

Public Hearing & Special Meeting
August 31, 2016
7:00 p.m.

With due call and notice thereof, the August 31, 2016 Public Hearing & Special Council Meeting of the City of Eden Valley was called to order by Mayor Bengtson at 7:00 p.m. in the Civic Center meeting room. Present were Mayor Bengtson, Councilors Sheets, Bradshaw and Thielen and Clerk Haag. Absent: Councilor Kern. Also present Public Works Director Rademacher, Police Chief Junker, Zoning Administrator Brian Peterka, John Derichs and Nathan Derichs. Mayor Bengtson presided.

Mayor Bengtson opened the Public Hearing to consider opting-out of the requirements of Minnesota Statutes, Section 462.3593. Bengtson explained the law was passed in 2016 creating a new process for landowners to place mobile residential dwellings on their property to serve as a temporary family health care dwelling for aging family members and or/mentally or physically impaired persons and asked if there were any comments or questions from those present and there were none. Council discussion followed on challenges of the proposed law, including providing water, sewer, and electricity to the mobile dwellings as well as the permitting issues. Other issues of the new law including how it relates to the City's current zoning ordinance, other cities' decisions on opting out and the City Attorney's recommendation to opt out were discussed. As there were no further comments or questions, Mayor Bengtson closed the public hearing at 7:05 p.m. and the special meeting continued.

Ordinance No. 2016-3, an Ordinance Opting-Out of the Requirements of Minnesota Statutes, Section 463.3593 was introduced as follows:

ORDINANCE NO. 2016-3

AN ORDINANCE AMENDING OPTING-OUT OF THE REQUIREMENTS OF MINNESOTA STATUTES, SECTION 462.3593

WHEREAS, on May 12, 2016, Governor Dayton signed into law the creation and regulation of temporary family health care dwellings, codified at Minn. Stat. § 462.3593, which permit and regulate temporary family health care dwellings;

WHEREAS, subdivision 9 of Minn. Stat. § 462.3593 allows cities to "opt out" of those regulations;

THE CITY COUNCIL OF THE CITY OF EDEN VALLEY ORDAINS as follows:

Chapter 5, City Code, Section 518.020 is amended as follows:

OPT-OUT OF MINNESOTA STATUTES, SECTION 462.3593:

SECTION 518.020 Sub. 1. Pursuant to authority granted by Minnesota Statutes, Section 462.3593, subdivision 9, the City of Eden Valley opts-out of the requirements of Minn. Stat. §462.3593, which defines and regulates Temporary Family Health Care Dwellings.

SECTION 518.020 Sub. 2. This Ordinance shall be effective immediately upon its passage and publication.

A motion was made by Thielen to adopt Ordinance No. 2016-3 as introduced, and motion was seconded by Bradshaw. Voting in favor were Sheets, Bradshaw, Bengtson and Thielen; against: none, whereby Ordinance No. 2016-3 was duly adopted.

Zoning Administrator Brian Peterka was present to review the August 15, 2016 Public Hearing minutes with the City Council. Peterka explained the hearing was to consider amending setbacks of the front, rear and side yards in the Commercial Highway District and Commercial Reserve District due to the small size of the lots and possible restrictions on building size, especially in the heart of the city. Originally the Commission had proposed zero setback on side and rear yard requirements, but MNDOT had been contacted for their input and requested side yards not be zero setback, to allow for property owners to complete maintenance on their property without being in the highway right-of-way. Peterka had also contacted Shannon Sweeney, from David Drown & Associates, who had assisted the Planning & Zoning Commission when the ordinance was amended to increase the setbacks to the current 30-foot front yard, 20-foot side and rear yard and he had explained many cities have that requirement and expect commercial property owners to purchase additional property to allow enough room to build. Peterka explained the Commission discussed the issue of Commercial Reserve District having alleys in use that would prohibit the purchase of additional property for a number of lots in the Commercial Reserve District, whereas the Commercial Highway District offered more opportunities for building construction with the existing setbacks. Results of the Public Hearing were the Commission recommended the Commercial Highway District setbacks remain as is, but the Commercial Reserve District setbacks be amended to 20-foot front yard and 10-foot side and rear yard unless abutting a residential district, then 35-foot side and rear yard. Ordinance #2016-4 was introduced as follows:

ORDINANCE NO. 2016-4

AN ORDINANCE AMENDING CHAPTER 5 OF THE EDEN VALLEY CITY CODE

The Eden Valley City Council ordains:

Section 1: Section 509.000 of the City Code is amended as follows (deleted language shown in ~~strike through~~ and new language shown in underline):

509.000 “COM – R” COMMERCIAL RESERVE DISTRICT.

509.050. Subdivision 3.

Setbacks (measured from lot lines):

1. Front yard: ~~Thirty (30)~~ Twenty (20) feet
2. Side yard: ~~Twenty (20)~~ Ten (10) feet, unless abutting a residential district, then ~~thirty-five (35)~~ thirty-five (35) feet.
3. Rear yard: ~~Twenty (20)~~ Ten (10) feet, unless abutting a residential district, then ~~thirty-five (35)~~ thirty-five (35) feet.

Section 2: This Ordinance shall be effective upon publication.

A motion was made by Bradshaw to adopt Ordinance No. 2016-4 as introduced, and motion was seconded by Sheets. Voting in favor were Sheets, Bradshaw, Bengtson and Thielen; against: none, whereby Ordinance No. 2016-4 was duly adopted.

John and Nathan Derichs were present to review their plans for development of a convenience store/car wash/bait shop in the Commercial Reserve District. A Stormwater Report had been completed by their Engineering firm per Ordinance requirements and reviewed by City Engineer Kent Louwagie. A copy of the report and Louwagie’s report on his review were available for Council review. Public Works Director Rademacher explained the stormwater flow will be increased, but he and Louwagie had discussed the impact of the additional flow and felt it was doable and should pass through existing storm sewer without any issues. He noted there are

no runoff issues in the area at this time and do not anticipate any problem, but also clarified you never know for sure what will happen. John Derichs reported there was not enough room on the parcel for a holding pond, and instead was proposing to have permeable area on the north and east end of the property to assist in drainage. He explained there was an option of creating underground storage he had discussed with Louwagie and Rademacher, but he had expressed his concern to them about underground storage having more of a chance of contamination and less opportunity for containment in the event of a gas or diesel spill and they had agreed. He requested the Council consider a waiver to the Ordinance requirement to provide additional stormwater infrastructure for his project and approve his current plans for stormwater runoff. It was also suggested the City look at the feasibility of stormwater infrastructure improvements in the Commercial Reserve District to be considered at the time MNDOT completes their project planned for 2018. After discussion, a motion was made by Bradshaw to approve John's request to approve the stormwater plan as presented. Motion was seconded by Thielen and carried unanimously.

Minutes from the August 24, 2016 Planning & Zoning Commission were reviewed by Zoning Administrator Peterka. The site permit application submitted by John Derichs was recommended for approval contingent on the City Council's approval of the proposed amended setback requirements for the Commercial Reserve District and approval of the stormwater plan. Derichs reviewed his site permit plan and reported he is having some difficulty in working with Xcel Energy regarding re-locating an electrical pole and supporting pole on the west side of the property in order to extend the curb opening to allow for better traffic flow. They are requesting \$40,000 to re-locate the poles and Derichs and the Council felt that was an excessive amount. He also questioned what the City plans were for the alley west of his property. Public Works Director Rademacher reported there is approximately 200 feet of clay sewer line that is in need of replacement in the alley and now would be the opportune time to do that. He is in the process of obtaining bids for replacement of the sewer as well as Class 5 and costs of upgrading the alley to a 10-ton capacity. Discussion followed on possible options to deal with Xcel Energy and for upgrading the alley. After discussion, Mayor Bengtson reported he would contact Xcel Energy to see if the City could assist in requesting Xcel consider lowering the price proposed to relocate the poles and Rademacher was asked to obtain cost estimates for blacktopping the alley for Council review. A motion to approve the site permit application as submitted by John Derichs and recommended by the Zoning Commission was made by Bradshaw, seconded by Bengtson, and carried unanimously.

The 2017 proposed budget was reviewed by the Council. Line items in the General Fund revenue and expenditure budgets were discussed, with most staying the same as last year, but some projected increases in payroll and street engineering costs. Haag reported there is a proposed 1.05% increase in General Fund expenditures from 2016 to 2017, but because of uncertainty in the latest legislative session the City is not sure if there will be the small city Municipal State Aid that was given in 2015 and expected in 2016, so \$19,000 in projected revenue had been deducted from the 2016 General Fund budget, plus the closing of the SpeakEasy results in a deduction of \$3100 in liquor license revenue for 2017. Those items, plus the fact that the 2016 budget projected using \$30,000 from reserves to balance results in a net projected shortage of \$59,697 on the 2017 proposed budget. Public Works Director Rademacher reported he has been obtaining pricing on automatic water meter reading equipment and had estimates of costs running from \$117,365 up to \$151,660 and is in the

process of obtaining more information. Possible financing costs were discussed and will be researched further. Those dollars would come from the Water Fund and should not affect the General Fund budget. Rademacher also reported the current system of hiring street sweeping services is not working as well as he had hoped, and this past year he has experienced more issues and dissatisfaction with the work being done. He has been checking on possible options for purchasing a street sweeper and had found two used sweepers he and Mark Berg traveled to St. Paul to view. He reported the cost of one was \$32,000 and the other \$60,000, with the \$32,000 being six years older and having more than double the hours of the \$60,000 one. The dealer had offered a 60-day running time warranty and also offered to accept payment of \$30,000 in 2016 and \$30,000 in 2017 on the newer sweeper if that would help with budget issues. After discussion, it was Council consensus Rademacher should purchase the \$60,000 one, with split payment option. Rademacher also discussed his street maintenance and repair budget, expressing gratitude for the \$80,000 budgeted amount, but noting it may be more helpful if \$20,000 of that amount could be used toward a bond payment to complete a larger project, since many streets require a comprehensive project rather than just a seal coating or crack sealing job. Council supported this concept, but would like to see a 5-year capital plan to review before implementing this idea. Rademacher reported he and Louwagie will be presenting the capital plan for Council review soon. Proposed enterprise budgets were presented with little change from 2016 and Haag reported those could be reviewed more closely in the next month or two, since they did not affect proposed levy amounts that need to be certified by September 30, 2016. Haag questioned if the Council wished to schedule any more budget workshops to further discuss the General Fund budget before the levy certification date of September 30th and they did not feel it was necessary and recommended the proposed general fund levy be set to result in a balanced budget, which would result in a \$60,000 increase from 2016 to 2017, noting they had the option to lower the levy in December, but not increase it.

As there was no further business, the meeting was adjourned on a motion by Thielen, seconded by Bengtson.

Attest:

Mona Haag, Clerk/Treasurer

Brent Bengtson, Mayor