MINUTES OF A REGULAR MEETING OF THE PRINCETON CITY COUNCIL HELD ON
JULY 25, 2019 7:00 P.M. AT PRINCETON CITY HALL

Mayor Brad Schumacher called the meeting to order and led the Pledge of Allegiance to the Flag. Council members present were, Jack Edmonds, Jenny Gerold, Jules Zimmer, and Jeff Reynolds. Others present: City Administrator Robert Barbian, Finance Director Steve Jackson, Police Chief Todd Frederick, Liquor Store Manager Nancy Campbell, Fire Chief Ron Lawrence, and Attorney Damien Toven. Absent was Public Works Director Bob Gerold, Community Development Specialist Stephanie Hillesheim and Clerk Shawna Jenkins

AGENDA ADDITIONS/DELETIONS

Barbian stated there were a couple additions that are shown on the new Agenda’s that are in front of each council member. He would also like to add an item to set up a meeting with Princeton Township.

ZIMMER MOVED TO APPROVE THE AGENDA AS AMENDED. REYNOLDS SECONDED THE MOTION. THE MOTION CARRIED UNANIMOUSLY

CONSIDERATION OF MINUTES

A. Regular Meeting Minutes of July 11, 2019

Zimmer noticed that he is showing as absent, as well as a few other staff members in the header of the minutes. He was present at the meeting, as well as the others were. J Gerold stated that it was likely a template used from a previous meeting they were absent at, and it just didn’t get changed.

Edmonds stated in the Open forum section, it is stated that he said he would had Kevin Gerrard’s item added to the PUC agenda. He does not recall saying that, and he does not have the authority to add items to their agenda.

ZIMMER MOVED TO APPROVE THE OF REGULAR MEETING MINUTES OF JUNE 27, 2019 WITH THE CORRECTION TO THE ROLL CALL. REYNOLDS SECONDED THE MOTION. THE MOTION CARRIED UNANIMOUSLY

CONSENT AGENDA

A. Permits and Licenses
B. Personnel
C. Donations
   1. Resolution 19-28 – Twice New Clothing Center for $500 donation to
   2. Resolution 19-29 – Twice New Clothing Center for $500 donation to Police
   3. Resolution 19-30 – Victor Haas $125 donation to Police
   4. Resolution 19-31 – Jaycees $1000 donation for Fireworks
   5. Resolution 19-32 – Walmart $1000 donation for Shop with a Cop
   6. Resolution 19-33–Walmart $2000 donation for Public Safety day & Nite to Unite

OPEN FORUM –

Kevin Gerrard said he came across an issue that the council may be concerned with. The PUC spent $100,000 on a sprinkler system at the roundabout. The project shows they put in a 8” watermain under the Rum River and the Highway and then up to the roundabout with a 1 inch pipe for the sprinkler. They say they attached it to the main that goes down into the alley. He has an abstract showing the utilities from the roundabout that does not show the
waterline in the alley.

Schumacher stated he would like to review it, and speak with staff.

Gerrard passed around the abstract to the Council. He explained that the abstract does not show any water shutoffs.

Barbian asked Dewitt to make a copy of the abstract for staff to review.

Gerrard stated he has asked PUC Manager Butcher for copies of all the documents, but he has not yet received them.

PUBLIC HEARINGS

A. Resolution 19-27 – Public Hearing on Vacation of Easements

Dewitt reported that Adam Price, Developer (Price Custom Homes) submitted Meadow View Estates 8th Addition Preliminary & Final Plat applications for review along with a variance application and vacation of drainage & utility easements. The plat involves the creation of four (4) twin home lots from the platted six (6) townhome lots as currently described as Meadow View Estates First Addition, Block 1, Lots 13-18. See attachment.

BACKGROUND

The subject property is located east of 11th Avenue South and north of 3rd Street South. The site is in Meadow View Estates First Addition that was platted in 2001 with R-3 Multiple Residential Zoning. The current plat is a high-density townhouse area and with the availability of re-platting Lots 13-18 to twin homes.

ANALYSIS FOR MEADOW VIEW ESTATES 8TH ADDITION PLAT

Meadow View Eighth Addition proposes Lots 1-4, Block 1, on what is currently known as Meadow View Estates First Addition, Lots 13-18, which is located on the south end of Meadow View First Addition plat, north of 3rd Street South.

The subdivision does not meet the requirements for a Short Plat by our Subdivision Ordinance standards, and it must follow the Preliminary and Final Plat procedures. All necessary public hearing notices had been sent to the property owners 350 feet from the site for all applications. The Planning Commission reviewed the Preliminary and Final Plat on July 15, 2019 and forward to the City Council with the recommendation of approval, contingent the vacation of the utility and drainage easement application approval. There are a few conditions that will need to be met and those will be listed in the conditions of approval.

ZONING

Lot Size & Width:
The Developer wants to utilize the site for twin homes rather than the traditional townhome consisting of three or more units attached to one another. Staff checked with legal counsel and it was determined acceptable to use the townhome regulations for twin homes where more than one set is in a row.

The minimum lot area is 5,000 square feet for townhome end lots and all four lots meet the requirement. The minimum lot width for end lots is 50’ ft. and Lot 1 is 45’ feet, short 5’ ft. The end lot width minimum is 40 ft. and Lots 2 and 3 are 37’ ft., short 3’ ft.
Variance for minimum Lot Widths:
The applicant submitted a variance application for Lot 1 for the minimum lot width for end lot requirement of 50’ ft., short by 5’ ft. and Lot 2 and 3 minimum lot width requirements of 40’ ft., short by 3’ ft. each. The Planning Commission held the public hearing on July 15, 2019. The review standards were met and the Planning Commission approved the variance with the condition that the City Council approve the vacation of drainage and utility easements and the final plat.

General Variance Review Standards
Subsection 3.B of Chapter IV outlines the standards for review of a Variance:
1. *Is the variance in harmony with the general purposes and intent of the Zoning Ordinance?*
   *Comment:* Yes, the general purpose and intent of the R-3 District is to create multiple family residents.
2. *Is the variance consistent with the Comprehensive Plan?*
   *Comment:* Yes, the Comprehensive Plan designates this area as Traditional Residential to provide more land suitable for creating new residential neighborhoods which includes upscale housing.
3. *Does the property owner propose to use the property in a reasonable manner not permitted by the Zoning Ordinance?*
   *Comment:* Yes, this site is zoned R-3, multiple residential and is in a neighborhood of mixed townhomes and twin homes.
4. *Are there circumstances unique to this property not created by the landowner?*
   *Comment:* Yes, because of the unique shape of this property and large utility & drainage easement, a variance is needed to get the full use of the site.
5. *Will issuance of the variance maintain the essential character of the locality?*
   *Comment:* Yes, the issuance of a variance to allow twin homes built on the site maintains the essential character of the area.
6. *Does the alleged practical difficulty involve more than economic considerations?*
   *Comment:* Yes, the request for this variance is due to the unique shape of the lot. Granting the variance will allow the applicant to maximize space and is appropriate land use.

Landscaping:
Sodding or seeding must be completed prior to issuing a temporary certificate of occupancy. If because of weather conditions sodding and/or seeding is unadvisable, a temporary certificate of occupancy may be issued subject to an escrow deposit to assure compliance by no later than July 1st of the following year. The applicant will provide documentation from the townhome association neighboring this proposed plat whether it will be joining the association and what they propose for lawn care. If sprinkler irrigation is installed, the PUC requires separate meters. No landscaping in the clear view area at the corner of 3rd Street and 11th Avenue South.

Other Regulations:
The proposed twinhomes shall meet all regulations, including setbacks, height, type, minimum floor area, driveway, etc. If the driveways are not finished, and the builder requests a certificate of occupancy, an escrow will be required. Verification that the proposed development will be in the association where the private driveway access and maintenance is included. Two members from the Townhome Association were present at the Planning Commission meeting and stated the association would like to include this development, legal documentation will need to be reviewed and approved.
Sanitary Sewer and Water Services:
There are currently six (6) existing sanitary sewer and water services that were installed for the original lot configuration. Princeton Public Utilities requires the Developer in a replat to abandon all unused laterals at the main. The PUC has approved the Developer to vacate the two water services on Lots 3 and 4, at the driveway connection. The Public Works Director stated the two extra laterals for sewer do not need capping.

Vacation of Easements:
The City Council will review the public hearing to vacate all of the drainage and utility easements lying over, under, and across Lots 13, 14, 15, 16, 17, and 18, Block 1, as created and dedicated in Meadow View Estates First Addition original plat. There is also a 100’ ft. Southern Minnesota Municipal Power Agency Power Line Easement that SMMPA has given a written release approval to reduce this to 96’ ft. Keith Butcher, GM of Princeton Public Utilities has indicated that SMMPA granting the reduction of the easement by 4’ ft. will also reference the specific drawings submitted showing on Lot 4 the encroachment of the eve overhanging in the SMMPA easement by 1’ 6” ft.

New drainage and utility easements are dedicated in the plat of Meadow View Estates 8th Addition and are shown on the final plat. In addition, a 14’ foot pedestrian trail easement per the City request is included in the plat.

CONCLUSION
Separate motions for the Utility & Drainage Easements and the Final Plat
A. The Planning Commission recommends vacating of easement subject to the completion of the replat of Meadow View Estates 8th Addition.

B. The Planning Commission recommends Final Plat approval subject to:
   1) Abandoning the two unused water service laterals in the driveway on Lot 3 & 4.
   2) Separate meter for sprinkler irrigation if installed.
   3) Provide association documentation subject to legal review approval.
   4) SMMPA documentation for releasing 4’ ft. of the 100’ ft. Southern MN Municipal Power Agency Power Line Easement with reference of the encroachment of the 1’ 6” ft. eve overhanging in the SMMPA easement.
   5) The 14’ ft. pedestrian trail easement be included on the plat.
   6) If due to weather conditions the sodding and/or seeding and driveway asphalt installation is unadvisable an escrow deposit be submitted prior to issuance of Certificate of Occupancy.
   7) No landscaping in the clear view area of 3rd Street and 11th Avenue South.
   8) All necessary building permit applications need to be submitted and approved by the Building Inspector prior to building.

REYNOLDS MOVED TO OPEN THE PUBLIC HEARING AT 7:27PM. J GEROLD SECONDED THE MOTION
Adam Price with Price Custom Homes stated they are trying to do more one level living, targeting 55+ residents. We feel the community needs one level living. They began building homes in 2011, and primarily build in the northern metro.

REYNOLDS MOVED TO CLOSE THE PUBLIC HEARING AT 7:29 ZIMMER SECONDED THE MOTION. THE MOTION CARRIED UNANIMOUSLY.

Edmonds stated that the homes located down the street from this site as similar to what Price is planning on building and very nice.

EDMONDS MOVED TO APPROVE RESOLUTION 19-27. REYNOLDS SECONDED THE MOTION. THE MOTION CARRIED UNANIMOUSLY

Variance and Final Plat approval for Re-plat of Meadowview Estates, Block 1, Lots 13-18

J GEROLD MOVED TO APPROVE THE VARIANCE AND FINAL PLAT. WITH THE FOLLOWING CONDITIONS

1) ABANDONING THE TWO UNUSED WATER SERVICE LATERALS IN THE DRIVEWAY ON LOT 3 & 4.
2) SEPARATE METER FOR SPRINKLER IRRIGATION IF INSTALLED.
3) PROVIDE ASSOCIATION DOCUMENTATION SUBJECT TO LEGAL REVIEW APPROVAL.
4) SMMPA DOCUMENTATION FOR RELEASING 4’ FT. OF THE 100’ FT. SOUTHERN MN MUNICIPAL POWER AGENCY POWER LINE EASEMENT WITH REFERENCE OF THE ENCROACHMENT OF THE 1’6” FT. EVE OVERHANGING IN THE SMMPA EASEMENT.
5) THE 14’ FT. PEDESTRIAN TRAIL EASEMENT BE INCLUDED ON THE PLAT.
6) IF DUE TO WEATHER CONDITIONS THE SODDING AND/OR SEEDING AND DRIVEWAY ASPHALT INSTALLATION IS UNADVISABLE AN ESCROW DEPOSIT BE SUBMITTED PRIOR TO ISSUANCE OF CERTIFICATE OF OCCUPANCY.
7) NO LANDSCAPING IN THE CLEAR VIEW AREA OF 3RD STREET AND 11TH AVENUE SOUTH.
8) ALL NECESSARY BUILDING PERMIT APPLICATIONS NEED TO BE SUBMITTED AND APPROVED BY THE BUILDING INSPECTOR PRIOR TO BUILDING.

ZIMMER SECONDED THE MOTION. THE MOTION CARRIED UNANIMOUSLY

REPORTS OF OFFICERS, BOARDS, AND COMMITTEES

A. Planning Commission Meeting Minutes of June 17, 2019
B. Park Board Meeting Minutes of June 24, 2019
C. Park Board Meeting Minutes of July 22, 2019
D. Conditional Use Permit for attached garage – information only, no action required

Schumacher asked Reynolds how this request went at the Planning commission meeting. Reynolds replied that he was not at that meeting.

Dewitt added that it went very well, and the neighbor behind this property came to the meeting in support of the project. Chris Caskey who is building the garage is at the meeting if the Council has any questions.
E. Detective Alex Dehn letter of commendation
F. PUC 7-24-19 Agenda Packet

PETITIONS, REQUESTS, AND COMMUNICATIONS

ORDINANCES AND RESOLUTIONS

UNFINISHED BUSINESS

A. PUC Appointment

In May, Henry Findell resigned from the Public Utilities, which leaves his seat open until December 31, 2019. On July 11th, the City Council set up a committee to review, interview and recommend the 5 applicants. The Committee members chosen were:

Mayor Schumacher, Councilor Jack Edmonds, Lee Steinbrecher, Andrea Gerrard and School Superintendent Ben Barton alternate being Tiffany Schomel, Plastic Products Co. Human Resources Administrator/CSR.

The following have been interviewed for the open Seat. The Committee met Wednesday July 24th, and Thursday July 25th.

Maureen Gould, Paul Whitcomb, Greg Hanson, Richard Schwartz & Jon George.

The interviews were conducted by asking 6 set questions. All of the candidates were well qualified. The question which asked, “If selected what would your vision be to accomplish while serving,” was especially insightful and offered the committee insight. This lead to the committee recommending the City Council send a request or message with the candidate selected to the Commission to consider, review or give special attention to these policy areas:

a. Showcase & promote thru exemplified involvement in Princeton the value of local ownership.

b. Consider policy on reserve balance levels for both electric and water.

c. Look at methods to work with businesses to provide large users competitive platforms

d. Look at ways and options in which new account deposits are handled at other utilities.

e. Establishing a clear 5 year capital improvement plan.

The committee offers this recommendation to the Council given the limitations the City Council has over the statutorily organized Princeton Public Utility and Commission.

The candidate recommended by the Committee for this appointment is: Gregory Hanson.

A few reasons being:

- He is retired with a corporate background in business management, budgeting, marketing & sales.
- He is a community member representing a customer’s point of view. Bringing balance to the Commission board currently represented with two business owners.
• He has a strong business acumen.
• Genuine interest in the electric industry.
• A township customer of the Princeton Public Electric.

Edmonds stated we have one new commissioner that was appointed earlier this year, and now another new commissioner. He was very satisfied with the process and can’t say enough about the candidates that applied.

Schumacher said it was very interesting to hear the candidates answers to the questions asked. They talked about some of the same items and suggestions, even though they came from different backgrounds. Greg Hanson received the most votes from the committee.

EDMONDS MOVED TO APPOINT GREGORY HANSON TO FILL THE OPEN POSITION THAT ENDS DECEMBER 31, 2019. ZIMMER SECONDED THE MOTION.

Zimmer said he is very satisfied with the process, and would like utilize the other great applicants in other Boards and Commissions if they are interested.

Schumacher stated that when the current PUC’s Chairperson’s term is up, she has a lot of competition with these great candidates if they choose to apply again.

J Gerold agreed and said she is glad we went through this process, and feels the recommendation is a great selection for the opening.

THE MOTION CARRIED UNANIMOUSLY

B. Establish Date for Council and Princeton Town Board to meet

Barbian stated that staff was asked to set up a meeting with Princeton Township to discuss road improvements and a potential boundary adjustment. Those potential dates are August 15, or September 3, 4, 5, 10 or 11th at 7pm.

Schumacher asked if we would be hosting the meeting, or traveling to the Township. Barbian said they were open to hosting or traveling.

The Council consensus was to request the meeting either for August 15th or September 4th at 7pm.

Staff will contact the Township to set up the meeting and report back.

NEW BUSINESS

A. Discuss and review PPU / PUC “In Lieu of Taxes” – Mayor Schumacher discuss

Schumacher would like to discuss Line item 45 in the PUC accounts payable listing is “in Lieu of Taxes” amount of $4,375.00. He asked Jackson when the last time this was reviewed. Jackson responded that it was looked at about 20 years ago. The amount received is the same every month.
Schumacher stated that it adds up to $52,500 per year. There are 2200 home services, and if we took that tax and rediverted $5 for each of the home services, it would be a $11,000 reduction to the city, but would reduce the base sewer rate from $21.50 down to $16.00 per month. He would like to discuss this again in September.

Edmonds said it is a good idea, and he can take it to the PUC to see what their thoughts are.

Schumacher asked Attorney Toven if the City has the ability to change the In Lieu of Taxes. Toven replied that is a conversation that needs to happen between the two parties. He recommends having that discussion with the Public Utility Commission.

Barbian said if the Council wishes to have that reviewed, he would be happy to have that discussion with them.

Zimmer asked if that money can be used any way we would like. Jackson said they are treated similarly to property taxes. If we divert these funds, we would need to adjust our budget as well, as those funds are figured in as income.

Schumacher would like to see an increase in the Lieu of Taxes.

Barbian stated that in the past, he has seen where the amount if based on the value of the infrastructure. However, it sounds like it has not been reviewed in 20 years, so it may be something that should be looked at.

Zimmer is under the impression that they do not have to pay taxes if they are a non profit. Edmonds said there must be some documentation somewhere when this was set up. Zimmer is happy to hear that they are contributing $52,500 per year.

Schumacher said his suggestion is to come up with a rate reduction to help the residents.

Tim Hennagir asked if the Princeton Public Utilities is a Non-Profit. He questioned if they submitted a 990 to the IRS.

Schumacher said we are a taxing body and the Council makes the best decision for their community. He said if people have suggestions, bring it to the Council.

Zimmer said he is not opposed to reducing the user fee. The sewer has to be paid by the User Fees. He asked if you can take the “in Lieu of Taxes” funds to pay the user fee. Jackson responded that he believes the Council can decide to use those funds in that manner.

Jackson added that the City has had issues in the past with G.O. Revenue bonds. If the revenue isn’t sufficient to pay the bonds, the city is obligated to use General Obligation funds.

Schumacher stated that at many of the League meetings, sewer rates are discussed quite often.

Barbian said there seems to be two main questions. Consideration to possibly supplement the sewer fund, and consideration of the in lieu of taxes fees. He feels the PUC would treat this fairly, and it would increase or decrease as needed.
Reynolds said if it has not been reviewed in 20 years, he would like to see it reviewed.

J Gerold would like to look into this further as well.

B. Update Police NCIC and CJIS Agreement with new Mayor Schumacher

Frederick stated that this is the same wording in the contract, just the name change. Schumacher as the new mayor needs to sign.

ZIMMER MOVED TO AUTHORIZE MAYOR SCHUMACHER AND POLICE CHIEF FREDERICK TO SIGN THE AGREEMENT. REYNOLDS SECONDED THE MOTION. THE MOTION CARRIED UNANIMOUSLY.

C. Solicitors permit for Anna Korotkova with Southwestern Advantage

Jenkins advised in her memo that Anna Korotkova with Southwestern Advantage has applied for a Solicitors permit to go door to door in the city for a total of 10 days over the next 3 months.

In the past few years, we have had other students apply and sell for Southwestern Advantage in the city

2015 – Adrien Kulatre
2016 – Jagoda Lewandowski
2017 – Lauma Rikmane

As many of you know, we recently revamped the Transient merchant, Solicitors, and Mobile Food Vendor ordinance.

In Chapter 670.04 – License Ineligibility the following shall be grounds for denying a license under this Section:

F. The Applicant is found to have a bad business reputation. Evidence of a bad business reputation shall include, but not be limited to, the existence of more than three complaints against the applicant with the Better Business Bureau, the Attorney General’s Office, or other similar business or consumer rights office or agency, within the proceeding 12 months, or three complains filed against the applicant within the proceeding 5 years.

In looking at the Better Business website, they do have an A+, but customer reviews are not used in that calculation.

Southwestern Advantage has 92 complaints closed in the last 3 years, and 38 complaints closed in the last 12 months. Complaint types are as follows

<table>
<thead>
<tr>
<th>Complaint Type</th>
<th>Count</th>
</tr>
</thead>
<tbody>
<tr>
<td>Advertising / Sales</td>
<td>18</td>
</tr>
<tr>
<td>Billing / collections</td>
<td>27</td>
</tr>
<tr>
<td>Delivery Issues</td>
<td>2</td>
</tr>
<tr>
<td>Guarantee / Warranty</td>
<td>0</td>
</tr>
</tbody>
</table>
Problem with product or service

Staff spoke with Damien Toven in regard to this, and he said Korotkova is an independent contractor operating under the license of the publisher. If the nature of the complaints had to do with product quality, billing and delivery of the product, it would strengthen the city’s choice to deny the request.

**Action requested:** Motion to approve, or deny the request due to the complaints listed with the better business bureau, Anna Korotkova’s Solicitors permit request.

Dewitt reported that she took the application when she came in, and she was a very nice young lady. She asked if the Background check had been completed. Frederick replied it had, and there was no criminal record.

J Gerold mentioned the high number of complaints with the Better Business Bureau.

Schumacher asked if this has come up in the past. Frederick stated we have not had this issue come up since the ordinance was amended that includes the bad business reputation wording.

Schumacher said it is a little different than the various storm chases that go door to door, as it is someone selling books. Frederick said he did look in his records and he has not had any complaints on Southwestern Advantage in town.

Zimmer suggested maybe the applicant can come to the next meeting.

ZIMMER MOVED TO TABLE THE SOLICITORS PERMIT REQUEST UNTIL THE AUGUST 1, 2019 STUDY SESSION MEETING. J GEROLD SECONDED THE MOTION. THE MOTION CARRIED UNANIMOUSLY

**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 $190,244.28 AND THE ITEMS LISTED ON THE LIQUOR BILL LIST AND GENERAL CITY BILL LIST WHICH WILL BE CHECKS 79622 TO 79692 FOR A TOTAL OF $321,031.30. REYNOLDS SECONDED THE MOTION. THE MOTION CARRIED UNANIMOUSLY

**MISCELLANEOUS**

ADJOURNMENT

There being no further business:

ZIMMER MOVED TO ADJOURN THE MEETING AT 8:21PM. REYNOLDS SECONDED THE MOTION. THE MOTION CARRIED UNANIMOUSLY

Respectfully Submitted,  

ZIMMER MOVED TO ADJOURN THE MEETING AT 8:21PM. REYNOLDS SECONDED THE MOTION. THE MOTION CARRIED UNANIMOUSLY

ATTEST:

Shawna Jenkins Tadych  
City Clerk  

_________________________  
Brad Schumacher, Mayor