

MINUTES
CITY OF DELANO
City Council/Economic Development Authority
Tuesday, July 21, 2020
7:00 PM

1. *Due to COVID-19, the meeting was conducted via Zoom webinar as allowed under Minnesota Statutes, Section 130.021. All motions were approved by roll call vote.*

2. Call to Order

Mayor Graunke called the regular meeting of the Delano City Council/Economic Development Authority of Tuesday, July 21, 2020, to order at 7:00pm.

3. Roll Call and Approval of Agenda

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

Also Present: Phil Kern, City Administrator; Alan Brixius, City Planner; Shawn Louwagie, City Engineer; Scott Dornfeld, Building Official; Paula Bauman, Administrative Services Coordinator; Rebecca Gaida, Administrative Intern

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

4. Minutes

5. Speakers, Presentations and Awards

A. Tour De Tonka

Mr. Litfin was unable to attend the meeting.

6. Consent Items

Motion by Jason Franzen, seconded by Jon Sutherland to approve the consent items as submitted; motion carried 5-0 by roll call vote.

A. Consider pay Request No. 2 for the CSAH 30 Reconstruct Project

B. Consider pay Request No. 2 for the 2020 Infrastructure Improvements Project

C. Consider request from the Delano Area Chamber of Commerce for their annual City Wide Garage Sale and Crazy Days Sales on August 13-15, 2020

D. Consider request received for a Black Lives Matter march on Friday, July 24, 2020

E. Consider resolution confirming completion of development work referred to in the Randy's Rentals, LLC, Development Agreement.

7. City Strategy No. 1: Provide comprehensive services to meet community needs

- A. Consider the quotes received for the parks paving projects

This item was removed from the agenda

8. City Strategy No. 2: Maintain financial sustainability and fiscal stewardship

9. City Strategy No. 3: Conscientious asset/infrastructure management

10. City Strategy No. 4: Manage sustainable and planned growth

- A. Consider Delano Granite Works redevelopment PUD Concept Plan *Attachments:* Exhibits A-F | Exhibits G-N | Public Hearing Notice

The 2002 Delano Comprehensive plan identified the Delano Granite Works as a site for redevelopment due to poor site conditions and industrial uses in close proximity to the downtown and nearby residential neighborhoods which made the continuation the industrial uses inappropriate for this location. For the past two decades the city has sought to create a public sector / private sector partnership that could make the redevelopment of the old Granite works site a reality.

In 2017, the City Staff brought a redevelopment project for the Granite Works site to the Delano Planning Commission and City Council. The 2017 concept plan proposed three Apartment buildings for the site. This concept plan was recommended for approval by the planning commission and approved by the City Council on June 6, 2017. This project was reliant on a Tax Credit financing request that was not approved, as such the project did not proceed.

Over the last twelve months the City has been working with the Granite Works ownership group to come up with a strategy for acquiring the site and pursuing potential development companies capable of undertaking the site redevelopment. The City and site ownership have entered into a purchase agreement for the site acquisition.

Through a request for qualification process the city has attracted two development companies that are interested in the Granite Works redevelopment. Ebert Construction and Ron Clark Construction and Design have been selected to assist the city in this long-awaited project. The redevelopment Project is similar to the 2017 concept plan proposing three apartment building having approximately 200 units. Ebert Construction will be undertaking the 70-unit market rate apartment located along River Street. Ron Clark will 2 be building the 55 unit affordable / work force housing at the western side of the site. The middle lot has the potential for up to 75 future units does not have a builder and will be a future development phase.

The project has now progressed to the submission of a development application, consistent with the 2017 approvals, for the following:

- A. PUD Zoning District Concept Plan

B. Comprehensive Land use map amendment

The project is still in its initial stage of processing. The approval of the PUD concept plan will lead to the following subsequent steps.

- A. Processing of an Environmental Assessment Worksheet (EAW)
- B. Submission of State Grant applications in November 2020 and February 2021
- C. PUD Zoning - Development Stage and Final Stage. These are more detailed plans and reviews that deal with the specifics of the site design. The actual zoning map will not be changed until the PUD Final Stage approval
- D. Preliminary and Final Plat approvals. Corresponding with the PUD Development and Final stage reviews, the site will be re-platted to create the buildable lots and outlots.
- E. Variances from the Shoreland Overlay District Standards related to density and building height.
- F. Closing on the property and conveyance of the lots to the developers.

At this time the City is only reviewing the concept plan and making recommendation on the changing the 2030 comprehensive land use map to support the proposed redevelopment project.

The proposed concept plan includes three rental apartment buildings. The accumulative number of dwelling units is proposed to be 195 - 200. The apartments are concentrated on the Granite works properties with the Sleypen properties preserved as open space, flood storage, storm water ponding and outdoor recreation. The 200 units over the 17.3-acre site equals a density of 11.5 units per acre.

The high-density residential land use is the chosen land use for the following reasons.

1. The city needs a variety of housing types to provide work force housing for the city's growing industries. The first phase of the redevelopment project will include a 70-unit market rate rental apartment to be built along River Street by Ebert Construction. This will be an attractive high amenity apartment building that is not currently available in Delano. Within first phase of development Ron Clark Construction and design will also build a 55-unit work force apartment building that will offer a broad range of amenities and affordable rents.
2. The river corridor offers and attractive environment for the apartment buildings. The Sleypen property provides open space for the apartment residents and trail connections to Cramer Park, Central Park and Downtown Delano.
3. The Apartments' proximity to the downtown provides convenient market support for the City downtown businesses.

4. The site flood plain restrictions can be overcome through the apartment design. Each of the apartment buildings will have underbuilding parking that raise the dwelling units significantly above the flood elevations.
5. The project is intended to improve the River Corridor both aesthetically and environmentally. The project will reduce the amount of hard surface on the site, establishes a comprehensive storm drainage collection and treatment plan; increase available flood storage; provide for greater building setbacks from the river; and removes the old and poor condition buildings from the site.
6. The density and building values are needed to generate revenues through Tax Increment Financing to make the overall site redevelopment financially feasible. Alternative land uses cannot generate the tax base need to make redevelopment practical.

The concept plan site design includes:

1. A 28-foot-wide public street connecting River Street to Oak Avenue will provide access to three apartment buildings. As a public street it is designed to accommodate two-way traffic and on-street parking on one side of the street.
2. In the past concerns were expressed regarding the traffic on Oak Avenue. The primary access point is intended to be River Street. The site design provides the site access for the southern two apartment buildings at locations that make the River Street intersection the most convenient means for site access and egress.
3. The street design has a curvilinear design to provide traffic calming and reduce travel speeds.
4. 4. The site plan will provide 2+ parking stalls per unit, with one under building parking space for each dwelling unit.
5. The buildings are located along the river meeting the required shoreline setback and providing a significant separation from the single-family homes to the northeast. Measured to the nearest property line the 55-unit building is 70 feet from the property to the east and the 70-unit market rate is setback 100+ from the property to the north.
6. The Concept plan provides setback, green space and landscaping north of the street to provide additional screening between the apartments and the single-family homes.
7. A public trail will be designed along the river to provide an attractive public trail corridor between the downtown and Cramer Park. Internal sidewalks will provide pedestrian connections between buildings, the public trail, the public street and downtown Delano.
8. The 70-unit market rate apartment will be located close to River Street to contribute to the streetscape of Delano's Downtown. Its building design and materials attempt to blend with the historic architecture of the Delano downtown.

9. The Apartments will have outdoor recreational areas for their residents along the river side of the buildings. These locations move these outdoor activities away from the single-family neighborhoods.

The site current currently consists of 12 different properties. To facilitate the redevelopment the entire site will be subdivided to create 3 lots for the apartments and the remaining open space may be platted as outlots. The preliminary plat would be process with the PUD Development stage.

In re-platting the property, the following design items must be considered:

1. Site access from Oak Street. This will require street improvements as Oak Street enters the site.
2. The dedication of the public street right of way through the site.
3. The determination as to the how the open space beyond the apartment lots will be platted and owned.
4. Dedication of a public trail easement along the river across the apartment lots to the city.
5. Dedication of need drainage and utility easements.

The site is currently zoned I-2, General Industrial, Shoreland Overlay, and Floodplain Overlay. To accommodate the multiple family residential redevelopment of the site; the City will pursue a rezoning of the property to PUD, Planned Unit Development (PUD). The PUD district is needed to accommodate the redevelopment concept plan in that it does not fit within a standard zoning district. Some of the design flexibilities needed to facilitate this redevelopment may include:

1. The Concept plan proposes a total of 200 apartment units between the three buildings. This may result in a density of 11.5 units per acre. This exceeds the density allowed within the shoreland overlay district.
2. Building height.
3. Parking flexibility from the number of stalls, provision for shared parking, or off-site parking.
4. Shared private open space.
5. Shared private access driveways.

The PUD zoning allows the City to consider the physical difficulties of the site and the financial implications of redevelopment, which cannot be addressed with a standard zoning district. The PUD zoning process involves the following stages:

Concept Stage. Concept stage identifies proposed land uses, development densities, general

site design, and building layout. The planning commission is asked to consider and make recommendation on the PUD Concept Plan at their July meeting.

Development Stage. This stage involves a detailed development plan review including a preliminary plat, master site plan, grading/drainage plans, utility plans, landscape plans, lighting plans, general building floor plans, and building elevations. The development stage provides the needed detail for development approval.

Final Stage. All the development stage plans are revised to reflect City conditions of development stage approval, final plat approval, and PUD/development agreements are considered and approved.

The site redevelopment will require the following public improvements. These elements will be designed by the City Engineer and constructed as a City project.

1. Comprehensive Grading and Drainage plan that establishes final grades that meet the required building flood plain elevations, street elevations. Storm water drainage patterns, retention and treatment. This plan will also outline efforts for shoreline stabilization and shoreland impact area landscaping.
2. The design and construction of the public street and sidewalks.
3. The design and construction of the public sanitary sewer, municipal water, storm sewer and municipal electric utility.

The redevelopment of this site includes substantial costs associated with land acquisition, building demolition, site clean-up, site preparation, and public improvements that will greatly exceeds a project to on raw vacant land. To assist in this redevelopment the City will use of Tax Increment Financing (TIF). The site will qualify as a redevelopment TIF district providing public assistance to make this project work.

The redevelopment of the Granite Works Site has been identified as a long-range goal of the city in its comprehensive plan. Currently the landowner is willing to work with the city on the sale of the property. Ebert Construction and Ron Clark Construction have been selected as private sector partners working with the City to facilitate the redevelopment of the Granite Works site.

The next step in proceeding with this project is the approval of the PUD concept plan and the comprehensive land use map amendment. The approval of the PUD concept plan provides the basis to move onto the EAW, Grant applications and detailed PUD Development Stage plans.

The redevelopment of the Granite Works site has been a long-standing goal for the city, and is now a point of realization. The 2020 Concept plan is consistent with the previously approve 2017 concept plan, with improvements to both the site plan and the building designs. Based on staff review we recommend approval of the PUD Concept plans for both Ebert Construction and Ron Clark Construction as presented.

Council discussed the proposed development and current status of the property. Shawn Louwagie reviewed the Environmental Assessment Worksheet and the next steps for public hearings and comments.

Motion by Betsy Moran, seconded by Jon Sutherland to approve the Delano Granite Works redevelopment PUD Concept Plan; motion carried.

- B. Consider Highland Ridge 7th and 8th Addition proposed grading revisions *Attachments:* Driveway Slope Examples

The developer for the Highland Ridge 7th and 8th Additions (Lennar Homes) has requested that select lots be revised to support full basement homes which will require some minor grading modifications to the 7th and 8th Additions of Highland Ridge. The requested changes are due to interest from prospective homeowners.

Highland Ridge 7th Addition was constructed in 2019 with most of the lots remaining to be sold and built on. Highland Ridge 8th Addition will be undergoing construction in 2020. Wenck staff have reviewed the submitted grading changes and have determined the changes are consistent with the overall development and will not cause any negative effects. Shawn Louwagie reviewed with Council examples of driveway slopes within the community which illustrate the lots are proposed to have changes from the previously submitted plans.

Motion by Jon Sutherland, seconded by Jason Franzen to approve Highland Ridge 7th and 8th Addition proposed grading revisions; motion carried.

11. City Strategy No. 5: Foster engaged and informed community

12. City Strategy No. 6: Ensure a high-performing team of public servants

13. City Strategy No. 7: Manage a safe and healthy community

- A. Consider zoning amendment allowing chickens within city limits. *Attachments:* Supporting Documents | Proposed Ordinance | Public Hearing Notice | Public Comment Form

City Staff has been asked to research and draft an ordinance allowing urban chickens in the City of Delano. The ordinance has been requested by several City Council members. Staff has researched the pros and cons of allowing “urban chickens”. The issue of backyard chicken raising was discussed in 2011. The City Council at that time decided not to make an ordinance amendment.

Benefits of Keeping Chickens. While most of the sources online that relate to the benefits of keeping chickens are blogs and other opinion related articles, the consensus is that keeping chickens allows for fresh eggs and meat. However, the opinion-based articles online list the following positive reasons to keep and maintain chickens:

- A. **Fresh eggs.** According to Greenamerica.org, eggs that come from pasture-raised chickens are more nutritious than factory farm eggs. Further, the eggs contain less cholesterol according to the blog. The blog also notes that the chickens also provide fresh meat as opposed to heavily processed meat found in stores.
- B. **Education for kids and neighbors.** According to blogger Meredith Skyer on Homegrown.org, keeping chickens is a chance to educate neighbors on what chickens eat, and how industrial food is produced.
- C. **Insect control.** According to homegrown.org, chickens will eat bugs and provide insect control. Staff believes that this could potentially cut down on the amount of insect killer that is sprayed on lawns.
- D. **Few predators in the neighborhood.** According to homegrown.org, chickens have few predators in the City. The blog points out that predators such as foxes, weasels, cats, and hawks are not an issue in urban environments.
- E. **Manure as fertilizer.** According to greenamerica.org, chicken manure can be used for composting or as fertilizer.

Cons of Keeping Chickens. Keeping chickens can potentially cause health concerns for the residents at the property as well as the community.

Some concerns are as follows:

- A. **Salmonella.** Direct contact with chickens, as well as chicken manure, can cause the transfer of salmonella to humans. While chickens may be considered pets, they should not be handled the same way that a domestic house cat or a dog is handled. In 2019, 1,134 people in the United States were infected from salmonella as a result of coming into contact with backyard poultry (source: CDC).
- B. **Predators.** Keeping chickens can potentially attract predators such a fox, coyotes, birds of prey, weasels, skunks, stray dogs, and feral cats. Introducing these predators to an urban environment can cause a potentially dangerous situation for humans including animal bits, or traffic accidents. While the benefits identify that urban environments have fewer predators, it must be mentioned that Delano is a small community in close proximity to rural environments. Wildlife is frequently sighted in the community.
- C. **Rodents.** The storage of chicken feed can potentially cause an infestation of rats or mice. This is a major public health concern as rodents can carry diseases communicable to humans and pets.
- D. **Nuisance.** The keeping of chickens can potentially create a nuisance issue related to odors. Chicken manure and urine can potentially create unpleasant odors if the chicken coop / run is not cleaned on a regular basis.
- E. **Chickens as Pets.** While we think of chicken keeping the same as keeping a domestic

cat or dog, there are special considerations and handling that are necessary for the keeping of chickens. The CDC recommends that households with children under five years old should not keep chickens. Further, persons with weak immune systems, elderly persons, and pregnant women should not be exposed to chickens (source Centers for Disease Control and Prevention).

- F. **Sanitation.** Sanitation is crucial to avoid a public health problem related to chickens. People who handle chickens should wash their hands after feeding, cleaning the coop / run, or handling the chickens in any way. Further, it's recommended that anyone who enters the chicken coop / run should have a separate pair of shoes that are only used for that purpose and left outside at all times.

The draft ordinance attempts to regulate chicken keeping with the following highlights:

License Required. All chicken keeping will be required to obtain a license from the City. Further, chicken keeping will only be allowed in single-family residential districts.

Prohibition on Roosters. Under no conditions will roosters be allowed. This is a standard requirement that all chicken keeping ordinances have.

Limit on Quantity. Staff is recommending a limit of four hen chickens be allowed. This standard would be applied to all single-family properties that allow chickens.

Lot Requirements / Setbacks. In order for a property to obtain a chicken keeping license, a property must be a conforming lot of record. This is to ensure undersized parcels that cannot handle a coop and run do not keep chickens.

Further, the coop and run structure must meet the principal setbacks for the respective district and be closer to the principal home than a residential building on a neighboring parcel.

Single-Family Zoning Only. Staff is recommending that chicken keeping only be allowed on single-family lots. It should be noted that the R-A Rural / Agricultural District already allows chicken keeping as a permitted use.

Accessory Structure. Residential districts limit the number of accessory structures to one attached and one detached per property; or two detached structures per property. Further, the zoning ordinance limits the cumulative square feet of accessory structures allowed on a property. As part of the chicken keeping ordinance, a chicken coop and run will count towards these limits.

Enforcement and Revocation. Staff has prepared a strong enforcement section to this ordinance. The enforcement is setup to revoke chicken keeping licensing if a property has three verified complaints. Further, a violation of the chicken keeping ordinance will be considered a public health nuisance, which is a misdemeanor and is subject to a fine.

Staff has also prepared language that states a chicken keeping license will expire if the property no longer has chickens. Further, the license will expire if the property is sold.

Alan Brixius stated the Planning Commission has reviewed and held public hearing and has ultimately denied the application.

Jon Sutherland stated Council was approached by several residents to allow chickens within the city limits. This request has been sent to the Planning Commission and they have heard all public comment. Councilmember Sutherland stated he personally received a number of people contact him directly and have not heard any negative comments. Further, Councilmember Sutherland stated the ordinance in front of Council is a tough one and it's a good way to start out.

Betsy Moran stated she agreed a tough ordinance is necessary. This is a proposed new use in town and think to have the freedom to have chickens if desired is not harmful to neighbors.

1. Continue public hearing from July 7, 2020

Motion by Betsy Moran, seconded by Jon Sutherland to re-open the public hearing; motion carried.

Linnea Manske, 1319 Woods Creek Drive. Ms. Manske stated she has always had chickens and find this ordinance is the strictest of the surrounding areas. This will protect surrounding neighbors and chicken owners. Ms. Manske further discussed the benefits of having chickens.

Christine Howes, 433 Elm Avenue. Mrs. Howes stated she did not believe chickens belong in city limits stating when people choose to live in the city they have personal liberties taken away versus living in the country. We all have to give up something if we live in the city. What does it hurt when we have to put up with odor, mice and other issues. The Planning Commission voted no. Why add more regulations for city to take care of.

Mayor Graunke called for public comment three times. No additional comment was heard.

Motion by Betsy Moran, seconded by Jason Franzen to close the public hearing; motion carried.

Holly Schrupp answered Mrs. Howes question regarding the Planning Commission stating they are an advisory commission to the Council.

Betsy Moran discussed enforcement to residents who do not follow the requirements of the ordinance.

Jon Sutherland stated many comments were received from the public and were balanced. As far as zoning issues or problems, they will be covered by the Ordinance and the ordinance.

Holly Schrupp stated the City of Delano is a unique city where we're surrounded by township. This gives residents the opportunity to have chickens in the township.

Motion by Jon Sutherland, seconded by Betsy Moran to adopt ordinance O-20-08 amending city code addressing the keeping of chickens in residential zoning districts; motion carried.

14. City Strategy No. 8: Maintain and protect community strengths

15. Updates from Commission Liaisons

- A. Fire Relief Association
- B. Park and Recreation Commission
- C. Planning Commission
 - 1. July 13, 2020
- D. Public Safety Commission
- E. Spirit of Community Commission
- F. Water, Light and Power Commission

16. Other Business

- A. Request from Larry Davis (Jeff Vanderlinde office building) for SAC and WAC cost relief

17. Communications and Announcements

18. Claims

- A. City Claims

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

19. Adjournment

There being no further business to discuss, the regular meeting of the Delano City Council/Economic Development Authority of Tuesday, July 21, 2020, was adjourned.

Signed:

Dale Graunke, Mayor
Attest: Paula Bauman, Administrative Services Coordinator