

**CITY OF ISANTI
CITY COUNCIL MEETING
TUESDAY, NOVEMBER 15, 2016 – 7:00 P.M.
CITY HALL**

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

The Pledge of Allegiance was recited.

Members Present: Mayor George Wimmer, Councilmembers: Paul Bergley, Dan Collison, Ross Lorinser and Steve Lundeen

Members Absent: None

Staff Present: City Attorney Clark Joslin, City Administrator Don Lorsung, Human Resources/City Clerk Lindsey Giese, Police Lt. Travis Muyres, City Engineer Brad DeWolf

D. Adopt Agenda

Motion by Collison, second by Lorinser to adopt the amended agenda which removes item E-1. Motion carried unanimously.

E. Proclamations/Commendations/Certificate Awards

1. Isanti Liquor Store - MMBA Support our Troops Winner - Presentation of \$200 Contribution to Beyond the Yellow Ribbon

This item was removed from the agenda due to the contribution check not yet having arrived, the item will be placed on a future agenda.

F. Approve City Council Minutes

1. November 1, 2016 - Regular Meeting of the City Council
2. November 1, 2016 – Closed Session Meeting of the City Council

Motion by Lorinser, second by Bergley to approve the November 1st Regular and Closed Session Meeting Minutes. Motion carried unanimously.

G. Citizens Input

None.

H. Announcements

1. Parks, Recreation and Culture Board Meeting Tuesday, November 22, 2016 at 6:00 p.m.
2. **CITY OFFICES CLOSED** Thursday & Friday, November 24 & 25, 2016
(In observance of the Thanksgiving holiday)
3. City Council Meeting Tuesday, December 6, 2016 at 7:00 p.m.
4. Economic Development Authority Meeting Tuesday, December 6, 2016
(Immediately following the City Council Meeting)
5. Planning Commission Meeting Tuesday, December 13, 2016 at 7:00 p.m.

I. Council Committee Reports

Mayor Wimmer updated the Council on two items. The first is that Community Ed will no longer charge communities to help offset participant fees. A survey was conducted and it was found they were essentially the

only Community Ed Program in the State to subsidize fees this way. Mayor was informed that the prices will not be going up.

The second item the Mayor shared with the Council was regarding the housing trend. There have been approximately 59 housing permits to date. While comparing year-to-year home sales (new and existing), it was found the City had 196 homes sold in 2015 and this year we are at 244, which is approximately a 25% increase. It was interesting to note that Cambridge, a community less than five miles away has less than a one percent increase over last year. Also, in Isanti the average home sale prices have gone from \$166,500 in 2015 to \$184,233 in 2016. Cambridge averages in 2015 were \$174,000 and up only to \$177,000 in 2016. This is the first year, for the City of Isanti, that the trend has increased to that degree.

J. Public Hearings

None.

K. Business Items

City Administrator Don Lorsung

1. Resolution 2016-335 Approving 2017 Community Garden Registration Schedule

Motion by Lorinser, second by Bergley. Motion carried unanimously.

2. Resolution 2016-336 Setting a Public Hearing to Annex a 41.99-acre parcel in Athens Township as Requested by Brennan and Rebecca Cox

Motion by Lorinser, second by Collison. Motion carried unanimously.

3. Resolution 2016-337 Approving the Site Plan and Building Appearance as requested by O'Reilly Auto Enterprises, LLC, for a Retail Auto Parts Store on the property located at 101 6th Ave NE

Motion by Collison, second by Bergley. Motion carried unanimously.

4. Resolution 2016-338 Approving an Amendment to the Site Plan and Conditional Use Permit as requested by Coborn's to allow for significant changes to the development located at 209 6th Ave NE

Councilor Bergley had mentioned that at Planning Commission a comment was brought up about Coborn's having the City's water hooked up, that the City would want a car wash. The Mayor indicated that Coborn's is hooked up to City water like any other project would be, that nothing special was done for Coborn's, and further indicated that whatever structure they did on their lot is entirely theirs. There was nothing done from a municipal standpoint.

Motion by Lorinser, second by Bergley to approve the layout as proposed by Coborn's. Motion carried unanimously.

5. Ordinance 2016-657 Approving the request from the City of Isanti to Amend Ordinance No. 445 Zoning to include Article 5: "H65" Highway 65 Corridor Overlay District to Section 11 Overlay Districts and Ordinance 2016-658 Approving the Rezoning of specified B-2 and T1-B properties along Highway 65

There was much discussion in regards to intensity of use and non-conforming uses. Councilor Bergley stated that at the last Planning Commission it was discussed that a 51-year-old business, specifically Strike Funeral home, was requesting to be an allowed use. He indicated that the Planning Commission understands the intent of the Zoning ordinance and the focus on having Highway 65 follow criteria of standards, but that

Planning Commission discussed that they did not feel Strike Funeral home was visible and would impact those standards.

The Mayor responded to Bergley and explained that this is about the intensity of use, that this is only restricting the increase of expansion for Strike Funeral home. He also explained that the Strike is currently 17 parking spots short of where it should be, and that the storm water pond/holding pond is located on a residential lot which neither of those two things would ever be allowed. The Mayor indicated that even if this was an allowed use, that if they wanted to expand they would have to find a way to meet those building requirements, and with the space available he felt there was no realistic way that they would be able to do that. Mayor Wimmer further went on to explain that it's not about just the appearance but it's about the intensity of use. Which means that we want to have businesses in that overlay district that are going to provide more jobs, and more regular traffic for the City. He further explained that this business could stay where it is for however long it chooses to, but that this ordinance would restrict it from growing larger. The Mayor cautioned Council members that if they do list Funeral homes as a conforming use, that we would be setting a very dangerous precedence of "well, it still looks nice" which is what it boils down to.

Councilor Bergley further expressed that he heard about allowing Strike to maybe have a cap on the type of expansion they could have, something around 10%, which he heard Strike was okay with. He said he didn't understand why we couldn't allow that. Councilor Lorinser expressed that a very similar issue occurred in 2008, and that the goal is for the City to decide a standard on what we are going to do for certain districts. He further explained that allowing our non-conforming use locations to expand up to 10% would mean that it would set a precedence. And that every single non-conforming use in the City would then be allowed to expand up to 10%. Everyone, and every business, would have to be treated equally. Lorinser explained that it's never the intention to inconvenience a business, or inconvenience property owners, but that at some point we need to see the vision of our City expand and grow. Isanti has always been about growing our tax base and growing our City. Expanding our tax base allows us to provide further relief to the residents and if we can maximize the value on highway 65 we will do that.

The Mayor stressed that the goal is to try and move the City forward and try to do the best for everyone involved and if we can do that in such a way that would still allow them to do what they want in the future, then the City would support that. He further explained, that the matter was reviewed, and there did not seem to be a way to allow them to do so. The Mayor further stated that staff looked at what the implications would be to include funeral homes in as a permitted use and how it would affect other districts. He pointed out with the reasons given, every other non-conforming use in this City would come forward and ask why they are required to be considered non-conforming, but yet the City allowed funeral homes to. Mayor stated that those non-conforming use residents or business owners could make the same argument, that 'our property looks nice, we are taking care of it, etc.' The Mayor said that unfortunately when City officials are making these decisions, that they cannot always make everyone happy.

Councilor Lundeen expressed his view on the situation. He said that he does not understand why the funeral home cannot be grandfathered in, that he felt they were further than one block off highway 65 and that this entire zoning of the overlay district should not affect this business. Lundeen expressed that we should look further into trying to find possible ways for them to meet the requirements with parking, etc. He then stated that he did not understand what the big deal of allowing them to increase by 10% was. Further discussion ensued between the Mayor and Councilor Lundeen.

The Mayor further explained that these are decisions that need to be made to move the City forward. Councilor Bergley said that he is just trying to represent the residents and the City of Isanti. Bergley went on

to explain that after Planning Commission that everyone except for Jim Kennedy stuck around and talked. The Mayor interjected and said he hoped not, that if that is the case that would be a violation of the Open Meeting law. Bergley stated that they did. The Mayor said, that if that was in fact what happened, that the members would then need to be reprimanded because it is illegal for them to do that. He said that there will be follow up on the potential Open Meeting law violation, because this is something that is discussed every year, and that members of the boards should know they are not able to do that.

Motion by Lorinser to approve the ordinance as presented to the Planning Commission initially with funeral homes as non-conforming, second by Collison. Motion carried with a 3 -2 vote with Bergley and Lundeen voting nay.

6. **Resolution 2016-339 Approving the request from Allina Health and MSP Commercial for a Signage Master Plan for the facility located at 300 5th Ave NE**

Motion by Lorinser, second by Lundeen. Motion carried unanimously.

7. **Consider Resolution 2016-340 Approving Certification of Delinquent Charges for City Services and Unpaid Nuisance Abatement Charges Collectible in 2017**

Motion by Lorinser, second by Collison. Motion carried unanimously.

City Engineer Brad DeWolf

8. **Resolution 2016-341 Approving Engineering Proposal for MS4 Stormwater Permit Part 2, Phase 2 and 3**

Motion by Lundeen, second by Collison. Motion carried unanimously.

9. **Resolution 2016-342 Authorizing Isanti Parkway Section Pavement Testing**

Motion by Lorinser, second by Collison. Motion carried unanimously.

L. Approve Consent Agenda

1. Consider Accounts Payable in the Amount of \$976,786.50 and Payroll in the amount of \$91,471.18
2. Contractor's Pay Request No. 03 Wastewater Treatment Improvements in the Amount of \$286,499.00
3. Final Meeting Minutes for the October 4, 2016 Economic Development Authority Meeting
4. Final Meeting Minutes for the October 11, 2016 Planning Commission Meeting
5. **Resolution 2016-343** Approving a Check Be Written to the City of Cambridge for Excess Funds Contributed for the Two Cities, One Community Event
6. **Resolution 2016-344** Authorizing the Purchase of Two New Kel-Tec Modern Police Shotguns
7. **Ordinance 2016-659** to Appoint Finance Director Jackie Fisher as City Treasurer
8. **Resolution 2016-345** Ending Probationary Period and Promotion to Full Time Permanent Employee Status for Human Resources/City Clerk Lindsey Giese
9. **Resolution 2016-346** Approving 2017 Partnership with Partners in Healthy Living

Motion by Lundeen, second by Lorinser. Motion carried unanimously.

Mayor Wimmer announced that the Council would go into a brief recess and instructed those at the meeting to clear the Chambers. Council would then go into closed session for City Administrator Don Lorsung's Annual Performance Review. The Mayor asked Administrator Lorsung if he wished to have his review open to the public. Lorsung indicated he preferred to have a closed session.

N. Closed Session

1. City Administrator Performance Review

At 7:43pm City Council went into closed session.

At 8:00 p.m. Council came out of closed session. Mayor Wimmer requested that City Attorney Clark Joslin provide a summary of the closed session. City Attorney stated that the annual performance review of City Administrator Don Lorsung was conducted. As has been the custom of past reviews, each member of the Council stated their perception of how Mr. Lorsung is performing. The consensus was that Don has done an excellent job and continues to do so. He handles his relationship with the public, elected officials and the City staff in a very professional manner.

Adjournment

Motion by Lundeen, second by Lorinser to adjourn. Motion carried unanimously. Meeting was adjourned at 8:02 p.m.

Respectfully Submitted,

Janice Lutterman
Administrative Data Clerk