

**MINUTES
CITY OF ISANTI
CITY COUNCIL
October 21 2008**

Mayor Wimmer called the meeting to order at 7:00 p.m.

The Pledge of Allegiance was recited.

Members Present: Mayor George Wimmer, Council Members Alan Duff, Ralph Johnson, Jeffery Kolb, and Sue Larson.

Members Absent: None.

Staff Present: City Administrator Don Lorsung, Assistant City Administrator/City Clerk Irene Bauer, City Attorney Clark Joslin, Community Development Director Carla Vita, City Planner Lisa Krause, and City Engineer Justin Fremrite.

Motion by Larson, second by Duff to approve the agenda as presented. Motion carried unanimously.

E. Proclamations/Commendations/Certificate Awards

Mayor Wimmer made presentations to Isanti businesses to celebrate and promote Minnesota Manufacturer's Week that is the week of October 20th through the 24th. Six of the twelve businesses that were present to accept their awards were as follows:

- Rum River Ornamental
- Metal Coatings
- Advanced Telemetry Systems
- Hockert Sales
- Boeke's Woodshop
- Diamond Welding

F. Approve Minutes

Motion by Duff, second by Larson to approve the October 7, 2008 Regular City Council Meeting minutes as presented. Motion carried unanimously.

G. Citizens Input - There was none.

H. Announcements

Announcements were read.

I. Council Committee Reports

Councilmember Larson reported on the following meetings she had attended:

- Ice Arena Board
- Downtown Subcommittee

- Friends of the Isanti Area Library and announced that a Library Planning and Building Workshop is scheduled for November 6th from 2-6 pm at the East Central Regional Library in Cambridge
- Center for Excellence in Rural Safety & Isanti County Toward Zero Death

Wimmer reported that a link to the City website 'saferoads.org' was obtained from Isanti County Toward Zero Death and that this site is a great reference tool.

Wimmer reported he had met with the Governor on local issues that included discussion on the local tax climate.

Wimmer stated that the City will be looking at and researching assessments that are going unpaid within the City and what the impact this may have on the City. The goal will be to have a report to the City Council by the November 18, 2008 meeting.

J. PUBLIC HEARINGS: There were none.

K. BUSINESS ITEMS:

1. Ordinance No. 445, an Ordinance Repealing Ordinance No. 176: Planning & Zoning and Adopting a New City of Isanti Zoning Ordinance

Krause gave a staff report whereas in November of 2007, the City of Isanti adopted a new Comprehensive Plan. At that time an ordinance was adopted that placed a one year moratorium on all residential development within the City that would allow for staff and various sub-committee groups time to update the zoning ordinance so it would be in compliance with the new Comprehensive Plan. Staff worked with the sub-committees that included the Housing Task Force, Business/Industrial Sub-Committee, and the Downtown Committee to review, amend, and draft ordinance regulations for the various zoning districts that meet the intent of the Comprehensive Plan.

Krause stated that the Planning Commission heard on this matter at their October 14th meeting and recommended approval of the zoning ordinance. At the Planning Commission public hearing, there was discussion on the properties that are currently zoned Industrial that are located along Railroad Avenue SE and the properties located to the west of County Road 23 and southeast of the Isanti Middle School that are currently zoned R-3. The Planning Commission recommended that these two areas are further reviewed by the Planning Commission.

Wimmer stated that the Council cannot change the land designation at this meeting; but that Council can consider and approve the Zoning Ordinance that has been presented to Council for their consideration.

Wimmer questioned the designation of bars that are located close to residential neighborhoods; and text changes within the zoning ordinance relating to a good definition for width of garages. Wimmer also made comment to the enforcement of the ordinance whereas the ordinance provides for language that will allow Staff to enforce certain elements of the ordinance; however, residents would still have the opportunity to appeal to the City Council if they disagree with Staff's findings on matters based on the content of the ordinance.

Joslin stated that the ordinance provides the intent for the delegation of administration of enforcement to Staff so that it will save Council time and if any property owner should grieve the administrative decision, the property owner would have the right to bring the matter before the Council for review and consideration.

Krause stated that the Business Industrial Subcommittee looked at business transitional districts and the bars located therein; currently the VFW is located next to a residential neighborhood and the facility is a bar and restaurant. The VFW has struggled in the past to make improvements to their property which they are unable to do based on their location in an Industrial District. The intent of the ordinance was to bring bars into conformance, but at the same time any new bar will be required to go through an interim use process.

There was discussion of a use that is non-conforming and allowing for conditions within the ordinance that will allow the use to better fit in with its surroundings.

Krause stated that when the interim use process was established, some of the general conditions that are consistent with a conditional use permit would be allowed such as lighting, hours of operation, etc. When the property is sold and if the new owner desires to retain the current business, the new owner would have to make application for an interim use permit and this would go before the Planning Commission and then to City Council for approval.

There was discussion on conditions that can be placed on an interim use. Joslin stated that as long as the City has a rationale that is within the bounds of reasonable legislative basis or perimeters, the City can place restrictions on a use. That the less controversial the condition, the easier it is to implement and the less need to document and make specific findings. Joslin cautioned that the City cannot make conditions that are overly burdensome in order to dissuade people from what would otherwise be a lawful activity.

Johnson made comment on the property located on Railroad Avenue that had been zoned Industrial and is now zoned as a Central Business Transitional District; that he feels the current Industrial zoning is the right zoning for the area. Johnson stated he understood the concept to zone the area for the possible future use as a train station but felt to change the zoning is difficult based on the fact the current industrial businesses have been in that area for many years. Johnson also made reference to the VFW and its proximity to a residential area and stated that he felt it is hard to change a use and that the City cannot demand a use change.

Kolb commented that the two properties affected by the zoning; the properties that are currently zoned Industrial that are located along Railroad Avenue SE and the properties located to the west of County Road 23 and southeast of the Isanti Middle School that are currently zoned R-3 are sent back to the Planning Commission for further consideration and that any zoning changes would require an amendment to the Comprehensive Plan.

Motion by Johnson, second by Larson to approve Ordinance No. 445 as presented and to direct that those areas that have been affected by the zoning as stated in the previous

paragraph is sent back to the Planning Commission for further review. Motion carried unanimously.

2. Resolution No. 2008-273, a Resolution Declaring Cost to be Assessed, Ordering Preparation of Proposed Assessment, and Ordering Hearing on Proposed Assessment – 2008 Street and Utility Improvement Project

Femrite gave a staff report whereas the final assessment roll has been prepared for the 2008 Street and Utility Improvement project and is now in the Office of the City Clerk. The amount to be assessed is \$202,597.18.

Femrite proposed that a hearing is scheduled for November 18, 2008 at approximately 7:00 p.m. to hear on the final assessment for the 2008 Street and Utility Improvement.

Motion by Larson, second by Kolb to approve Resolution No. 2008-274 that provides for a public hearing date of November 18, 2008 to hear on the special assessments for the 2008 Street and Utility Improvement. Motion carried unanimously.

3. Resolution No. 2008-274, a Resolution Accepting Quote for Phone Services

Bauer gave a staff report whereas the City currently uses TDS to provide telephone line services for the City. Quotes were obtained from both TDS and Qwest for telephone line services for all municipal buildings. Qwest submitted a quote for the Qwest Choice Business plan that would provide a monthly savings of \$50.00 per month plus a one time promotional of two free months for a savings of \$1,260. The \$1,260 savings would be spread over the first 4 months billing cycles.

The Building and Grounds Committee reviewed the quotes as stated above and recommend the City change phone services from the City's current provider TDS to Qwest under the Qwest Choice Business plan.

Motion by Duff, second by Larson to approve Resolution No. 2008-275 as presented. Motion carried unanimously.

4. Consider Amendments to the Lot Mowing Policy

Lorsung gave a staff report whereas based on a complaint made to the City Council at the October 7th meeting by a property owner, the Public Works Committee met and reviewed the mowing policy for nuisance lots and have recommended Council consider certain modifications to the policy as follows.

1. That a minimum height of 8 inches of weeds, grass or a combination is required before mowing of any yard area.
2. Properties that have been identified for nuisance mowing are re-checked twice (14 day cycle for each re-check) by staff and if in compliance, they would be removed from the re-check list. After removal from the list a formal complaint will be required to be filed with the City for any further action on the property.
3. Properties that have been identified to be out of compliance through the re-check process shall have a notice posted on the property stating that the property will be mowed 48 hours after the date and time stated on the notice.

Lorsung requested Council consider waiving all billing charges for those property owners who have filed complaints with the City whereby they came into compliance after receiving the initial notice, and their lawns were mowed by the City after several re-checks and further notification was not given to the property owner.

Motion by Larson, second by Johnson to approve the above stated three modifications to the mowing policy and to authorize waiving the charges billed to property owners who have filed a complaint with the City and meet the conditions as established in the above stated paragraph. Motion carried unanimously.

L. Approve Consent Agenda

1. Approve Municipal Builders, Inc.'s Pay Estimate Request No. 3 in the amount of \$310,595.85 for Work Completed on the Water Treatment Facility Project
2. Approve Douglas-Kerr's Pay Estimate Request No. 3 in the amount of \$31,337.84 for Work Completed on the 2008 Street and Utility Improvement Project
3. Accounts Payable in the Amounts of \$575,038.48 and Payroll in the Amount of \$63,880.53
4. Approval of September 10, 2008 Planning Commission Meeting Minutes
5. **Resolution No. 2008-275**, a Resolution Appointing Finance Director Kristi Smith as Treasurer for the City of Isanti
6. Memorandum of Understanding – IUOE, Local 49
7. Approval of Kit Welchlin's Training Proposal
8. Approve Snow Plowing Policy
9. Approve Signing for City Hall Entrance Doors

Motion by Johnson, second by Larson to approve the consent agenda as presented.
Motion carried unanimously.

M. Other Communication

Other communication was reviewed as presented.

Adjournment

Motion by Duff, second by Larson to adjourn. Motion passed unanimously.

Meeting adjourned at 7:34 p.m.

Respectfully Submitted,

Irene J. Bauer
Assistant City Administrator/City Clerk