

City of Norwood Young America – City Hall
EDA Agenda and City Council Agenda
July 25, 2016 – 6:30 p.m.

1. Call Meeting of Economic Development Authority to Order

1.1 Pledge of Allegiance

2. Approve Agenda

2.1 Approve minutes of June 27, 2016

3. Adjournment

1. Call Meeting of City Council to Order

2. Approve Agenda

3. Introductions, Presentations, Proclamations, Awards, and Public Comment (Individuals may address the City Council about any non-agenda item of concern. Speakers must state their name, address, and limit their remarks to three minutes. The City Council will not take official action on these items, but may refer the matter to staff for a future report or direct that the matter be scheduled for a future meeting agenda.)

3.1 Tour de Tonka – Tim Litfin

3.2 Sheriff Deputy Jeff Stratton 2nd Quarter Report

3.3 Planning Commission 2016 Goals & Objectives Update – Bill Grundahl

3.4 Economic Development Commission 2016 Goals & Objectives Update – Kyle Strickfaden

4. Consent Agenda (NOTE TO THE PUBLIC: All those items listed as part of the Consent Agenda will be approved by a single motion, unless a request to discuss one of those items is made prior to that time. Anyone present at the meeting may request an item to be removed from the consent agenda. Please inform the Council when they approve the agenda for this meeting.)

4.1 Approve minutes of City Council July 11, 2016

4.2 Approve payment of claims

4.3 Reschedule Special City Council Meeting

4.4 Approve LG230 Application to Conduct Off-Site Gambling for Ascension Catholic United

4.5 Approve LG230 Application to Conduct Off-Site Gambling for Knights of Columbus

4.6 Devonshire Drive Street Closing Request

5. Public Hearings

5.1 Ordinance No. 272, City Council Regular Meeting Starting Time

6. Old Business

7. New Business

6.1 Ordinance No. 272, City Council Regular Meeting Starting Time

6.2 Ordinance No. 275, Opting out of Temporary Family Health Care Dwelling Law

6.3 Resolution 2016-15, Outdoor Storage Determination at 309 First Street NE

8. Council Member Reports

9. Mayor's Report

10. Adjournment

The following informational items have been included in the Council packet for informational purposes, council review and discussion. No action is required by the City Council:

UPCOMING MEETINGS/EVENTS

July 27 Special City Council – 6:00 p.m.

August 4 Special City Council – 6:00 p.m.

August 8 City Council – 6:30 p.m.

August 10 Economic Development Commission – 6:30 p.m.

August 11 Senior Advisory Committee – 9:00 a.m.

August 16 Parks and Rec. Commission – 5:30 p.m.; Planning Commission – 7:00 p.m.

August 22 EDA and City Council – 6:30 p.m.

August 2 National Night Out, Legion Park

City of Norwood Young America - CITY COUNCIL MINUTES
July 11, 2016 – 6:30 p.m.

Council Members Present: Tina Diedrick, Craig Heher, Carol Lagergren, Mike McPadden, Dick Stolz
City Staff Present: City Administrator Steve Helget, City Clerk Kelly Hayes, Public Utilities Director Ryan Winter
Also Present: Larry Panning, Cassandra Kemp – Planning Commission, Beth Quist – Thirsty's Bar & Grill

1. Call Meeting of City Council to Order

Meeting was called to order by Mayor Diedrick at 6:30pm
1.1 Pledge of Allegiance

2. Approve Agenda

Motion: McPadden to approve the agenda. Second Stolz. Vote 5 – 0. Motion carried.

3. Introductions, Presentations, Proclamations, Awards, and Public Comment

Larry Panning requested information as to why the Willkommen Park restrooms were torn down without having a plan for replacing them. Mayor Diedrick responded that due to the mold and other issues, the restrooms were taken down. The plan was to build in 2017. The Parks Commission requested to try to complete the restrooms by Stiftungsfest this year. Bids were taken, however, the only bid that was received was for over \$165,000 which was not in the budget. The plan now is to get bids in the winter when contractors are looking for work and will not be in a time crunch to get it completed.

4. Consent Agenda

- 4.1 Approve minutes of June 27, 2016 meeting
- 4.2 Approve payment of claims
- 4.3 Approve Thirsty's Bar & Grill Outdoor Event

- Beth Quist gave an update on what Thirsty's Bar & Grill would like to do for the two outdoor events. Received neighbor signatures. Would like to modify request to remove the first two sentences of the 2nd paragraph of their request under Saturday, August 20, 2016. Lagergren requested to move 4.3 Approve Thirsty's Bar & Grill Outdoor Event to 7.8 under New Business.

Motion: Lagergren to approve items 4.1 and 4.2 from the consent agenda and to move 4.3 to New Business. Second by Heher. Vote 5 – 0. Motion carried.

5. Public Hearing - none

6. Old Business - none

7. New Business

- 7.1 2016 Water Supply Plan Update – Engineering Proposals

All counties within 7 county metro must complete Water Supply Plan. Plan includes goals, emergency plan, and plans on how to reduce water usage. Received proposals from engineering companies Bolton & Menk for \$6400 and SEH for \$7400.

Motion: Lagergren to accept Bolton & Menk's service proposal to complete the City's 2016 Water Supply Plan. Second McPadden. Vote 5 – 0. Motion carried.

- 7.2 WWTF Gate Valves Replacement

Motion: Stolz to approve purchasing three 6" FL plug valves and one 8" FL plug valve with gate and hand wheel with the coupling restraint from Minnesota Pipe & Equipment for \$4,662.75. Second Heher. Vote 5-0. Motion carried.

- 7.3 WWTF Methane Gas Unit and Valves Repair

Motion: McPadden to approve hiring Dowco Valve and Paape Companies to fix the Methane Gas Burning Unit and valves for a cost not to exceed \$10,000. Second Stolz. Vote 5 – 0. Motion carried.

- 7.4 WWTF RAS Pumps Check Valves Replacement

Motion: Stolz to approve purchasing Swing Check Valves with Lever weight from Kodru Mooney for \$3,483.00. Second Heher. Vote 5 – 0. Motion carried.

- 7.5 OrangeBall Creative Service Agreement

Orangeball will create a logo and tagline for the City. The EDC will meet to discuss creating a Marketing Committee.

Motion: Lagergren to retain Orangeball Creative for phases I and II of their marketing plan for 2016 with the updates reviewed. Second McPadden. Vote 5 – 0. Motion carried.

- 7.6 Sidewalk Removal Request

Parks Commission reviewed the request and said that it won't impact the city's sidewalk and trail plan. The sidewalk in front of these two properties is very close to the homes.

Motion: Stolz to approve the request to remove the public sidewalk at 114 and 118 First Street NE. Second Heher. Vote 5 – 0. Motion carried.

7.7 Schedule Special City Council Meetings

Meetings to discuss the 2017 Budget and Capital Improvements.

Motion: Lagergren to schedule Special City Council Meetings at 6:00pm on Tuesday July 27 and August 2. Second Heher. Vote 5 – 0. Motion carried.

7.8 Thirsty's Bar & Grill Outdoor Event

Motion: Lagergren to allow outdoor events within the fenced in area of the backyard only at Thirsty's Bar & Grill at 105 Main Street on Saturday, August 20, 2016 as well as during Stiftungsfest Friday – Sunday August 26 – 28, 2016 with no alcoholic beverages served or consumed in front of the establishment. Second Heher. Vote 5 – 0. Motion carried.

8. Council Member Reports - none

9. Mayor's Report

Reminder about upcoming events:

Sunday, July 17 Legion BBQ at Legion Pool Shelter

Tuesday, July 19 Taste of NYA at Pavilion

Thursday, July 21 Highway 212 Open House at City Hall

10. Adjournment

Motion: McPadden to adjourn at 7:28pm. Stolz second. Vote 5 – 0. Motion carried.

The following informational items have been included in the Council packet for informational purposes, council review and discussion. No action is required by the City Council:

UPCOMING MEETINGS/EVENTS

July 13 EDA and City Council – 6:30 p.m.

July 14 Senior Advisory Committee – 9:00 a.m.

July 19 Parks and Rec. Commission – 5:30 p.m.; Planning Commission – 7:00 p.m.

July 25 City Council – 6:30 p.m.

Respectfully Submitted,

Mayor

Kelly Hayes City Clerk

CITY OF NORWOOD YOUNG AMERICA

**VOUCHER LIST / CLAIMS ROSTER
and CHECK SEQUENCE**

To Be Approved: July 25, 2016

Pre-Paid Claims (Check Sequence #503769-503800; 25854-25855)	<u>\$24,237.14</u>
Claims Pending Payment (Check Sequence #25856-25911)	<u>\$68,170.36</u>
Grand Total	<u>\$92,407.50</u>

PAYROLL JULY 14, 2016

CHECK #	EMPLOYEE	GROSS
503769	ARETZ, BRENT R	\$2,727.06
503770	BIXBY, ATTICUS	\$90.25
503771	BRINKMAN, MATTHEW J,	\$816.90
503772	CARLSON, COURTNEY	\$344.38
503773	DIEDRICK, MCHAYL	\$363.38
503774	EICHNER, REESE, W,	\$410.26
503775	FRAHM, KEVIN	\$1,336.00
503776	GOLBERG, KAILEY	\$276.25
503777	GOLBERG, KATANA J,	\$545.75
503778	HAAG, HERMAN	\$45.92
503779	HAYES, KELLY	\$2,136.00
503780	HOEN, ROBERT G,	\$574.56
503781	JACOBS, CAMBRIA S	\$94.09
503782	LAGERGREN, BEN	\$652.89
503783	MICHNIEWICZ, ERIKA	\$278.45
503784	NIESEN, CHRISTOPHER D,	\$1,504.81
503785	ORR, AMBER G	\$473.44
503786	PEREZ, ANGEL M	\$42.75
503787	SCHNEEDWIND, BRIAN O	\$1,202.40
503788	SWANSON, ELLE L	\$273.13
503789	WICKENHAUSER, GRACE	\$403.75
503790	WILABY, TYLER L	\$194.75
503791	LENZ, DEBRA A	\$1,844.01
503792	MENZEL, ALICIA	\$1,511.20
503793	SCHRUPP, JOHN O	\$3,068.56
503794	STENDER, DANIEL H	\$1,844.00
503795	WINTER, RYAN P	\$2,722.72
503796	HELGET, STEVE	\$3,434.40
503797	KLOEMPKEN, JASON A	\$1,437.60
503798	HOOFF, DALE H	\$236.16
503799	JOHNSON, MATTHEW	\$746.88
		GROSS \$31,632.70
503800	KLEINBANK	NET \$22,085.48

CITY OF NORWOOD YOUNG AMERICA

07/21/16 10:46 AM

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***Check Detail Register©**

JUNE 2016 to JULY 2016

			Check Amt	Invoice	Comment
10100 CHECKING					
Paid Chk#	025854	7/8/2016			HEALTH EQUITY
	G 101-21718	HSA ACCOUNT	\$666.66		HSA MAY PAYMENT
		Total HEALTH EQUITY	<u>\$666.66</u>		
10100 CHECKING					
Paid Chk#	025855	7/13/2016			ORANGEBALL CREATIVE
	E 101-46500-305	Other Professional Fees	\$1,485.00		DOWN PAYMENT
		Total ORANGEBALL CREATIVE	<u>\$1,485.00</u>		
		10100 CHECKING	<u>\$2,151.66</u>		

Fund Summary

10100 CHECKING	
101 GENERAL FUND	\$2,151.66
	<u>\$2,151.66</u>

July 25, 2016 CHECK REGISTER

CHECK #	VENDOR	AMOUNT
025856	BOLTON & MENK, INC	-104.5
025857	CARDMEMBER SERVICE	-2156.73
025858	CARQUEST AUTO PARTS	-471.9
025859	CARVER COUNTY ATTORNEYS OFF	-2679.87
025860	CARVERLINK-CARVER CO BROADBAND	-1286.34
025861	CENTER POINT	-181.92
025862	Void	0
025863	CULLIGAN WATER CONDITIONING	-9.4
025864	Void	0
025865	DELTA DENTAL	-278.55
025866	ECONO FOODS	-34.71
025867	EHLERS AND ASSOCIATES, INC	-500
025868	EMERGENCY RESPONSE SOLUTIONS	-333.41
025869	G & K SERVICES	-222.99
025870	Void	0
025871	HAWKINS WATER TREATMENT GROUP	-77.55
025872	HD SUPPLY WATERWORKS	-184.85
025873	Void	0
025874	HEALTH PARTNERS	-15055.72
025875	HELGET, STEVE	-900
025876	Void	0
025877	HERMEL WHOLESALE	-99.33
025878	HORIZON COMMERCIAL POOL SUPPLY	-3090
025879	INTERSTATE POWER SYSTEMS	-967.24
025880	LAKELAND CO	-349.77
025881	Void	0
025882	LANO EQUIPMENT	-250
025883	Void	0
025884	LOFFLER BUSINESS SYS LLC	-86.52
025885	MINNESOTA PIPE & EQUIPMENT	-1472.62
025886	Void	0
025887	MINNESOTA VALLEY TESTING LAB	-552.67
025888	Void	0
025889	MPH	-1324.19
025890	Void	0
025891	MUNICIPAL DEVELOPMENT GROUP	-1162.53
025892	Void	0
025893	NYA TIMES	-181.44
025894	Void	0
025895	PEARSON BROS., INC.	-10143
025896	PRO AUTO & TRANSMISSION REPAIR	-1036.71
025897	Void	0
025898	PRO IRRIGATION	-90
025899	Void	0
025900	Void	0
025901	QUILL CORPORATION	-243.91
025902	Void	0
025903	SEH	-6625
025904	Void	0
025905	TWIN CITIES & WESTERN RAILROAD	-627
025906	UNITED FARMERS CO-OP	-42.18
025907	UNUM LIFE INSURANCE CO	-118.17
025908	US HEALTH WORKS MEDICAL GRP	-120
025909	Void	0
025910	XCEL ENERGY	-14776.48
025911	SUN LIFE ASSURANCE COMPANY	-333.16

\$ (68,170.36)



City of Norwood Young America
310 West Elm Street, PO Box 59
Norwood Young America, MN 55368
www.cityofnya.com
952/467-1800

TO: Honorable Mayor Diedrick and Members of the City Council
CC: Steve Helget, City Administrator
FROM: Kelly Hayes, City Clerk/Treasurer
DATE: July 25, 2016
RE: Lawful Gambling Application – Ascension Catholic United

Ascension Catholic United has submitted an LG230 Application to Conduct Off-Site Gambling. This permit authorizes the organization to conduct lawful gambling by raffle and bingo for not more than 12 events and not to exceed 36 days from August 1, 2016 – August 1, 2017. The Minnesota Gambling Control Board requires the City Council to approve the permit application before it issues the permit.

Recommendation: **A motion to approve the Lawful Gambling LG230 Application to Conduct Off-Site Gambling for Ascension Catholic United.**



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TO: Honorable Mayor Diedrick and Members of the City Council
CC: Steve Helget, City Administrator
FROM: Kelly Hayes, City Clerk/Treasurer
DATE: July 25, 2016
RE: Lawful Gambling Application – Knights of Columbus

Knights of Columbus has submitted an LG230 Application to Conduct Off-Site Gambling. This permit authorizes the organization to conduct lawful gambling by raffle and bingo for not more than 12 events and not to exceed 36 days from August 26, 2016 – August 25, 2017. The Minnesota Gambling Control Board requires the City Council to approve the permit application before it issues the permit.

Recommendation: **A motion to approve the Lawful Gambling LG230 Application to Conduct Off-Site Gambling for Knights of Columbus.**



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TO: Honorable Mayor Diedrick and City Council Members
FROM: Kelly Hayes, City Clerk/Treasurer
DATE: July 25, 2016
SUBJECT: Streets Closing Request – Devonshire Drive

Resident Carolyn Durbin, address 528 Devonshire Drive, is requesting approval to close Devonshire Drive from 526 Devonshire and heading west to the corner of Devonshire and 2nd Ave SE on August 2, 2016 from 3pm – 8pm. The street closing is for the annual National Night Out.

RECOMMENDATION:

Motion to approve closing Devonshire Drive from 526 Devonshire and heading west to the corner of Devonshire Drive and 2nd Avenue SE on August 2, 2016 from 3pm – 8pm.



TO: Honorable Mayor Diedrick and City Council Members
FROM: Steven Helget, City Administrator
DATE: July 25, 2016
SUBJECT: Ordinance No. 272, City Council Regular Meeting Starting Time

A public hearing has been scheduled for 6:30 p.m., for the purpose of considering Ordinance No. 272, an ordinance amending Chapter 2, Section 200.03 of the City Code. Proposed is to consider establishing a monthly City Council workshop meeting prior to the second Council meeting of each month. The workshop meeting would commence at 6:00 p.m. and therefore proposed is to change the starting time of the regular meeting to 7:00 p.m. Again, this is just for the second City Council meeting of each month. The starting time for the first meeting would remain 6:30.

This public hearing was advertised in The Norwood Young America Times and at this time no public comments have been submitted.

Suggested Motion:

Motion to adopt Ordinance No. 272, an ordinance amending the text of Chapter 2, Section 200.00, In General.

CITY OF NORWOOD YOUNG AMERICA
CARVER COUNTY, MINNESOTA

ORDINANCE NO. 272

AN ORDINANCE AMENDING THE TEXT OF CHAPTER 2
SECTION 200 – IN GENERAL

THE CITY COUNCIL OF THE CITY OF NORWOOD YOUNG AMERICA HEREBY ORDAINS:

SECTION 1. AMENDMENTS. The text of Chapter 2, Administration, of the Norwood Young America City Code is hereby amended as follows:

SECTION 200 (MEETINGS OF THE COUNCIL) IS HEREBY AMENDED BY ADDING, DELETING, OR CHANGING THE FOLLOWING:

Section 200 – In General

200.01 Authority. The City of Norwood Young America, located in Carver County, Minnesota is a municipal corporation incorporated by the laws of the State of Minnesota on January 1, 1997 and incorporates the former independent municipalities of Norwood and Young America. By virtue of its incorporation under the laws of the State, the City operates under the Minnesota Statutes Chapter 412, and any other applicable State Statutes conferring powers and duties upon municipalities.

200.02 Optional Plan “A.” Having held an election on the subject, the City shall operate under the Optional Plan “A” form of government as authorized in Minnesota Statutes, Chapter 412.

200.03 Meetings of the Council.

Subd. 1 Regular Meetings. The City Council shall meet on the second and fourth Monday of every month ~~at 6:30~~ in the City Hall. On the second Monday the meeting shall commence at 6:30 p.m. and on the fourth Monday the meeting shall commence at 7:00 p.m.

Subd. 2 Special Meetings. A special meeting may be called by the Mayor or by any two councilmembers pursuant to the notice requirements of Minnesota Statutes § 471.705 at such time and place and for such purposes as stated in the notice of the meeting.

Subd. 3 Emergency Meetings. When the health, safety, or welfare of the city or its residents would be unduly endangered or subject to imminent harm by any delay, the Council may convene an emergency meeting without advance notice to discuss how to handle the emergency situation.

The strikethrough language is deleted; the underlined language is inserted.

200.04 Address. The official address for the City shall be:

City of Norwood Young America
310 Elm Street West
Norwood Young America, MN 55368

SECTION 2. EFFECTIVE DATE. This ordinance shall be in full force and effect upon its passage and publication.

Adopted by the Norwood Young America City Council this 25th day of July 2016.

Tina Diedrick, Mayor

ATTEST:

Kelly Hayes, City Clerk/Treasurer



To: Honorable Mayor Diedrick
Members of the City Council
Administrator Helget

From: Cynthia Smith Strack, Consulting Planner

Date: July 25, 2016

Re: Ordinance Opting Out of Temporary Family Health Care Dwelling Law

BACKGROUND

At the June meeting the PC discussed a law signed by Governor Dayton regarding temporary family health care dwellings. Cities are allowed to opt out of the law provided an Ordinance is approved and made effective by September 1, 2016.

The PC called for a public hearing on an Ordinance to opt out of the law due to concerns with the law's language including: (1) lack of opportunity for adjacent property owners to comment on the ADU, (2) potential for 'temporary' to morph into semi-permanent with separate individual family members succumbing to illness/injury and/or chronic and reoccurring instances of illness/injury, (3) constitutionality of the limited definition of 'relative' included in the law, (4) aesthetic concerns, (5) life safety concerns of dwelling unit occupants during adverse weather conditions, (6) adequacy of sanitation services, (7) oversight and staff time required to comply with, document, and follow up on temporary ADU, and (8) limited time allowance for review (i.e. 15 days).

The Planning Commission held a public hearing on an Ordinance to opt out of the law. Following the public hearing the PC approved a motion recommending the City Council adopt the draft Ordinance.

Please find attached an Ordinance opting out of the law based on a template from the League of Minnesota Cities.

ACTION

The draft Ordinance is offered for Council consideration.

**CITY OF NORWOOD YOUNG AMERICA
ORDINANCE NO. 275**

**AN ORDINANCE OPTING-OUT OF THE REQUIREMENTS OF
MINNESOTA STATUTES SECTION 462.3593 RELATING TO
TEMPORARY FAMILY HEALTH CARE DWELLINGS**

- I. THE CITY COUNCIL OF THE CITY OF NORWOOD YOUNG AMERICA, MINNESOTA, IN ORDER TO PROMOTE THE PUBLIC SAFETY, HEALTH, AND WELFARE, HEREBY ORDAINS CHAPTER 12, SECTION 1245.04 OF THE CITY CODE SHALL BE AMENDED BY ADDING SUBDIVISION 3 AS FOLLOWS:**

Opt-Out of Minnesota Statutes, Section 462.3593 as may be amended from time to time. Pursuant to authority granted by Minnesota Statutes, Section 462.3593, subdivision 9, the City of Norwood Young America, Minnesota opts-out of the requirements of Minn. Stat. §462.3593, which defines and regulates Temporary Family Health Care Dwellings.

- II. EFFECTIVE DATE: THIS ORDINANCE IS EFFECTIVE UPON ITS ADOPTION AND PUBLICATION AS PRESCRIBED BY LAW.**

Adopted by the City Council of the City of Norwood Young America on the 25th day of July, 2016.

Tina Diedrick, Mayor

ATTEST:

Kelly Hayes, City Clerk/Treasurer

City of Norwood Young America
Summary of Ordinance No. 275
Amending City Code Chapter 12, Zoning Code

The City of Norwood Young America has adopted Ordinance No. 275 entitled "An Ordinance opting-out of the requirements of Minnesota Statutes Section 462-3593 relating to Temporary Family Health Care Dwellings

The City Council of the City of Norwood Young America, Minnesota, in order to promote the public safety, health, and welfare, hereby ordains Chapter 12, Section 1245.04 of the City Code shall be amended by adding Subdivision 3 as follows:

Opt-Out of Minnesota Statutes, Section 462.3593 as may be amended from time to time. Pursuant to authority granted by Minnesota Statutes, Section 462.3593, subdivision 9, the City of Norwood Young America, Minnesota opts-out of the requirements of Minn. Stat. §462.3593, which defines and regulates Temporary Family Health Care Dwellings.

Effective Date: This ordinance becomes effective upon its passage and publication according to law. Ordinance No. 275 was adopted by the City Council on July 28, 2016.

A complete printed copy of Ordinance No. 275 is available for review by any person during regular office hours at the Norwood Young America City Offices, located at 310 Elm St West.

Steven Helget
City Administrator



TO: Honorable Mayor Diedrick and City Council Members

FROM: Steven Helget, City Administrator

DATE: July 25, 2016

SUBJECT: Resolution 2016-15, Outdoor Storage Determination at 309 First Street NE

In respect to the property located at 309 First Street NE and the nonconforming use of the property, specifically the commercial outdoor storage, staff has determined that a substantial decrease in the intensity of outdoor storage markedly occurred during the period of 2013 through 2015. Staff has determined that the nonconforming use of the property has been terminated with the exception of 10%.

Pioneer Storage & Rental, the property owners, have been contacted and are in agreement that only 10% of the parcel may be utilized for commercial outdoor storage.

Suggested Motion:

Motion to approve Resolution 2016-16, a resolution determining certain outdoor storage as a legal nonconforming use at 309 First Street NE.

RESOLUTION 2016-15

RESOLUTION DETERMINING CERTAIN OUTDOOR STORAGE AS A LEGAL NONCONFORMING USE AT 309 FIRST ST. NE

BE IT RESOLVED by the City Council of Norwood Young America, Carver County, Minnesota as follows:

WHEREAS, the property located at 309 First St. NE, including PID # 58.0510520 (the "Property") is zoned R-3 (Medium Density Mixed Residential); and

WHEREAS, the permitted uses for properties in the R-3 Zoning District include single-family dwellings; twin homes; two-family dwellings; townhomes up to 4 units per attached group; a State licensed residential facility serving six (6) or fewer persons, a State licensed day care facility serving 12 or fewer persons, and a group family day care facility licensed under Minnesota Rules, parts 9502.0315 to 9502.0445 to serve 14 or fewer children; and public parks, open spaces and other recreational uses, non-commercial in nature; and

WHEREAS, the Property has historically been utilized for commercial storage; and

WHEREAS, Tim Anderson and Wayne Anderson, Pioneer Storage & Rental LLC (the "Applicants") have requested a determination on the amount of business related outdoor storage that will be permissible at their property located at 309 First Street NE; and

WHEREAS, City staff have determined the property to be 1.05 acres or 45,738 and have researched the non-conforming use and the intensity of outdoor storage and determined that it decreased markedly between 2013 and 2015 .

THEREFORE BE IT RESOLVED that the City Council of Norwood Young America, Carver County, Minnesota, hereby makes and adopts the following Findings of Fact:

1. Outdoor Storage in the R-3 District is not a permitted or conditionally permitted use.
2. The Use appears to be consistent with the historical use of the property for commercial storage, subject to conditions listed below.
3. The Use appears that it will not result in an expansion of the legal nonconforming use of the Property, defined by Ordinance as an increase of outdoor storage or intensification of the performance standards listed in Section 1245.01 of Chapter 12- Zoning of the Norwood Young America City Code, subject to conditions listed below.

THEREFORE, BE IT FURTHER RESOLVED, that the City Council of Norwood Young America, Carver County, Minnesota, hereby determines that the Use of the Property meets the provisions of Section 1215 of Chapter 12-Zoning of the Norwood Young America City Code and hereby approves the Applicant's use of the Property for commercial storage, subject to the following conditions:

1. The Applicant shall not utilize more than 10% (4,574 square feet) of the entire parcel for outdoor storage.
2. All storage permitted must be maintained to the south of the existing building as illustrated on the attached aerial photograph and kept in a neat and tidy manner.
3. The materials stored outdoors shall be restricted to boats, campers, RVs, and fish houses.
4. The interior use of the existing buildings shall be limited to storage.
5. At no time shall there be storage of any vehicles, materials, equipment or similar that will result in the emission of noise or vibration, smoke and particulate matter, refuse, or odor, or any other performance standards as established in Chapter 12-Zoning or that create a nuisance as defined in Chapter 6-Nuisances of the Norwood Young America City Code.
6. This approval shall expire one year after the date of adoption unless the Applicants have commenced operation of the Use on-site.
7. This approval is subject to all applicable codes, regulations, ordinance, and conditions of this Resolution 2016-15 and violation thereof shall be ground for revocation.
8. The site shall be subject to inspection and review by the City for compliance with the provisions of this Resolution 2015-15.
9. The nonconforming continuance rights for the Property, approved under this Resolution 2016-15 shall be revoked if the Use ceases for more than 12 consecutive months.
10. The property owners have been consulted with and they are in agreement that the non-conforming use of the property for commercial outdoor storage has been terminated except for the 10% or 4,574 square feet and hereby agree to limit the storage area as illustrated in the attached aerial photograph.

Adopted by the City Council this 25th day of July 2016.

CITY OF NORWOOD YOUNG AMERICA

Tina Diedrick, Mayor

ATTEST:

Kelly Hayes, City Clerk/Treasurer

309 1ST ST NE

1st St NE

Main St E

5th Ave NE

4th Ave NE

4th Ave NE

3rd Ave NE

3rd Ave NE

1st St NE

34

34

