

**MINUTES OF A REGULAR MEETING OF THE PRINCETON CITY COUNCIL HELD ON
MARCH 12, 2020 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, Jules Zimmer and Jeff Reynolds. Others present: City Administrator Robert Barbian, Finance Director Steve Jackson, Police Chief Todd Frederick, Community Development Specialist Stephanie Hillesheim, Clerk Shawna Jenkins, Liquor Store Manager Nancy Campbell, Fire Chief Ron Lawrence, Wastewater Plant Manager Chris Klinghagen and Attorney Damien Toven. Absent was Councilor Jenny Gerold and Public Works Director Bob Gerold

AGENDA ADDITIONS/DELETIONS

Zimmer asked what item 12.1 was for. Schumacher replied that he asked it to be put on the agenda. He said Butcher had requested another meeting to be added for the convenience of his staff, as he is not willing to attend the current council meetings.

Schumacher asked to put Troy Minske on the Agenda in regard to the Airport. It will be added under Miscellaneous.

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

CONSIDERATION OF MINUTES

- A. Regular Meeting minutes of February 27, 2020
- B. Study Session Meeting Minutes of March 5, 2020

Edmonds had a few changes to both sets of minutes. Jenkins will make those changes.

EDMONDS MOVED TO APPROVE THE REGULAR MINUTES OF FEBRUARY 24, 2020 AND STUDY SESSION MEETING MINUTES OF MARCH 5, 2020 WITH THE RECOMMENDED CHANGES. REYNOLDS SECONDED THE MOTION. THE MOTION CARRIED UNANIMOUSLY

Barbian reported on the precautions City Hall is taking with the Covid-19 Pandemic. They are wiping everything down daily, not shaking hands, and suggested that all residents and businesses take similar precautions.

Hillesheim added that some City staff participated in a webinar today and is keeping up to date on the situation with the CDC and MDH

CONSENT AGENDA

- A. **Permits and Licenses**
- B. **Personnel**
- C. **Donations**

OPEN FORUM

PUC General Manager Keith Butcher came and read the following statement:

Good Evening. My name is Keith Butcher and I am the General Manager for Princeton Public Utilities. I have been before this body before to discuss many items including our

annual financial audit, a SMMPA bond resolution last fall, and when we held a joint meeting between the PUC and the City Council. I have also been in attendance at City Council meetings in which I did not speak. I must point out that none of those meetings have contained the unfortunate level of rhetoric that we have all witnessed on social media in recent weeks.

I would like to speak now to the late-night Facebook comments made by the Mayor regarding recent truck purchases made by Princeton Public Utilities. This is not an item on the agenda and therefore the public forum is the perfect time for me to address this topic. It is truly unfortunate that the Mayor has chosen to not raise this concern at a PUC meeting, with me, or informed me of any concerns via the PUC liaison and future PUC Commissioner Jenny Gerold. The Mayor seems to like asking questions in the most salacious way possible but not willing to listen to the answers.

It has been my goal since I have come on board at Princeton Public Utilities to provide steady, calm leadership and avoid the drama and instability that would cause rate volatility. It is my philosophy that an important service that we can provide to our community is predictability. I do not see any value in wild rate fluctuations. This only makes it more difficult for our customers to budget and plan for their own expenditures. For this reason, one of the many items that I am working on is a planned, scheduled replacement policy for our major internal equipment. With 10 fleet trucks (not including our more specialized equipment), I felt that it would be better to develop a plan to replace trucks periodically rather than risk having an aged fleet that may or may not be available during emergencies. For this reason, I scheduled to replace one truck this year and included that in my capital budget. No comments or concerns were made regarding this approach at that time. As we looked around for the best deal that we could, we identified an opportunity to streamline our fleet and reduce the number of vehicles by one. This has the benefit of reducing our O&M costs as well as other incidentals such as license and insurance. At the same time, we were presented with an opportunity to acquire two used vehicles that exactly met our needs. We determined that for the original cost of replacing one vehicle, we could replace three vehicles with two for only a little bit more. I proposed the idea to the Commission and we pursued it as a cost-savings measure. We ended up purchasing two 2018 Ford F150s for \$27,000 and \$26,500. The mileage was 24,000 on one and 34,000 on the other so these were not "New" vehicles. By comparison, to use State Bid as the Mayor has suggested, we would have had to purchase new vehicles costing us \$40,000 each. I do not believe that approach would have been a responsible use of ratepayer funds and I will not allow unproductive, wasteful actions knowing that it will result in upwards pressure on rates regardless of the bullying and political pressure employed by this Mayor.

These trucks were purchased from Princeton Auto, the same dealership used by the City. By way of comparison, it is my understanding that the City's last truck purchase was for just over \$30,000 for a 2018 Chevy and that Bob Gerold, Director of Public Works, just received approval to purchase two new trucks a few meetings ago. The process used by Princeton Public Utilities is not any different than the process used by the City, and approved by this Council, to maintain their fleet.

It is unfortunate, and I am using that word a lot lately as it relates to the actions and words of this Mayor, that accusations are made at City Council meetings and on social media without ever asking the people directly involved. The PUC meetings are open to the public, there is a city liaison who will now be a future Commissioner, and a City Administrator and staff that communicate regularly with myself and PUC staff. Yet all of

those avenues of communication are being ignored. One can only conclude that it is the Mayor that is sowing discord and dysfunction for his own benefit. Thank you.

Schumacher thanked Butcher for attending the meeting. He said while Butcher has attended some meetings, he would like to see him at the Monday Manager meetings.

Butcher explained that the Monday meetings are internal City meetings. The PUC is separate and feels that the PUC being separate is not an appropriate for an outside source to attend. He does attend the monthly development meetings.

Schumacher said he wants Butcher to attend those Monday meetings, and he asked him to attend the Study Sessions as well. Butcher responded that he will be in attendance if there is an item that involves the PUC, but if it does not, he does not feel it is fair to the rate payers to cover the cost of him to attend meetings that the PUC are not involved in.

Butcher stated that he does like that he is not aware of what is on the agenda until it is released to the public. Jenkins explained that the Agenda is released on the Tuesday prior to the regular meetings, and we usually try to get the Study Session agendas out on Wednesday. Barbian added that during the Monday manager meeting, staff goes over the agenda and items are added and removed at that time. Jenkins stated that most of the time the agendas are not finalized until Tuesday when they are released to the Council and public.

Zimmer agrees that the PUC is a separate entity, with separate policies, separate employees, separate meetings, etc. He stated that he did not feel the Monday meetings were relevant to the PUC. He supports Butcher's meeting idea with Public Works and Wastewater.

Edmonds added that the PUC would love to have a working relationship with the City.

Tim Hennagir stated before the meeting he placed a copy of the legal opinion from the PUC Attorney. He asked PUC General Manager Butcher to get this information from their attorney. This is the summary of legal authorities on PUC and The Council. He asked Toven if he agrees with the document. Schumacher asked Toven as well.

Toven responded that without looking at all of the statutes, he cannot offer a legal opinion. He said in his opinion after a brief review of this, it is not a complete analysis. There are 5 or 6 statutes that speak to it, and this appears to have a few lines from several statutes' cherry picked into this letter. With respect with the 2nd page it appears that some language was removed from one paragraph. They underlined some wording that supports the PUC, but he cannot say that is an accurate statement of language.

Hennagir asked why the study sessions are not usually recorded. Andrea Gerrard responded that they are not officially recording for the city, they are doing this on their own time, so they are doing what they can. She added that she had spoken with Schumacher quite a while ago and he had said most times Study Sessions is just that, a study session where casual discussion is had on various topics.

Barbian stated that the Council has discussed videotaping the meetings in the past. Edmonds asked that this be added to the next agenda for discussion. Jenkins responded she will add it to the next agenda.

Hennagir thanked the mayor for writing the letter to the editor regarding the census and asked the Mayor to provide an update on the importance of the census. Schumacher provided a brief update on the importance of the census, and how the population amounts are used in federal and state funding, which benefits everyone in the community in one way or another.

Kevin Gerrard spoke about the comment that the PUC is separate from the City. To the public, they are all the same. He asked if staff has heard anything about the water project in front of his home that they are looking to do in 2020. Butcher said they had just received the bids and will be presenting those at the next PUC meeting.

Kevin Gerrard asked about the glass that was discussed to be installed at the front counter of City Hall. Barbian replied that the Council has passed that, and will be done for the safety of the employees. Jenkins added that the item has been discussed a few times, and was planned for in the CIP as well.

PRESENTATIONS / SPEAKERS – None

PUBLIC HEARINGS - None

FYI – REPORTS, ANNOUNCEMENTS, CORRESPONDENCE AND BOARDS / COMMITTEES

- A. Planning Commission Meeting minutes of February 24, 2020
- B. Park Board Meeting Minutes of February 24, 2020

PETITIONS, REQUESTS, AND COMMUNICATIONS

ORDINANCES AND RESOLUTIONS

- A. Ordinance 789 – Rezoning parcel at Fairgrounds

Staff reported that Michele McPherson, Fair Board President has submitted an application to rezone one of the Fairground properties from A-2 Agricultural to B-3 General Commercial District. The property site is located at 1400 3rd Street North.

BACKGROUND

This parcel is one of five parcels the Mille Lacs County Agricultural Society owns that is known to residents as Mille Lacs County Fairgrounds. The request for rezoning is parcel PID #24-029- 0901 and located on the northwest corner of their site and east of Hwy. #169.

Mille Lacs County currently has a billboard sign on the site and has an opportunity to replace that billboard signage with an updated LED sign that will be used for advertising the Fair activities and off-premise advertising that will have a changing copy where they will be selling ads. MnDOT's permitting requirements fall under MN Statute 273 - Outdoor Advertising Statute. The sign is outside the highway right-of-way, but they have permitting authority by statute. MnDOT should be reviewing the changing board frequency and brightness of the signage. That being said, Mn DOT

requires the zoning of the site to be commercial or they will not issue a permit. The north lot adjoining this parcel is zoned B-3 General Commercial District and would not create spot zoning.

The sign vendor will be contacting the Princeton Public Utilities on what power will be needed to the site.

EXISTING LAND USES

The existing land use is consistent with Mille Lacs County Agricultural Society and will remain with that use. MN Statutes, Chapter 38, County Agricultural Societies, Fairs, Extension Service exempts fairgrounds from the local zoning regulations.

FUTURE LAND USE PLAN (Comprehensive Plan)

The Future Land Use Plan designates this area as Parks & Open Space. The neighboring site north of this parcel is designated as Commercial. If the Planning Commission and City Council approve the zoning change to B-3 District, staff will amend the City's Future Land Use plan of the Comprehensive Plan and also amend the Zoning Map.

RECOMMENDATION

Based on the above analysis, staff recommends if the Planning Commission approves the rezoning and forwards the recommendation to the Council for their March 26, 2020 meeting,

for approval of the rezoning of the property at 1400 Third Street North, PIO #24-029-0901 from A-2 Agricultural 2 to 8-3 General Commercial District, based on the following Findings of Fact:

1. The proposal complies with the B-3 General Commercial District use since the site is adjacent to the B-3 District.
2. There have been no changes in the character of the vicinity. The use will stay the same.
3. The MN Statutes, Chapter 38, County Agricultural Societies, Fairs, Extension Service exempts fairgrounds from the local zoning regulations. This rezoning does not constitute spot zoning.

EDMONDS MOVED TO INTRODUCE ORDINANCE 789 REZONING THE PARCEL AT THE FAIRGROUNDS. REYNOLDS SECONDED THE MOTION. THE MOTION CARRIED UNANIMOUSLY.

B. Resolution 20-18 – Lot Split approval (from 2016) for 1207 7th Ave N

Jenkins reported that in 2016, Bob and Jenny Gerold, and Jeremy and Cindy Riddle applied for a variance and lot split for a property located at 1207 7th Ave North, PID 24-028-1900.

The Planning Commission held a public hearing for the lot split at the July 18th, 2016 meeting. The Public hearing was continued to the August 15th meeting when the Public Hearing for the Variance was held.

The Variance was to reduce the minimum Lot Width from 80 foot to 50 feet.

The Planning Commission approved the Variance and Lot Split at their August 15, 2016 Meeting.

Minutes of both Planning Commission meeting were provided to the Council

It was recently discovered that the Lot Split was never forwarded to the City Council for final approval. Please see Resolution 20-18 approving that Lot Split.

ZIMMER MOVED TO APPROVE THE RESOLUTION 20-18 APPROVING THE LOT SPLIT FOR 1207 7TH AVE NORTH. REYNOLDS SECONDED THE MOTION. THE MOTION CARRIED UNANIMOUSLY.

UNFINISHED BUSINESS

A. Industrial Expansion Site Phase I Environmental Site Assessment

Staff provided the scope of work and cost estimate to perform a Phase I Environmental Site Assessment (ESA) for the site consisting of the eastern portion of Mille Lacs County parcel 16-032-0600 and all of parcels 24-070-0010, 24-070-0020, 24-070-0030, 24-070- 0040, 24-070-0050, 24-070-0060, and 24-070-0070 located in Princeton, Minnesota (the Property). The Phase I ESA will be performed in general compliance with the ASTM E1527-13 Standard Practice for Environmental Site Assessments. WSB understands that the Property is approximately 40 acres in size and is currently undeveloped farmland. Further, WSB understands that the City of Princeton (City) plans to develop the Property for industrial use.

The following items will be performed as part of the Phase I ESA: Historical Records Review

WSB will obtain federal and state regulatory database information for the Property from a commercial regulatory vendor to evaluate for potential environmental conditions. This review will not include a detailed review of all listings identified in the regulatory database search, but rather will focus on listings which have the potential to result in a recognized environmental condition (REC). The following historical records will be reviewed:

- Sanborn Fire Insurance Maps
- Historical Aerial Photographs
- City Directories
- Historical Topographic Maps
- Federal EPA-listed sites including NPL, CERCLIS, RCRA, and ERNS
- State MPCA-listed sites including UST, LUST, MERLA, VIC, spills, landfills, and others
- Regulatory file review will be conducted per ASTM E 1527-13.

Interviews

WSB will conduct interviews with Property representatives (via phone, in person, or questionnaire) regarding past and current Property use activities. Any entity relying on the Phase I ESA will complete a User Questionnaire provided by WSB. The following representatives will be contacted and interviewed (if available):

- Current or past Property owners
- Current Property management or maintenance staff

- City building and inspection department
- City fire department

Site Reconnaissance

WSB will make a direct visual inspection of the Property and adjoining sites. All Property areas will be accessed as part of the site reconnaissance except dwellings and farmstead buildings, if present, and areas deemed unsafe for access. The adjoining sites will be viewed from the public right-of-way areas. The site reconnaissance will include observation and documentation of the following:

- Location of visible aboveground or underground storage tanks
- Location of chemical or hazardous material storage
- Location of water bodies (if present)
- Condition of vegetation and exposed soils
- General parcel topography
- Photographic documentation

Reporting

WSB will summarize the results of the Phase I ESA in a final documentation report. This task does not include those items considered non-scope by ASTM Standard E1527-13 including; asbestos, lead-based paint, radon, lead in drinking water, wetlands, regulatory compliance, cultural/historic resources, industrial hygiene, indoor air quality, biological agents, or mold sampling and analysis. The report will be completed in accordance with the ASTM E1527-13 standard and shall include the following:

- Supporting documentation upon which the findings and opinions are based
- Scope of services performed
- A “findings” section which will detail any RECs identified by the assessment
- The opinion of the environmental professional
- Any conclusions drawn from the assessment

Assumptions

The following items are assumed for this scope of work:

- Property access and owner questionnaires will be facilitated by the City.
- No dwellings or buildings are located at the Property.
- Based on available information, two MPCA regulatory file reviews will be required for o Leak 418 – Hedstrom Truck Repair o Leak 5474 – Princeton Airport
- An Environmental Lien and AULs search will not be completed as part of this scope.
- The City will provide one review/comment of the Phase I ESA report.
- If a reliance letter is desired, the cost is \$300 per reliance letter and \$50 for each additional entity/party listed on the letter.

Total Cost and Schedule

The cost to perform the above described Phase I ESA is a lump sum of **\$2,850**. If additional work is required beyond this scope, WSB will provide the services on a time and materials basis with approval from the City. Upon authorization, WSB can initiate the work immediately and provide a draft report within two weeks of the site visit.

Schumacher asked if this cost could be reimbursable by the grants we are going to apply for. Hillesheim replied that it was not.

Edmonds asked for clarification if there was an RFP put out for this. Barbian responded that staff just asked the current engineer, who quoted a very reasonable cost.

EDMONDS MOVED TO APPROVE THE INDUSTRIAL EXPANSION SITE PHASE I ENVIRONMENTAL SITE ASSESSMENT BY WSB for \$2,850. ZIMMER SECONDED THE MOTION. THE MOTION CARRIED UNANIMOUSLY

NEW BUSINESS

- A. General Manager Keith Butcher attended the Council meeting, or failed to attend – Mayor Schumacher

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 \$101,895.16 AND THE ITEMS LISTED ON THE LIQUOR BILL LIST AND GENERAL CITY BILL LIST WHICH WILL BE CHECKS 80823 TO 80896 FOR A TOTAL OF \$225,955.69. REYNOLDS SECONDED THE MOTION. THE MOTION CARRIED UNANIMOUSLY

MISCELLANEOUS

Melting snow fence – Schumacher stated he asked this to be added on to the Agenda. The snow fence that has worked very well to block off the Shopko parking lot is now melting and nearly gone. There is a post office box there, and staff is checking with the post office to see if this is a working post office box and suggest it be moved.

A McDonalds delivery truck was recently towed out of the parking lot. Barbian reiterated that the lot is private property, and people can be towed if they park there. Staff has not been able to bridge any gaps with the owner of the other businesses. It will continue unless the property owner and other businesses to come to an agreement.

Andrea Gerrard said there could be some confusion as there is an event being advertised as being in that parking lot, yet people cannot park there.

Troy Minske – Barbian added that with the Airport Fuel prices, he would like to assist staff in determining if costs are suitable for the next 90 days. He asked for Council consensus if that is okay.

ADJOURNMENT

There being no further business:

ZIMMER MOVED TO ADJOURN THE MEETING AT 8:12PM. EDMONDS SECONDED THE MOTION. THE MOTION CARRIED UNANIMOUSLY

Respectfully Submitted,

ATTEST:

Shawna Jenkins Tadych
City Clerk

Brad Schumacher, Mayor