

**MINUTES
CITY OF ISANTI
CITY COUNCIL
June 17, 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, City Engineer Brad DeWolf, Finance Director Rita Pierce, Community Development Director Carla Vita, City Planner Lisa Krause, and Police Chief Ron Sager

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

E. Proclamations/Commendations/Certificate Awards

Acceptance of Donation to the City of Isanti

Scott Flanigan, Third Vice President of the Isanti Lions presented Mayor George Wimmer with a check in the amount of \$500. The donation was given to the City to be used towards the cost of trash receptacles for the Downtown project.

F. Approve Minutes

Motion by Larson, second by Johnson to approve the June 3, 2008 Regular City Council Meeting minutes as presented. Motion carried unanimously.

G. Citizens Input

The 2007 Isanti Ambassadors provided an update of their civic project which is the Isanti Area Library.

The 2008 Isanti Ambassador Candidates introduced themselves.

H. Announcements

Announcements were read.

I. Council Committee Reports

Councilmember Larson reported on the following meetings she had attended:

- Police Committee
- Friends of the Library and that a Pancake Breakfast is scheduled for June 29, 2008.

- Downtown Committee
- Reported she had attended the LMC Annual Conference

Councilmember Johnson reported on the following meetings he had attended:

- Liquor Store Committee
- Public Works Committee

Mayor Wimmer reported on the following meetings he had attended:

- Finance Committee
- County EDA Meeting

J. PUBLIC HEARINGS:

Granting of Property Tax Abatement and the Transfer of Property to Joseph Demo

Vita gave an overview of the property tax abatement and the transfer of property for Joe Demo. Mr. Demo currently owns Isanti Custom Meats and is creating a new business that will be known as Isanti Retail Meat. The project includes the purchase of City property at 30 West Main Street for the construction of a building for the business.

Ms. Vita reviewed the creation of jobs as provided within the profile from the applicant and the Tax Abatement assistance from the City totaling \$4,015.36. Vita stated the School District and the County have approved the Abatement request.

The EDA has recommended the City Council approve the project and the sale of property to Mr. Demo.

Ms. Vita stated that the parcel should be dropped from the TIF 9 District as the project is proposed as a Tax Abatement project.

Mayor Wimmer opened the public hearing at 7:17 p.m. to hear on comments or questions. Hearing none Mayor Wimmer closed the hearing at 7:17 p.m.

a. Resolution No. 2008-156, a Resolution to Amend the Tax Increment Financing District No. 9 “CBD Revitalization” to Eliminate a Parcel

Motion by Johnson, second by Larson to approve Resolution No. 2008-156 as presented. Motion carried unanimously.

b. Resolution No. 2008-155, a Resolution Approving the Property Tax Abatement Agreement Between the City of Isanti and Joseph Demo and to Transfer Real Property

Motion by Johnson, second by Larson to approve Resolution No. 2008-155 as presented. Motion carried unanimously.

K. BUSINESS ITEMS:

1. Resolutions Relating to Isanti Custom Meats, LLC Project

Krause gave a staff report whereas a request by Don Fiedler and Companies on behalf of Isanti Custom Meats LLC requested a Conditional Use Permit for a meat market, a Site Plan approval for a new commercial building, and a Parking Variation for the property located at 30 West Main Street.

Meat Markets are considered a conditional use within the 'B-1' Central Business District. The site plan was reviewed as well as the variance for parking. Krause stated that the City ordinance provides that the on-site parking requires twelve parking spaces. The size of the parcel limits the number of parking spaces that can be placed on the site; the petitioner requested a parking variation to reduce the required number of on-site parking spaces from twelve to three. ADA requirements require a parking stall to have a minimum width of eight feet; because of the space the ADA space requires, the total number of parking spaces would be reduced to two; one parking space and one ADA parking stall; the parking spaces are proposed to be located on the north side of the structure.

The Planning Commission heard on the matter at a public hearing on June 10, 2008 and recommended approval of the request for a Conditional Use Permit, Variance based on the finding of fact, and Site Plan with all recommendations.

a. Resolution No. 2008-157, a Resolution Approving the Conditional Use Permit as Requested by Don Fiedler, on Behalf of Isanti Custom Meats LLC, to Permit a Meat Market on the Property Located at 30 Main Street West

Motion by Larson, second by Johnson to approve Resolution No. 2008-157 as presented. Motion carried unanimously.

b. Resolution No. 2008-158, a Resolution Approving the Variation as Requested by Don Fiedler, on Behalf of Isanti Custom Meats LLC, to Permit a Reduction in Off-Street Parking from Twelve (12) Spaces to Two (2) Spaces for the Property Located at 30 Main Street West

Motion by Larson, second by Johnson to approve Resolution No. 2008-158 as presented. Motion carried unanimously.

c. Resolution No. 2008-159, a Resolution Approving the Site Plan Review as Requested by Don Fiedler, on Behalf of Isanti Custom Meats LLC, to Permit the Construction of a New Commercial Building on the Property Located at 30 Main Street West

Motion by Larson, second by Johnson to approve Resolution No. 2008-159 with recommendations as presented. Motion carried unanimously.

2. Update on the Cable Commission's Cable Audit – Joe Morin, Cable Commission Chair

Joe Morin, President of East Central Cable Commission, reported to the Council that there is reason to believe that the Cities may not be receiving all the franchise fees that are allotted to them; therefore the Commission is requesting a Desk Audit. The Desk

Audit costs approximately \$6-7,000. A complete audit would cost \$40-45,000. The Commission voted to have a Desk Audit and it is in the process of being done. Morin will keep Cities informed as to the status of the audit.

3. Resolution No. 2008-160, a Resolution Authorizing the Construction of an Open-Sided Awning on the Property Located at 410 Railroad Avenue

Krause gave a staff report whereas the VFW has requested to construct an awning onto their existing structure which is a legal non-conforming use.

Staff reviewed the request in relation to the requirements of the Zoning Ordinance and State Statute relating to non-conformities and they do permit the use 'including necessary non-structural repairs and incidental alterations which do not physically extend or intensify the non-conforming use'.

The Planning Commission reviewed the request at their June 10, 2008 meeting and recommended approval of the Findings of Fact for the construction of the awning as requested by the VFW.

Motion by Duff, second by Larson to approve Resolution No. 2008-160 as presented. Motion carried unanimously.

4. Amending Ordinance No. 176: Zoning Ordinance, Section 4, 5, 6, and any other Associated Sections, to Include Provisions for Detached Accessory Garages.

Krause reviewed the proposed amending ordinance that relates to detached accessory garages.

In review of the proposed ordinance, there was discussion on 'usable' versus 'buildable' area that a structure could be built and that there is not a definition for 'usable' area within the ordinance.

Motion by Duff, second by Larson to table this item and send back to the Planning Commission for further consideration relating to definitions. Motion carried unanimously.

5. Resolution No. 2008-161, a Resolution Approving Preliminary CIC Plat for the Existing Industrial Building Located at 101 Isanti Parkway NE

Krause have a staff report whereas RWL Properties, LLC have requested preliminary plat approval to permit the subdivision and creation of a Common Interest Community for their existing industrial building located at 101 Isanti Parkway NE.

The petitioner has submitted a floor plan that provides for ten units within the building. Each unit would have approximately 2150 square feet of gross floor area. The land and parking area surrounding the building would become common area. The petitioner submitted draft Declarations of Covenants, Articles of Incorporation, and Isanti Parkway Condominiums Owner's Association Inc. Bylaws for City review.

The Planning Commission heard on this request at public hearing on June 10, 2008 and recommended approval of the Preliminary CIC Plat for RWL Properties, LLC.

Motion by Larson, second by Kolb to approved Resolution No. 2008-161 with conditions as provided therein. Motion carried unanimously.

6. Request from Kathy Hansmann to Allow Modification of Development Agreement

Vita gave a staff report whereas in October 2007 City Council approved a Development Agreement for Northland 66 Premium Stores, LLC. The Development Agreement allowed the extension of utilities to the gas station in the Northeast corner of TH 65 and CSAH 5.

Ms. Hansmann has requested to extend utilities to the lot that lies north of the gas station and also requested that she would not be required to pay the associated fees for the extension of the utilities.

Vita read an e-mail she had received from Woodland Development relating to the matter.

City Attorney Joslin stated that he has had discussion with Ms. Hansmann's attorney. There were some differing opinions of what was being asked for and what City policy is when utilities are extended to a property when the applicant has not submitted a plat for development of the property at the same time.

Ms. Hansmann stated she has researched properties in the same general location as hers and has found that other developers were allowed to have utilities extended within utility easements to their lots and fees were not required to be paid at that time; and the properties were not platted. Ms. Hansmann stated that only those properties that were platted were charged associated fees.

There was much discussion on providing utilities to the other properties and if this was different from Ms. Hansmann's request. There was also discussion on when fees should be paid; when utilities are extended or when the property is platted for development.

There was discussion that should the Council authorize that associated fees are not required when utilities are extended to Ms. Hansmann's northerly lot; associated fees at the time Ms. Hansmann either sells the property or plats the property would be required to be paid at that time. There was discussion that fees would be based on the current fees at the time of the sale or platting and not at today's fee rates.

Motion by Kolb, second by Larson to postpone the payment of fees at this time and authorize the request by Ms. Hansmann to modify the Development Agreement based on the associated fees to be paid at the time when the property is developed at the fee rate at that time. Motion carried unanimously.

7. Report on Downtown Benches

Vita reported that the benches to be placed in the downtown area are intended to be in the downtown year-round. Vita stated that the benches will be secured to the brick pavers with concrete screws.

Motion by Duff, second by Larson to approve securing the benches to the brick pavers in the downtown area as presented. Motion carried unanimously.

8. Request from Peter & Associates for a Bench to be Placed in the Downtown Area

Vita gave a staff report whereas LaVerne Peter, business owner of Peter & Associates is requesting the placement of a bench in front of her building that is located on Main Street in the downtown area. The bench is proposed to be of wood construction with planters constructed on each end of the bench.

There was general discussion that the intent was to have a uniform look in the downtown area and that the bench Ms. Peter is proposing would not fit in with the style and the construction of the downtown benches that have been approved for the downtown area. The benches approved for the downtown area are constructed with a recycled composite material and of a different style.

Motion by Kolb, second by Larson to deny the request by Ms. Peter to place a wood constructed bench in front of her business building on Main Street. Motion carried unanimously.

9. Resolution No. 2008-162, a Resolution Rescinding Resolution 2004-033, Allocating a Twenty-Five Foot Easement for the Construction of a Trail and Re-designating the Cambridge-Isanti Trail Route Within the City

Vita gave a staff report that provides for the relocation of the Cambridge-Isanti Bike/Walk Trail. In 2004 Council authorized a 25 foot easement along the westerly portion of the railroad tracks for the trail but now finds that the City will need the designated easement area for a rail spur for rail development. The re-designation of the trail is proposed to be placed on the south side of 299th Avenue and on the east side of 3rd Avenue North.

Motion by Duff, second by Johnson to approve Resolution No. 2008-162 as presented. Motion carried unanimously.

10. Bike Patrols

Sager reported the Police Committee met to discuss the role and use of Police Bike Patrols in the City and would like to see bike patrols continued to be used as a part of the policing of special community events. However, the Committee found that the Police Department does not have the necessary fiscal resources for training, equipment and staff to provide both vehicular and bike patrols on regular scheduled patrol shifts.

11. Resolution No. 2008-163, a Resolution Authorizing Staff to Apply for a Grant through the Commercial Equipment Direct Assistance Program (CEDAP)

Sager gave a staff report whereas the Police Department has an opportunity to apply for a grant through CEDAP. The grant allows for making application for three pieces of equipment for the Police Department and CEDAP determines which piece of equipment the Department will receive. Sager stated that the City does not have to accept the equipment when it is awarded.

Motion by Larson, second by Kolb to approve Resolution No. 2008-163 as presented.
Motion carried unanimously.

12. Resolution No. 2008-164, a Resolution Establishing Policy for the Sale of Forfeiture Vehicles

Sager gave a staff report whereas there is a need to establish policy for the sale of forfeiture vehicles.

The proposed policy provides for obtaining quotes from area car dealers once every two years for services to repair, clean, and sell the forfeiture vehicles.

Greg Owens, representing Community Investing in Familys inquired if the City can donate or work with this group as there are families who are in need of reliable vehicles. Owens stated that the vehicles would be paid for.

Joslin stated that the City will have to research State Statute and law relating to donations from the City.

Motion by Larson, second by Duff to approve Resolution No. 2008-164 as presented.
Motion carried unanimously.

13. Proposal for Professional Services for Fairway Green Improvements

DeWolf presented for Council consideration, a Scope of Work and Fee Schedule for the completion of the remaining public improvements in the Fairway Greens subdivision. DeWolf stated the estimated fee for engineering services is \$33,250 for engineering services associated with project development, design, and construction.

Motion by Kolb, second by Larson to approve Bolton & Menk, Inc.'s proposal as submitted by DeWolf. Motion carried unanimously.

14. Consider Authorizing Action on Letter's of Credit on Uncompleted Developments

DeWolf reported that there are a number of incomplete developments within the City; and if left in their current state will continue to violate state laws in regards to erosion and sediment control and are a source of ongoing maintenance for City Staff. DeWolf stated that he has been in contact with the developers and some of these developers have indicated they will be completing the items as identified to be completed.

DeWolf requested approval to work with City Staff and City Attorney Joslin to pursue drawing funds from the nonresponsive development irrevocable Letters of Credit. Funds from the Letter of Credits will allow for the completion of the remaining construction items for those developments.

Motion by Johnson, second by Larson to authorize the City Engineer to work with City Staff and City Attorney Joslin to pursue drawing funds from the nonresponsive development irrevocable Letters of Credit that will allow for the completion of the remaining construction items for those developments. Motion carried unanimously.

15. Resolution No. 2008-165 – A Resolution Establishing Policy for Background Checks for City Permits and Licenses

Lorsung gave a staff report whereas there is a need to provide written policy on the requirement for Background Checks for permit applications to the City. The policy would apply to permit applications where background checks are not required by existing ordinance or resolution.

Motion by Duff, second by Larson to approve Resolution No. 2008-165 as presented. Motion carried unanimously.

16. Third Avenue Project Costs

Pierce provided estimated costs for the improvement of 3rd Avenue North. The proposal is based on a 'rural street section design' and does not include utilities or trails. The total cost is \$456,770 with \$249,963 being the developer's share. Provided for review were 10 and 15 year debt scenarios.

There was brief discussion on obtaining funds from the Letter of Credit for the Developer's portion of the project.

Vita stated that the Council should consider including the trail along 3rd Avenue as part of the project.

Motion by Duff, second by Larson to direct Staff work on the feasibility of having the Developer's Letter of Credit called in for the project. Motion carried unanimously.

17. Amending Fee Table and Adopting Fees

Pierce gave a staff report whereas certain Building Department fees were not provided within the Ordinance Setting Forth a Fee Table for the City. An ordinance and resolution have been prepared that provides for their inclusion within the Fee Table and establishes the fees.

a. Ordinance No. 437, an Ordinance Amending Ordinance No. 429, an Ordinance Setting Forth Fees Within the City of Isanti

Motion by Duff, second by Larson to adopt Ordinance No. 437 as presented. Motion carried unanimously.

b. Resolution No. 2008-166, A Resolution Adopting Fees Within the City of Isanti

Motion by Larson, second by Kolb to approve Resolution No. 2008-166 as presented.

18. Schedule Budget Work Sessions

Pierce reviewed dates and times for upcoming Budget Meetings. Council was in consensus to schedule Budget Meetings as follows:

July 29 – 5 p.m. to 6 p.m.

August 6 – 5:30 p.m. to 6:30 p.m.

August 19 – 5:30 p.m. to 6:30 p.m.

Council was in consensus to cancel the July Work Session.

L. Consent Agenda

The following consent agenda was considered:

1. Accounts Payable in the Amounts of \$244,099.49 and Payroll in the Amount of \$67,980.03
2. Approval of May 13, 2008 Planning Commission Meeting Minutes
3. **Resolution No. 2008-167**, a Resolution Approving Exempt Gambling Permit for Isanti County Pheasants Forever No. 334
4. **Resolution No. 2008-168**, a Resolution Appointing Part-Time Liquor Store Clerk Katie Mathews as Interim Clerk II
5. **Resolution No. 2008-169**, a Resolution Offering the Position of Part Time Liquor Store Clerk to Mr. Steven Prenovost
6. **Resolution No. 2008-170**, a Resolution Offering the Seasonal Parks Maintenance Worker Position to Mr. Joshua Moulzolf
7. **Resolution No. 2008-171**, a Resolution Offering the Second Seasonal Parks Maintenance worker Position to Mr. Victor Fanth
8. **Resolution No. 2008-172**, a Resolution Accepting the Resignation of Public Works Maintenance Technician Keith Kohler and Authorization to Fill the Position
9. **Resolution No. 2008-173**, a Resolution Accepting the Resignation of Liquor Store Clerk II Troy Johnson and Authorization to Fill the Position
10. Approve Donation of the use of Gator from R & S Motor Sports for the Isanti Police Reserves during Jubilee Days
11. **Resolution No. 2008-174**, a Resolution Accepting Lions Donation of \$500 for Downtown Trash Receptacles
12. **Resolution No. 2008-175**, a Resolution Accepting Riverside Market Donation for Mayor's Employer's Recognition Lunch

Motion by Johnson, second by Larson to approve the above stated Consent Agenda as presented. Motion carried unanimously.

M. Other Communication

Other communication was reviewed as presented.

Adjournment

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

Meeting adjourned at 8:55 p.m.

Respectfully Submitted,

Irene J. Bauer
Assistant City Administrator/City Clerk