Acting Mayor Thom Walker called the meeting to order and led the Pledge of Allegiance to the Flag. Council members present were, Jack Edmonds, Jules Zimmer, and Jeff Reynolds. Others present: Administrator Robert Barbian, Finance Director Steve Jackson, Public Works Director Bob Gerold, Police Chief Todd Frederick, Clerk Shawna Jenkins, Wastewater Plant Manager Chris Klinghagen, and Liquor Store Manager Nancy Campbell. Absent was Mayor Paul Whitcomb and Fire Chief Ron Lawrence

AGENDA ADDITIONS/DELETIONS

CONSIDERATION OF MINUTES

A. Regular Meeting Minutes of August 9, 2018
B. Study Session Meeting Minutes of August 2, 2018

EDMONDS MOVED TO APPROVE THE REGULAR MEETING MINUTES OF AUGUST 9, 2018. REYNOLDS SECONDED THE MOTION. THE MOTION CARRIED UNANIMOUSLY

CONSENT AGENDA

A. Permits and Licenses
   1. Christ Our Light Bingo and Raffle Gambling request for Sept 16, 2108
B. Personnel
   1. Accept resignation of Troy Minske from EDA Board
   2. Accept resignation of Probationary Firefighter Travis Barker effective 8-21-18
C. Donations
   1. Resolution 18-41 – accept donation to K9 program from Inline Packaging
D. Miscellaneous

REYNOLDS MOVED TO APPROVE THE CONSENT AGENDA. EDMONDS SECONDED THE MOTION. THE MOTION CARRIED UNANIMOUSLY

PRESENTATION

OPEN FORUM

PUBLIC HEARING

A. Approval of- Fairview Bonds
   Resolution 18-39

   Jackson advised that for the City of Minneapolis to post bonds, each city where a Fairview is located need to approve it as well. The city does not have any obligation on these bonds.

WALKER OPENED THE HEARING AT 7:05

ZIMMER MOVED TO CLOSE THE PUBLIC HEARING WITH NO COMMENTS AT 7:06PM. EDMONDS SECONDED THE MOTION. THE MOTION CARRIED UNANIMOUSLY

EDMONDS MOVED TO APPROVE RESOLUTION 18-39. REYNOLDS SECONDED THE MOTION. THE MOTION CARRIED UNANIMOUSLY

REPORTS OF OFFICERS, BOARDS, AND COMMITTEES
A. EDA Board Meeting of July 19, 2018
B. Fire Advisory Board of July 9, 2018

PETITIONS, REQUESTS, AND COMMUNICATIONS

A. Christ Our Light 5K Race Request

Frederick stated that he spoke with the organizers of the race, and the original route they had submitted has been amended to the one that was in the Council packet. They would like to run on 2 small sections of sidewalk. They will have people in vests at intersections, and it is a small enough race that it should not be an issue. The police department is fine with this route.

EDMONDS MOVED TO APPROVE THE REQUESTED ROUTE FOR CHRIST OUR LIGHTS 5K RACE ON SEPTEMBER 15, 2018. REYNOLDS SECONDED THE MOTION. THE MOTION CARRIED UNANIMOUSLY

ORDINANCES AND RESOLUTIONS

A. Ordinance 767 – amending Chapter 670 – FINAL READING

Jenkins advised that staff added the word “Novelty” to 2 places in the draft in regard to Ice Cream Trucks after receiving an email from Cathy St Lucia quoting language from the MN Department of Health. She asked that the Council look over the hours of operation for each.

Transient Merchants - 8am to 9pm

Peddlers, Solicitors, Non-Profits - Hours for unsolicited calls are limited to Monday – Saturday 10am – 6pm

Mobile Food units – 8am to 9pm, except in Residential District, which is 10:00am to 8pm

Allowing Mobile Food units in the park was discussed at the last meeting.

14. City parks. Mobile food units are not allowed in city parks.

I got a lot from Elk River’s ordinance, along with a few others, I’m guessing the second half got deleted by error as I was copying/pasting, and moving things into our ordinance format.

Elk River reads:
Mobile food units are not allowed in city parks, unless they get written permission of the Parks and Recreation Director. Except that parks with concession stands also require the written consent of the concession operator for their specific event.

If we entirely remove #14, any vendor would need to be “200 feet from a same or similar food establishment” requirement.

#14 could be left, and the additional language added. This would require them to get permission from Bob Gerold and the concession stand operators.
Mark Park is zoned Residential, so if the above hours of business suggestions were kept as written, they would only be able to sell 10am to 8pm. Riverside Park is zoned Business, so if a vendor parked there, they could sell 8am to 9pm.

**Council Action requested in addition to ordinance approval:**

Hours for each – Leave as is, or suggest changes

Leave #14 as is, add missing wording back in to require approval, or delete #14 entirely

Cathy Saint Lucia, owner of St Lucia’s Ice Cream stated she feels allowing food trucks in the parks would keep people from visiting downtown.

Cheryl Minks with Coffee Corner added that as a small business owner, they are putting all their resources into rent and current employees. They do not have an option to move around to the various events.

Zimmer says he does not feel ready to vote on this ordinance, and he feels the full council should be present for the review and approval or denial. He also feels that the Park Board should review and make their recommendation on whether they should or should not be allowed in the parks.

**ZIMMER MOVED TO TABLE ORDINANCE 767 UNTIL SEPTEMBER 13. EDMONDS SECONDED THE MOTION.**

Walker added that if this is tabled, it will end all discussion about the item for tonight.

THE MOTION CARRIED UNANIMOUSLY

**B. Ordinance 768 – Fee Schedule amendment for Knox Box fees**

Jenkins advised that Chief Lawrence asked for the fee schedule to be amended for the Knox boxes, as the cost of them have gone up slightly.

**EDMONDS MOVED TO INTRODUCE ORDINANCE 768. REYNOLDS SECONDED THE MOTION. THE MOTION CARRIED UNANIMOUSLY**

**C. Resolution 18-40 – Opposing sale of strong beer and wine in stores**

Barbian advised that the city received a letter from the Minnesota Municipal Beverage Association in regard to a bill that was introduced at the last legislative session to allow wine, beer and spirits to be sold in grocery and convenience stores. Campbell added that the MMBA feel it will come up at the capital again, so it is suggested that the city pass their opposition to it.

Walker said the liquor store does a lot of great things for the community, and it would be nice to have a list of all what those profits pay for.
Frederick stated that Mille Lacs and Sherburne County do a lot of alcohol checks, and it would be a big burden to add a lot more locations that they would need to check. He said it is likely that it would be passed onto the local departments.

Reynolds said supports a free market. Sunday sales were also expected to affect the city's bottom line, and it has not done that.

ZIMMER MOVED TO APPROVE RESOLUTION 18-40. EDMONDS SECONDED THE MOTION. VOTE 3:1 REYNOLDS OPPOSED, THE MOTION CARRIED

UNFINISHED BUSINESS

NEW BUSINESS

A. Interim Use permit for chickens at 420 15th Ave S

Barbian advised that Angela & Russell Brown have submitted an Interim Use Permit application for the raising and keeping of chickens on their property located at 420 15th Avenue South. The property is zoned R-3, Multiple Family Residential. The property owners have been raising the chickens for a period of time without the knowledge that a Interim Use Permit was needed.

The housing and keeping of chickens in the R-3 District requires an Interim Use Permit. Chapter VI.BB lists the review criteria for the housing of chickens:

No person shall own, keep, harbor, or have custody of any live chickens without first obtaining an Interim Use Permit in writing from the City, in accordance with the provisions of Section IV.6 of the Zoning Ordinance.

Based on the findings that the proposed Interim Use appears to meet the standards for the keeping of chickens and the general review standards for an Interim Use Permit, as listed in the Zoning Ordinance. Staff would recommend the Planning Commission approval of the proposed Interim Use Permit to keep chickens at 420 15th Avenue South, subject to the conditions as listed in the Ordinance.

Angela Brown stated when she found out a permit was required she came in and filled that out. She has met all the requirements.

Walker asked if the yard for the chickens was fenced. She confirmed it was.

Arlene Pyka said her and her husband have a lot of concerns with this permit. She claims they have had a lot of problems with the chickens, Brown’s dogs and other neighbor disputes.

Toven responded that the Council cannot regulate relationships between neighbors. A property line dispute is also a civil matter. If the neighbors see a violation, they can report that to city hall or the police. That interim use can be revoked if the conditions are not followed.

Edmonds said his input was going to be similar to Toven’s. The Council acts on the ordinance as it is written, and the planning commission’s recommendation. What happened in the past is the past. The city or council does not get involved with civil issues.
EDMONDS MOVED TO APPROVE THE INTERIM USE PERMIT AT 420 15TH AVENUE SOUTH WITH THE FOLLOWING CONDITIONS:

1. THE KEEPING OF ANY POULTRY BESIDES CHICKENS IS PROHIBITED.
2. ROOSTERS ARE PROHIBITED.
3. NO MORE THAN FOUR (4) CHICKENS SHALL BE HOUSED.
4. OUTDOOR SLAUGHTERING IS PROHIBITED.
5. CHICKEN FIGHTING SHALL NOT BE ALLOWED.
6. LEG BANDING OF ALL CHICKENS IS REQUIRED. THE BANDS MUST IDENTIFY THE OWNER’S NAME, ADDRESS, AND TELEPHONE NUMBER.
7. A SEPARATE COOP IS REQUIRED TO HOUSE THE CHICKENS. COOPS MUST BE CONSTRUCTED AND MAINTAINED TO MEET THE FOLLOWING MINIMUM STANDARDS:
   A) LOCATED IN THE SIDE OR REAR YARD.
   B) MEET THE ACCESSORY STRUCTURE SETBACK REQUIREMENTS.
   C) CONSTRUCTION SHALL BE ADEQUATE TO PREVENT ACCESS BY RODENTS.
   D) IF THE COOP IS 120 SF OR LARGER, A BUILDING PERMIT IS REQUIRED.
8. A RUN OR EXERCISE YARD IS REQUIRED TO BE PROVIDED AND MUST BE ENCLOSED BY A FENCE.
9. ALL PREMISES ON WHICH CHICKENS ARE KEPT OR MAINTAINED SHALL BE KEPT CLEAN FROM FILTH, GARBAGE, AND ANY SUBSTANCES WHICH ATTRACT RODENTS. THE COOP AND ITS SURROUNDING MUST BE CLEANED FREQUENTLY ENOUGH TO CONTROL ODOR. MANURE SHALL NOT BE ALLOWED TO ACCUMULATE IN A WAY THAT CAUSES AND UNSANITARY CONDITION OR CAUSES ODORS DETECTIBLE ON ANOTHER PROPERTY.
10. ALL FOOD SHALL BE STORED IN AN ENCLOSED, RODENT PROOF CONTAINER.
11. DEAD CHICKENS SHALL BE DISPOSED OF ACCORDING TO THE MINNESOTA BOARD OF ANIMAL HEALTH RULES, WHICH REQUIRE CHICKEN CARCASSES TO BE DISPOSED OF AS SOON AS POSSIBLE AFTER DEATH, USUALLY WITHIN 48 TO 72 HOURS. LEGAL FORMS OF CHICKEN CARCASS DISPOSAL INCLUDE OFFSITE BURIAL, OFFSITE INCINERATION OR RENDERING, OR OFFSITE COMPOSTING.
12. THE KEEPING OF CHICKENS TERMINATE WHEN THE CURRENT PROPERTY OWNERS SELL THE PROPERTY.

ZIMMER SECONDED THE MOTION.

Walker added that there are concerns with having chickens in the city. Being in the city and having small lots, people need to be even more considerate of their neighbors.

Walker said Pyka brought up the issue with the dogs. There is a leash law, and chickens also need to be contained.

THE MOTION CARRIED UNANIMOUSLY

B. Reallocation of Splash Park Funds

Gerold reported that he has $17,000 or $18,000 in the CIP for this year to replace a fixture. However, there are some repairs that need to be made to the pipes. He is looking for a contractor to do that work.

Barbian added that the Park Board has said these repairs are a priority.
ZIMMER MOVED TO APPROVE THE FUNDS IN THE CIP FOR A SPLASH PARK FIXTURE REPLACEMENT BE USED FOR PIPE REPAIR. REYNOLDS SECONDED THE MOTION. THE MOTION CARRIED UNANIMOUSLY

MISCELLANEOUS

Zimmer asked for an update on the Community Development Director position. Barbian responded that the EDA and Planning Commission chairs have reviewed the applications and would like to set something up with the Mayor. The Council is welcome to review those applications as well.

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 $121,848.76 AND THE ITEMS LISTED ON THE LIQUOR BILL LIST AND GENERAL CITY BILL LIST WHICH WILL BE CHECKS 77900 TO 77954 FOR A TOTAL OF $145,510.06. REYNOLDS SECONDED THE MOTION. THE MOTION CARRIED UNANIMOUSLY

ADJOURNMENT
There being no further business:

ZIMMER MOVED TO ADJOURN THE MEETING AT 7:50PM. EDMONDS SECONDED THE MOTION. THE MOTION CARRIED UNANIMOUSLY

Respectfully Submitted, ATTEST:

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Shawna Jenkins
City Clerk

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Paul Whitcomb, Mayor