

MINUTES
CITY OF DELANO
City Council/Economic Development Authority
Tuesday, November 21, 2017
7:00 PM

1. Call to Order

Mayor Graunke called the regular meeting of the Delano City Council/Economic Development Authority of Tuesday, November 21, 2017, to order at 7:00pm.

2. Roll Call & Approval of Agenda

Members Present: Dale Graunke, Mayor; Councilmembers Betsy Stolfa, Jason Franzen, Holly Schrupp and Jon Sutherland

Also Present: Phil Kern, City Administrator; Brian Bloch, Finance Director; Alan Brixius, City Planner; Shawn Louwagie, City Engineer; Justin Markon, Administrative Intern; Paula Bauman Admin Services Coordinator

Phil Kern recommended adding the following:

Add 4A: Update from Deb Gatz, Randy's Environmental Services

Add 15A: Update on Old Fashioned Christmas

Add 15B: Update on skating rinks in Central Park

Remove Item 8A: Consider bids for roof truss, window insulation, and roof installation for Central Park Concessions Building.

Motion by Holly Schrupp, seconded by Jon Sutherland to approve the agenda for the Delano City Council/ Economic Development Authority of Tuesday, November 21, 2017, with the recommended changes mentioned above; motion carried.

3. Minutes

Motion by Betsy Stolfa, seconded by Jason Franzen to approve the minutes of the regular City Council/ Economic Development Authority meeting of Tuesday, November 7, 2017, as submitted; motion carried.

- A. Minutes of the regular City Council/Economic Development Authority meeting of Tuesday, November 7, 2017

4. Speaker, Presentations & Awards

Deb Gatz representing Randy's Environmental Services gave an update on services within the community.

5. Consent Items

Motion by Holly Schrupp, seconded by Betsy Stolfa to approve the consent items as submitted; motion carried.

A. City

1. Consider reductions of the letters of credit (LOC) for Highland Ridge 4th and 5th Additions. *Attachments:* Highland Ridge 4th Addition | Highland Ridge 5th Addition
2. Authorize temporary Intoxicating Liquor License (Strong Beer) to St. Maximilian Kolbe Church/School for two upcoming events scheduled for Saturday, January 13, 2018 and Saturday, March 17, 2018
3. Approve public facility lease agreement, outdoor dance application, and temporary on-sale liquor license for Puck in the Park
4. Consider Agreement for Assignment of Purchase Agreement between Backes Companies, Inc. and Royal Oaks for purchase of Becker 2nd Addition lots

B. EDA

1. Review and approve audit report for the Delano EDA/Crow River Villa Apartments for fiscal year ending March 31, 2017 *Attachment:* Financial Statements and Supplementary Information
2. Quarterly Financial Report of the Delano EDA/Crow River Villa Apartments for the 2nd Quarter of fiscal year 2017-18

6. CITY STRATEGY No. 1: Provide and proactively facilitate the delivery of quality public and community services in a planned, fiscally responsible manner.

7. CITY STRATEGY No. 2: Ensure the City's continued sustainability and financial stability.

- A. Adopt RESOLUTION to specially assess properties for Business Park Improvements
Attachment: Resolution

Motion by Betsy Stolfa, seconded by Jon Sutherland to adopt Resolution R-17- to specially assess properties for Business Park Improvements; motion carried 5-0 by roll call vote.

- B. Adopt a resolution to specially assess properties benefited by the 2016 Street Project
Attachment: Calculation | Resolution

Motion by Betsy Stolfa, seconded by Holly Schrupp to adopt Resolution R-17-30 asking Franklin Township to certify to the County Auditor the share of costs to improve Buffalo Street for Franklin Township Properties benefiting from the improvements; motion carried 5-0 by roll call vote.

- C. Resolution to Certify Delinquent Charges to the County for Collection in 2018 *Attachment:* Sample Letter | Resolution

Motion by Holly Schrupp, seconded by Jon Sutherland to adopt Resolution R-17-31 resolution to certify delinquent utility and other charges to the County Auditor for collection with real estate taxes in 2018; motion carried 5-0 by roll call vote.

8. CITY STRATEGY No. 3: Plan for the maintenance, replacement and efficient operations of the City's equipment, buildings, and infrastructure, energy and utility systems.

- A. Consider bids for roof truss, window insulation, and roof installation for Central Park Concessions Building.

This item was removed from the agenda.

9. CITY STRATEGY No. 4: Manage the City's growth so that it is high quality and consistent with the city's Comprehensive Plan while maintaining the City's historical culture, characteristics and features.

- A. Consider request for rezoning and preliminary plat for Highland Ridge 6th Addition
Attachment: Exhibits

In 2005, the City of Delano approved the McKinley Planned Unit Development (PUD) that included the property being considered with this application. Within the McKinley PUD, this site was proposed to be developed with 72 attached townhomes, with the site having a density of 5.03 units per acre. That subdivision was never final platted.

The current application requests a change in the zoning from PUD to R-3, Single Family, and a preliminary plat that creates nine single family lots and a 20-acre lot for a church site.

In review of the subdivision and the proposed rezoning, we find that the subdivision design and the proposed use is appropriate for this area of Delano, provided the issues of transportation can be resolved. In this regard, we offer the following recommendation of approval subject to the following findings and conditions:

Rezoning. We recommend approval of the change in zoning from PUD to R-3, Single Family Residential based on the following findings:

1. The change of use is consistent with the land use designation and land use description of the Delano Comprehensive Plan.
2. The single family land use and the church are compatible with the existing and future land uses in the area.
3. The proposed subdivision design complies with City design standards with the conditions outlined with plat review.
4. The City utilities are designed to accommodate the proposed development.
5. With the conditions outlined in the plat review, the streets are adequate to accommodate this land use pattern.

Subdivision. Based on our review of the preliminary plat and associated plans, we recommend approval of the plat with the following conditions:

1. The preliminary plat be revised to locate the trail outlot away from the significant pine trees. The applicant work with City staff to agree on the preferred trail corridor.
2. The applicant provide a landscape plan for a landscaped buffer yard for Lots 1, 2, and 3, Block 1, which back up to McKinley Parkway. Said buffer shall illustrate site grading and landscaping to establish privacy for the back yards of these lots. The landscape plan shall also address the establishment of wetland buffers.
3. City approval of the 770 foot cul-de-sac length. This is a variance from the City's standard of 500 feet. The variance is warranted by the site configuration and wetlands that make the subdivision design appropriate.
4. The applicant shall escrow funds for the construction of McKinley Parkway as an urban street and the trail for full length of the subdivision.
5. The applicant shall work with the City and the adjoining property owner for the acquisition of County Road 30 right-of-way and construction of a right turn lane. This development shall share in the cost of the right-of-way acquisition and improvements.
6. With the subdivision approval, the City does not provide any implicit approval of the church conditional use permit if the needed transportation improvements are not in place. The church access point onto McKinley Parkway is not approved with the subdivision approval. Lot access to Lot 4 will be determined with the processing of a church conditional use permit.
7. Sidewalks and Trails. a. The applicant shall extend the existing sidewalk along the west side of 6th Street to the west lot line of Lot 5. b. The applicant shall relocate the 20 foot trail outlot away from the north lot line of Lot 10 to one of the preferred locations. The developer shall be responsible for the construction of the trail. c. The applicant shall escrow for the trail along McKinley Parkway for the full length of the subdivision.
8. Easements. a. The easements over ponding and wetland areas shall include required buffer areas. b. The plat shall show easements over the utility corridor extending utilities through Lot 4.
9. Utilities. a. The applicant shall meet all conditions of the City Engineer's report dated October 8, 2017. b. The developer shall either install or escrow for the extension of the utilities through Lot 4 to the plat's southern boundary. c. The developer shall escrow for one-half the cost of extending utilities under County Road 30.
10. Tree Preservation/Grading. a. The tree preservation and grading plans shall be revised to illustrate the relocation of the trail outlot. b. The tree preservation plan shall identify the tree removal for the home on Lot 10 and measures for protecting and/or preserving the significant pine trees.
11. The applicant shall enter into a development agreement and will pay park dedication fees based on the City's 2017 development fee schedule.
12. The applicant shall be responsible for the installation of all street lights.

Council briefly discussed fire hydrants, tree protection, street lights and utility easements.

Lee Johnson, Lennar Corporation, addressed the Council statin last year, the Crow River Church approached Lennar Corporation, who are currently operating out of the school, to purchase part of the property to build a new church. After negotiations, the group arrived at a solution. If the church buys the property, Lennar doesn't want a public street running through the site, this is the reason for the new layout for the addition. Mr. Johnson stated the final plat may not occur until the church receives its conditional use approval. Lennar Homes feel the

church is a good solution for the site – the area is a busy corner and a church there is better than residential housing.

1. Adopt Resolution approving the preliminary plat and a variance for cul-de-sac length for Highland Ridge 6th Addition within the City of Delano

Motion by Jon Sutherland, seconded by Betsy Stolfa to adopt Resolution R-17-32 approving the preliminary plat and a variance for cul-de-sac length for Highland Ridge 6th Addition, within the City of Delano; motion carried 5-0 by roll call vote.

2. Adopt ordinance amendment to the Delano City Zoning Map related to rezoning of parcels within the City of Delano

Motion by Betsy Stolfa, seconded by Jon Sutherland to adopt Ordinance amending the Delano City Zoning Map related to rezoning of parcels within the City of Delano; the Ordinance will not be published until final plat is received; motion carried.

- B. Consider ordinance amending Delano City Code Section 301.01 as it relates to Right-of-Way management

A new law was enacted in the 2017 Legislative Session that would allow small cell wireless equipment to be placed within public street rights-of-way. This legislation allows this equipment to locate on City-owned equipment (i.e., power poles, street lights) or allows for the installation of a 50 foot tall structure within the public right-of-way to support an antenna array. The law is intended to expand broadband service coverage and accelerate delivery of service.

This is needed to address the rapidly growing consumer market and new technologies all utilizing the broadband network. Working the City staff, the City Attorney has prepared the attached code amendments addressing the introduction of this new use within the public rights-of-way.

This was reviewed last month by the planning commission and the public hearing was continued to November to allow staff to respond to questions and issues identified by the planning commission. The following ordinance amendments are offered to the planning commission for further consideration.

Section 301.01 of the Delano City Code regulates the permitting and management of all City rights-of-way for non-City uses. The attached ordinance shows new language as underlined for ease of review. This code amendment attempts to provide local protections within the scope of the new State law.

The State law allows the cellular equipment and its support structures as a permitted use within all zoning districts.

A city may require a conditional use permit (CUP) for Small Cell Support Structures in residential or historical districts. While the State law gives little authority to regulate or establish performance standards for these support structures, the planning commission suggested that Support Structures in Residential and the CBD districts should be a Conditional Use Permit. The CUP is appropriate to allow public hearing and public comment on the installation of the Support Structures. The CUP language is added in both the proposed ROW and Zoning Code amendments.

The new law allows the City to require permits for all right-of-way users. It also allows for permit fees to recover costs of processing and management costs.

Subdivision 8.B outlines the submission information that the City will require for the installation of these facilities. City staff is specifically concerned with the construction of an antenna support structure. With an allowed height of 50 feet, staff has concerns with the location, foundation depth, width, setback from other rights-of-way users (i.e., streets, sidewalks, trails, utilities), and separation from adjoining land uses. In this regard, we will require details on the support structure, appearance, foundation, collapse zone, as well as a site plan.

Subdivision 8.I outlines the general construction and installation requirements for all applicants pursuing the use of a City public right-of-way. These are aimed at controlling the disruption of the right-of-way during construction, protecting other right-of-way users and adjoining amenities, and insuring proper right-of-way restoration.

Subdivision 9 of the proposed code calls for the registration of all telecommunication users. Within this section, the code identifies the design requirements for locating antennas on City-owned in-place facilities. This section addresses the antenna design, height, appearance, and placement of accessory ground mounted equipment.

Subdivision 10 of the proposed code outlines the design criteria for support structures. The new State law allows for the placement of a support structure up to 50 feet in height within the City's right-of-way.

The installation of a structure of this height presents the greatest concerns with this new legislation. At 50 feet, this structure is approximately twice the height of the City's street lights. The height and scale of these structures presents concerns related to proximity to streets and adjoining land users. This type of structure will have visual impact on the City streetscape and the view sheds of the adjoining land uses. The City cannot prohibit these structures.

Subdivision 10 provides design performance standards and setbacks that attempt to mitigate the land use concerns associated with support structures. Staff has tested a number of standards and discovered that the City is limited in the regulations it may enact. The attached performance standards fall within what is allowed by Statute.

To address the Planning Commission comments the following changes have been made to the proposed draft code amendment.

1. Support structures are now CUPs in single family residential zoning districts and the B-4,

Central Business Zoning District.

2. We are proposing a five foot setback from private drives and a location that does not interfere with traffic visibility.

3. Lighting is prohibited on these support structures unless approved by the DMU Superintendent.

4. In discussion with the DMU, we have expanded the performance standards for support structures to include the following: a. Monopole design. b. Construction of galvanized steel or aluminum. c. Blending with the surrounding environment using color, texture, and screening. d Require support structures to demonstrate collapse zones and wind loads.

Betsy Stolfa questioned the abandoning and/or decommissioning of the structure. Brixius stated the applicant/owner is required to maintain it. Stolfa then questioned if the city can regulate where a structure is placed within a flood zone. Discussion included near the river or if it would obstruct the flood wall. Brixius stated that issue is not addressed and recommended pulling this item for further discussion and/or approval at the next meeting.

- 10. CITY STRATEGY No. 5 Encourage and improve the communication of information and ideas with residents and business owners.**
- 11. CITY STRATEGY No. 6: Ensure communication and positive relationships between the Council, City Staff, Employees and Commission members.**
 - A. Minutes of the Delano Planning Commission meeting of Monday, October 9, 2017
- 12. CITY STRATEGY No. 7: Ensure the City has a well-trained, productive and accountable workforce to meet the changing needs of the community.**
- 13. CITY STRATEGY No. 8: To ensure the public's safety from crime and manmade or natural disasters.**
- 14. CITY STRATEGY No. 9: To ensure the overall aesthetic appeal of the City.**
- 15. Other Business**

- A. Old Fashioned Christmas Update

At the December 2nd meeting, the Council briefly discussed an idea of placing a Christmas Tree in the middle of the intersection at Second Street North and Bridge Avenue. The City of Delano's insurance company has been contacted which they recommend no, do not place the tree within the intersection. Staff has discussed this with the group and have agreed upon using the front concrete area in front of City Hall. This will be staff's recommendation, provided the City Engineer and Public Works review and make sure the tree stand is solid and can clear ADA standards on the sidewalk.

Motion by Betsy Stolfa, seconded by Jon Sutherland to allow the Old Fashioned Christmas committee to place their Christmas Tree on the concrete area in front of City Hall during the month of December; motion carried.

B. Discuss skating rinks at Central Park

Staff has looked into using the current beer stand as a warming house for the skating rinks at Central Park; after further review, Staff realized the costs to heat the building would be a considerable amount. This is because the building does not have insulation. Staff has looked into other options. Because of the current construction in the area with the concession building, staff is recommending renting a mobile office/construction trailer. During the day the trailer would be utilized by contractors and in the evening serve as a warming house. Staff received two quotes for a construction trailer and recommend using Satellite Structures for \$2,060. This trailer would be ADA accessible and the City will place rubber mats from the door to the ice rinks.

Motion by Betsy Stolfa, seconded by Jon Sutherland to place a construction trailer at Central Park using Satellite Structures in the amount of \$2,060; motion carried.

16. Communications & Announcements

17. Claims

A. City Claims | By Account

Motion by Holly Schrupp, seconded by Jason Franzen to approve the City Claims as submitted; motion carried.

B. EDA Claims

Motion by Jason Franzen, seconded by Jon Sutherland to approve the EDA Claims as submitted; motion carried.

18. Adjournment

There being no further business to discuss, the regular meeting of the Delano City Council/Economic Development Authority of Tuesday, November 21, 2017, was adjourned at 8:40pm.

Signed:

Dale Graunke, Mayor

Brian Bloch, Finance Director/Clerk

Paula Bauman, Administrative Services Coordinator