENT THE AUTHORITY TO ENTER INTO AN AGREEMENT WITH SAFETY NET COMPANY TO RAISE FUNDS NECESSARY FOR A FIRE PREVENTION PROJECT. WALKER SECONDED THE MOTION.

Zimmer questioned if the company keeps the additional funds above what is needed for the books. Staff thought that was correct, but they were not sure on that. Zimmer asked if we could work out an agreement that part of those funds stay in the community.

THE MOTION CARRIED UNANIMOUSLY

C. Violent Offender Apprehension Program

Karnowski reported that Mille Lacs County Sheriff Lindgren for a representative from Princeton to serve on his Violent Offender Apprehension Unit Advisory Group. A copy of that request was sent out to the Council Members last week.

Both Councilman Dobson and Councilman Zimmer have expressed an interest in serving. I've been advised that entities can have more than one representative.

Does the Council wish to designate both Council Members to serve?

Zimmer said he appreciates Dobson volunteering as well, but he feels 2 people from a community is overkill. He said he would be willing to be an alternate.

WHITCOMB MOVED TO APPOINT DICK DOBSON TO THE MILLE LACS COUNTY VIOLENT OFFENDER APPREHENSION UNIT ADVISORY GROUP, AND JULES ZIMMER AS AN ALTERNATE. WALKER SECONDED THE MOTION. THE MOTION CARRIED UNANIMOUSLY

MISCELLANEOUS

Zimmer asked if there will be a group formed to review the Police Chief position. Karnowski said he suspects staff will receive two or maybe three applications, so each candidate should probably be interviewed. He suggested that he, the Mayor, Councilman Zimmer with his police background be on the Committee, as well as Julie Espe the School Superintendent. He is also thinking of getting someone in the field that is outside the area and not familiar with the candidates to sit in as well. Right now he is focusing on 2 different individuals that he is familiar with from the metro area.

Karnowski reported that he finally got a hold of Sylva. They will be re-opening on Monday August 4th. They were unable to accept leaves and branches because of the extensive rain and flooding we had this spring.

BILL LIST

ZIMMER MOVED TO APPROVE THE BILL LIST WHICH INCLUDES THE MANUAL CHECKS AS LISTED ON THE MANUAL BILL LIST FOR A TOTAL OF \$128,753.92 AND THE ITEMS LISTED ON THE LIQUOR BILL LIST AND GENERAL CITY BILL LIST WHICH WILL BE CHECKS 70348 TO 70432 FOR A TOTAL OF \$256,217.57. DOBSON SECONDED THE MOTION. THE MOTION CARRIED UNANIMOUSLY

ADJOURNMENT

There being no further business:

HALLIN MOVED TO ADJOURN THE MEETING AT 7:27 PM. WALKER SECONDED THE MOTION. THE MOTION CARRIED UNANIMOUSLY

Respectfully Submitted,

Shawna Jenkins
City Clerk
ATTEST:

Paul Whitcomb, Mayor

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