



## CITY COUNCIL AGENDA

August 26, 2019 – 6:00 p.m.

Work Session; followed by EDA / City Council Meetings

### WORK SESSION

1. Call Meeting of City Council Work Session to Order
  2. Approve Agenda
    - 2.1 2020 Highway 212 Mill & Overlay and County Road 33/Highway 5 Roundabout Project
    - 2.2 2040 Comprehensive Plan
  3. Adjournment
- 

### ECONOMIC DEVELOPMENT AUTHORITY

1. Call Meeting of Economic Development Authority to Order
    - 1.1 Pledge of Allegiance
  2. Approve Agenda
    - 2.1 Approve minutes of July 22, 2019 meeting
  3. Adjournment
- 

### CITY COUNCIL

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 Shelley Kendrick, Ecumen CEO/President
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 August 12, 2019 meeting
  - 4.2 Approve payment of claims
  - 4.3 Direct Support Professionals Recognition Week Proclamation
5. Public Hearings
6. Old Business
  - 6.1 Public Service Building Clean-Up Report
7. New Business
  - 7.1 Consider Sinclair Food Mart Outdoor Storage Clean-up Deadline Extension Request
  - 7.2 Adopt Ordinance No. 321, Auto Repair Use and approve the Summary Publication
  - 7.3 Approve Resolution 2019-20, Lionshead Specialty Tire and Wheel Interim Use Permit
  - 7.4 Consider acquisition of Tax Forfeited Property
  - 7.5 Approve Economic Development / Marketing Director Hiring
  - 7.6 Approve Accounting Clerk and Office Assistant Job Descriptions
  - 7.7 Approve Brent Aretz Retirement
  - 7.8 Approve Resolution 2019-21, Carver County All Hazard Mitigation Plan
  - 7.9 Approve Crown College Baseball Facility Use Agreement
  - 7.10 Approve The Preserve 5<sup>th</sup> Addition Letter of Credit Reduction

8. Council Member & Mayor Reports

9. 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: Carver County Sheriff's Office July 2019 Report.

**UPCOMING MEETINGS / EVENTS**

September 4 Planning Commission – 6:00 p.m.

September 9 Personnel Committee – 5:00 p.m.

September 9 City Council – 6:00 p.m.

September 11 Economic Development Commission – 6:00 p.m.

September 19 Senior Advisory Committee – 9:00 a.m.

September 17 Parks and Recreation Commission – 4:45 p.m.

September 18 Safety Committee – 2:00 p.m.

September 23 Work Session, EDA, City Council – 6:30 p.m.

October 9 Joint Meeting – City Council, EDC, Planning Commission, Parks & Recreation Commission, and Chamber of Commerce Board – 6:30 p.m.



TO: Honorable Mayor Lagergren and City Council Members

FROM: Steven Helget, City Administrator

DATE: August 26, 2019

SUBJECT: 2040 Comprehensive Plan

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Stephanie Falkers, SRF Consulting Group, will present an update on the 2040 Comprehensive Plan. Ms. Falkers will review the comments received from Carver County and the Metropolitan Council. Ms. Falkers will also review the remaining steps in the process to complete the 2040 Comprehensive Plan.





**To:** Norwood Young America City Council  
**From:** Stephanie Falkers, Senior Associate  
**Date:** August 26, 2019  
**Subject:** Comprehensive Plan – Metropolitan Council Completeness Review

### Metropolitan Council Completeness Review

The Draft Norwood Young America Comprehensive Plan was submitted to the Metropolitan Council for review in April 2019. This submittal initiated the review process of the draft plan with the council. The review process is broken into two major components, the first is completeness review, followed by the formal plan review and approval process. The completeness review includes a review of each plan element to ensure that all requirements are met, and that the plan responds and aligns with regional policy and direction. Similar to many communities in the region, we received a response from the Council deeming the plan incomplete and outlining areas to be addressed. This response can be found attached to this memo.

### Comprehensive Plan Updates

The consultant team worked with staff to update the draft Comprehensive Plan to address the comments received from the Metropolitan Council. An updated draft plan is included within your packet, and the changes are summarized below:

- Wastewater
  - Additional data and narrative was added to the water resources chapter to provide the requested data for the sewer forecasts. This data aligns the land use staging growth with the future provision of sanitary service. It is then intent that future growth will be annexed into the city and connected to the local system.
  - Information was added related to the timing of improvements to infrastructure and the treatment facility. At this time, no expansion plans are in place as capacity needs are currently met. The city is currently working with the Minnesota Pollution Control Agency to update its National Pollutant Discharge Elimination System (NPDES) permit which will identify any needed upgrades to comply. This is noted within the narrative.
  - The city will provide the required permits and GIS data as noted.

- Land Use
  - Figure 2 was added to the document to acknowledge the community designation.
  - Edits were made to the tables, figures and narrative of both the existing and future land use categories to ensure consistency throughout the document.
  - The Orderly Annexation Boundary was updated on all plan graphics to include one solid boundary. The three lakes are included within the OAA.
  - Updates were made to the parcels within the Agricultural Preserve. There were multiple properties that exited from the program in 2018 and 2019 that have been removed from the figure. Exit from the program makes these properties eligible for future development and can therefore be designated with a future land use. Additionally, the identified exit date was replaced on Figure 9, Agricultural Preserve Areas, if one has been identified, rather than the date the property entered the program.
  - The 2040 acreage consumption by land use was updated throughout the land use chapter to align with the specific land uses and current data. The previous draft summarized the residential land uses together, and these uses have been split in the updated draft.
  - The Downtown Mixed-Use category was updated to reflect a 60% commercial and 40% residential split to support the future housing needs.
  - The density range for the Low Density Residential category was modified to 1 to 8 (from 1 to 7). This covers the gap between the Low and Medium categories (i.e., 7.5 units per acre is allowed in low).
- Surface Water Management
  - These comments did not apply to the City of Norwood Young America and no changes were made.
- Housing
  - The correct names of each future land use category were verified throughout the chapter.
  - A table was added to address the total residential development area aligned for growth at a density of 8 units per acre or higher between 2021 and 2030. A minimum of 34 acres needs to be designated to respond to the affordable housing allocation from the Met Council, and 76 acres have been identified within the community.
  - A housing tools and programs table was added to the document to describe available programs and tools that the city can use to meet its housing goals. This table includes tools currently in place, along with other available resources that may be considered.
  - As noted, to remain eligible for Livable Community Act funds, a fair housing policy must be adopted. This has been noted within the chapter.
  - Additionally, it was noted that Low-Income Housing Tax Credits (LIHTC) may expire as soon as 2021 for 78 units of affordable housing. The consideration of a preservation plan has also been added to the narrative.
- Surface Water Management
  - The Surface Water Management Plan is currently under review as noted within the comments. The Comprehensive Plan will be updated as the review is completed and the plan is updated.



- Transportation
  - A discussion of the Americans with Disabilities Act (ADA) was added to the transportation chapter.
  - Notation of the lack of funds for the US 212 expansion was noted, and the city's support of the project and identification of funding was noted.

### **Carver County Comments**

Carver County completed their affected and adjacent review of the plan and provided comments on April 26<sup>th</sup>, following submittal of the plan to the Metropolitan Council. The comment received are attached to this memo and have been addressed within the updated. Plan. These changes included updates to the 2040 traffic volumes and analysis to align with the county's updated model. The future land use figures were provided to the county and no additional comments were received.

### **Next Steps**

No formal action by the Planning Commission is required at this time. The presentation of the updated plan is informational as the plan continues through the process. The updates to the plan will be presented to the City Council at their August 12<sup>th</sup> hearing. Pending any additional changes, the plan will then be resubmitted to the Metropolitan Council to continue through the review process. Once the plan is approved by the Council, the Planning Commission will hold a public hearing to recommend adoption of the plan.

Steve Helget  
City Administrator  
City of Norwood Young America  
310 Elm Street W, PO Box 59  
Norwood Young America, MN 55368

**RE: City of Norwood Young America 2040 Comprehensive Plan – Incomplete for Review**

Metropolitan Council Review File No. 22238-1  
Metropolitan Council District 4, Councilmember Deb Barber

Dear Mr. Helget:

Thank you for the submission of the City of Norwood Young America's 2040 Comprehensive Plan (Plan) on March 28, 2019. The City submitted supplemental information on April 12, 2019. Council staff found that there are areas where the Plan is incomplete. Review of the Plan will be suspended until the additional information is submitted and found complete for review. The following items were found incomplete:

**REQUIRED INFORMATION**

**Wastewater (Roger Janzig, 651-602-1119)**

- Provide adopted community sewer forecasts in 10-year increments to 2040 for Households and Employment. This should be broken down by areas served by the locally owned and operated wastewater treatment system, and Community and Subsurface sewage treatment systems.
- Provide an electronic map or maps (GIS shape files or equivalent) showing the following information:
  - Local wastewater service areas through 2040
  - Staging plan, if available
  - Location of sub-surface sewage treatment systems
  - Location of nonconforming systems or systems with problems
- Include the proposed timing and financing of any expanded/new wastewater treatment facilities.
- Define the City's goals, policies, and strategies for preventing and reducing excessive inflow and infiltration (I/I) in the local sanitary sewer system, including a discussion of drain tile connected to the local sewer system.
- Include copies of facility planning reports for the upgrading of your local wastewater treatment plant.
- Provide copies of the associated National Pollutant Discharge Elimination System (NPDES) or State Disposal System (SDS) permits.



**Forecasts** (Paul Hanson, 651-602-1642)

The Plan must include 2020, 2030, and 2040 forecasts assigned to transportation analysis zones (TAZ), or portions of TAZs within the City boundaries. Table 22 appears to allocate the growth portion of the 2040 forecast to TAZs within the City and annexation area. The table needs to allocate all forecasted population, households, and employment within a TAZ for each forecasted year (2020, 2030, and 2040).

*Advisory Comments*

The City has its own wastewater treatment system. The Plan suggests that it can be expanded to meet the growing needs of Norwood Young America (page 35, chapter 4). Figure 31 (page 112) suggests that all future growth will be connected to the City's sanitary sewer service. Council staff recommend including what portion of the City's population and households will be served by the City's sanitary sewer.

**Land Use** (Raya Esmaeili, 651-602-1616)

Community Designation

The Plan must include a map acknowledging the City's Rural Center Community Designation. This map can be found on the City's Community Page in the Local Planning Handbook (<https://lponline.metc.state.mn.us/commportal>).

Existing Land Use

- Existing land use categories on the map and in the table must be consistent with one another. Figure 5: Existing Land Use includes a Rural Residential land use category that is not identified in Table 5: Existing Land Use. Additionally, the Public/Institutional land use in Table 5: Existing Land Use is referred to as Public/Semi-Public in the existing land use map and category descriptions.
- Ensure that the current and orderly annexation boundary of the City are reflected correctly on all maps. The Municipal Boundary shown on Figures 5 and 7 seem to leave several parcels by lakes Braunworth and Brand outside of the City boundary.
- The orderly annexation area as shown on Figures 5 and 7 does not include Braunworth, Young America, Barnes, and Brand lakes. The Plan must show the entire annexation area, including the lakes, as described and shown in the Orderly Annexation Agreement (OAA), dated June 2008.
- Figure 8: Agricultural Preserve Areas shows a parcel in the northwest area of future growth as enrolled in the program (PID=110100512). However, the most current available data shows that this parcel expired out of the program in 2018.

Future Land Use

- Future land use categories on the map and in text must be consistent with one another. Figure 11: Future Land Use includes a Public/Institutional land use that is referred to as Public/Semi-Public on page 48.
- The Plan must provide a Future Land Use table that calculates total acres and percent of total acres for each land use category for each 10-year planning period. The Plan identifies future growth acreage for each future land use category in Table 9 on page 50, and it provides the growth acreage for each 10-year planning period in Table 10 on page 51. However, the categories in Table 10 do not match those identified in the Future Land Use map, or in Table 9. The Residential categories in Table 10 must more accurately reflect Low Density Residential, Medium Density Residential, High Density Residential, and Downtown Mixed-Use categories.

Moreover, the total acreage of Residential uses in Table 10 does not match that of Table 9 as Table 10 uses gross developable acres, which is incorrect. Table 9 correctly uses net developable acres.

- The Future Land Use map must reflect an agricultural land use designation with a maximum density of 1 unit per 40 acres for all properties currently enrolled in the Agricultural Preserves Program. While most properties enrolled in the Program are identified with a land use designation of Planning Reserve, there are several parcels that do not reflect this designation on the Future Land Use map (PIDs: 110151100 and 110230800). Since the maximum density of these areas must be 1 unit per 40 acres, they cannot be considered as opportunities for affordable housing unless expiration from the program is already initiated for the land to be available for the 2021-2030 timeframe. If expiration is imminent, the Plan will need to include a description of the status and timing.
- Land use information must be described consistently throughout the Plan. The Plan states on page 56 that specific future land uses have not been identified for areas shown as Phase 4 (Beyond 2040) on Figure 13: Staging Plan. However, there are several areas, including in the northeast and southwest part of the City, that have identified land uses on Figure 11: Future Land Use Plan.

#### Density Calculations

The average net residential density for the City must be a minimum of 3 to 5 units per acre. Additionally, the Plan must provide the net developable acres for each land use category that allows for residential use. While the Plan states that 30% of the Downtown Mixed-Use category is residential and Table 9 shows a net residential developable acreage of 14 for this category, it is unclear whether the percent of residential has been considered in the acreage. Therefore, Council staff are unable to calculate the overall density of the City. Please provide clarifications on the Downtown Mixed-Use category acreage.

#### Advisory Comments

- The municipal and orderly annexation area boundaries create three isolated areas of Township jurisdiction within the overall City OAA boundary for Brand, Barnes, and Young America lakes. Council staff suggest that the City review these areas and confirm that the three lakes are in fact remaining within Young America Township's jurisdiction. If that has not been the intention of the OAA (OA-1402), maps within the Plan need to be updated to reflect that.
- Page 17 references the number of acres to accommodate the multifamily household growth as roughly 150 acres prior to roads' needs, while the Plan mentions 116 acres on page 18. Council staff assume this is an error and should be corrected.
- The Low Density Residential (1-7 units/acre) and Medium Density Residential (8-12 units/acre) density ranges leave a gap for planned development densities of seven to eight units per acre. Council staff encourage the City to ensure continuity in density ranges between different residential land use categories to reduce the need for future amendments to the Plan.
- Council staff recommend including the expiration date of the agricultural preserves program on Figure 8 in place of the enrollment date. Expiration date is more informative to future land use planning.

**Surface Water Management** (Jim Larsen, 651-602-1159)

Richfield lies within the oversight boundaries of the Nine Mile Creek and Minnehaha Creek Watershed Districts, and the Richfield Bloomington Watershed Management Organization. The City submitted a draft Local Water Management Plan (LWMP) in June 2018, that was reviewed by Council Water Resources staff. Following completion of this review, comments were sent to the City and watersheds on August 1, 2018. The Plan will be considered incomplete until the City's final LWMP has been incorporated into the Plan's Appendix F.

*Advisory Comments*

After the three watershed organizations approve the LWMP and the City adopts its LWMP, a final copy should be forwarded to the Council for our records, along with indication of the three watershed organization approval dates and local adoption date of the final LWMP.

**Housing** (Hilary Lovelace, 651-602-1555)

Existing Housing Needs

Cost burdened households must be shown as numerical values in addition to the percentages shown in Table 35.

Projected Housing Needs

- Land use information must be described consistently throughout the Plan. The Plan mentions a Mixed-Use Commercial/Residential land use designation on page 130 that is not described or mentioned elsewhere in the Plan.
- Land guided to address the City's allocation of affordable housing need for 2021-2030 is not sufficiently described for review. The Plan must list the acres of land that have a minimum residential density of eight units or higher that are expected to develop in the 2021-2030 time period. Please note that for the Plan to be consistent with Council housing policy, enough land must be guided for the 2021-2030 time frame to meet the City's allocation of affordable housing need.

Projected Housing Needs

- The Plan must include in what circumstances and sequence each tool will be used or considered, or if the City does not intend to use the tool. While the Plan describes housing tools available to Norwood Young America starting on page 131, it must also provide context about if and in what context the City will use the tool. Tools currently listed in the Plan that need a description of circumstance and sequence of use include housing bonds, tax increment financing, and the housing trust fund. Please note that tools not currently in the Plan that are added at a later date must include circumstance and sequence of use as well.
- To be consistent with Council housing policy, the Plan must clearly and directly link housing tools to housing needs identified elsewhere in the Plan. Some Plans found consistent with Council policy have achieved this using a table or a matrix, others have done so narratively. If the City is interested in additional guidance on this topic, please contact Council staff.
- The Plan must consider the use of all widely accepted tools to meet housing needs. The following tools, found on the Housing Tools page of the Local Planning Handbook, are not found in the Plan:
  - Local HRA/EDA powers

- o Tax Abatement.
- o City support or direct application to specific resources within the Consolidated RFP put out by Minnesota Housing
- o Livable Communities Act programs
- o Small Cities Development Program through partnership with Carver County
- o Effective referrals to partner organizations that address housing needs
- o Fair Housing Policy
- o First time homebuyer and down payment assistance programs
- o Participation in housing-related organizations, partnerships, and initiatives
- o Site assembly
- o Rental license and inspections (If the City is continuing an existing program, state that this is intended to continue.)
- o Preservation of expiring Low-Income Housing Tax Credit (LIHTC) properties
- o Partnership with the local land trust model operated by Carver County CDA
- o Preservation and support for the manufactured homes in Norwood Young America.
- o Specific tools that preserve naturally occurring affordable housing, including partnerships with sources of preservation financing (MN Housing, Greater Minnesota Housing Fund's NOAH Impact Fund), and a local program utilizing 4(d) tax incentives.

*Advisory Comments*

- The Plan lists Carver County HOME funds as a resource. However, Carver County only receives Small Cities Development Program funds. This should be corrected.
- Norwood Young America is a participant in Livable Communities Act (LCA) programs. If the City plans to apply for LCA funds, please note that the Council will require a local Fair Housing policy as a requirement to draw upon LCA awards beginning in 2019. Please contact Council staff if you are interested in additional resources related to Fair Housing Policy development.
- HousingLink reports 78 units affordable to households earning 60% AMI, including 61 senior units that are funded with Low-Income Housing Tax Credits (LIHTC) that may expire as soon as 2021. Expiration of these tax credits without a preservation plan could result in eviction of these households. As mentioned above in the Housing Implementation Plan section, the Plan must consider preservation of properties funded with LIHTC to be consistent with Council housing policy.

**Surface Water Management (Jim Larsen, 651-602-1159)**

The City's Local Water Management Plan (LWMP) is currently under formal 45-day review by Council Water Resources staff. Comments will be sent in a separate letter to the City and Carver County Water Management Organization (CWMO) following completion of that review. Any modifications or additions recommended in the Council's review must be included in the LWMP and incorporated into the Plan and resubmitted for review. When available, Council staff request that the City provide the date the CWMO approved the LWMP, and the date the City adopted the final LWMP. Council staff also request that the City provide a copy of the final adopted LWMP that will be included in the final Plan that the City adopts if it differs from the draft LWMP submitted to the Council on March 28, 2019.

#### OTHER ADVISORY INFORMATION

Council staff offer the following additional advisory comments for your consideration:


**Transportation** (Russ Owen, 651-602-1724)

- Council staff suggest including the American with Disabilities Act (ADA) requirements from the Parks in the Transportation chapter.
- Council staff request clarifying that the Highway 212 expansion project is not currently funded or in the 2040 Transportation Policy Plan (TPP) on page 59.

To expedite the Council's review of supplemental materials submitted in response to incomplete items, please provide a cover memo that outlines where and how the incomplete items are addressed in the new material. Also, as with the original submittal, please use the online submittal for supplemental information.

After all of the required elements of the Plan are submitted and found complete, Council staff will begin the official review process. If you have any questions or need further information regarding the comments in this letter, please contact Raya Esmaelli, Sector Representative and Principal Reviewer, at 651-602-1616 with any questions or for additional assistance.

Sincerely,



Angela R. Torres, AICP, Manager  
Local Planning Assistance

CC: Deb Barber, Metropolitan Council District 4  
Raya Esmaelli, Sector Representative/Principal Reviewer/Reviews Coordinator





Public Services Division  
Planning and Water Management Dept  
Government Center - Administration Building  
600 East 4<sup>th</sup> Street  
Chaska, Minnesota 55318  
Phone: (952)361-1820  
Fax: (952)361-1828

## Memo

**To:** Stephanie Falkers, Associate Planner, SRF Consulting Group  
**From:** Adriana Atcheson, Planner  
**Date:** April 26, 2019  
**Re:** Norwood Young America Draft 2040 Comprehensive Plan Comments  
**CC:** Paul Moline

Enclosures: none

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The following comments are in regards to the draft 2040 Norwood Young America Comprehensive Plan, as reviewed by Carver County:

### Land Use

- All land use maps were black. Could not review content to determine if we had any concerns.

### Surface Water Management:

- An updated Surface Water Management Plan (SWMP) was recently provided to the Carver County Watershed Management Organization. Comments on the updated SWMP are forthcoming. The 2040 Comprehensive Plan currently references the city's 2013 WMP. The 2040 Comprehensive Plan should be updated to incorporate the city's updated SWMP.

### Transportation

- Figure 17 – MnDOT Official Heavy Commercial Average Daily Traffic Volumes: HCAADT data is available from the County to show on County A-Minor Arterials including CSAH 33.
- Page 80 – New Minor Arterial Roadways and Major Collector Roadways: Reference the US 212/TH 5/CSAH 33 Transportation Study in relation to planned and future roadway connections in this area.
- Updated 2040 forecasts are available from the Carver County Transportation Model to incorporate into the final version of the plan. The updated model incorporated changes to the socioeconomic inputs by TAZ, as coordinated with the city in September 2018. Updates should be incorporated into Figure 21: Forecasted 2040 Average Daily Traffic Volumes, Figure 22: Future 2040 Volume to Capacity Ratio, and Table 22: Socioeconomic Information by Transportation Analysis Zone – 2040 Forecast.

Thank you for considering these comments in the final revisions of the City of Norwood Young America's Comprehensive Plan. If you have any questions or concerns regarding these comments, please contact me via phone (952-361-1829) or email ([aatcheson@co.carver.mn.us](mailto:aatcheson@co.carver.mn.us)) to discuss them.

Sincerely,

Adriana Atcheson  
Planning & Water Management, Carver County



**To:** Norwood Young America City Council  
**From:** Stephanie Falkers, Senior Associate  
**Date:** August 26, 2019  
**Subject:** Comprehensive Plan – Metropolitan Council Completeness Review

## Metropolitan Council Completeness Review

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Steve Helget  
City Administrator  
City of Norwood Young America  
310 Elm Street W, PO Box 59  
Norwood Young America, MN 55368

**RE: City of Norwood Young America 2040 Comprehensive Plan – Incomplete for Review**

Metropolitan Council Review File No. 22238-1  
Metropolitan Council District 4, Councilmember Deb Barber

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The Plan must include 2020, 2030, and 2040 forecasts assigned to transportation analysis zones (TAZ), or portions of TAZs within the City boundaries. Table 22 appears to allocate the growth portion of the 2040 forecast to TAZs within the City and annexation area. The table needs to allocate all forecasted population, households, and employment within a TAZ for each forecasted year (2020, 2030, and 2040).

*Advisory Comments*

The City has its own wastewater treatment system. The Plan suggests that it can be expanded to meet the growing needs of Norwood Young America (page 35, chapter 4). Figure 31 (page 112) suggests that all future growth will be connected to the City's sanitary sewer service. Council staff recommend including what portion of the City's population and households will be served by the City's sanitary sewer.

**Land Use** (Raya Esmaeili, 651-602-1616)

Community Designation

The Plan must include a map acknowledging the City's Rural Center Community Designation. This map can be found on the City's Community Page in the Local Planning Handbook (<https://lponline.metc.state.mn.us/commportal>).

Existing Land Use

- Existing land use categories on the map and in the table must be consistent with one another. Figure 5: Existing Land Use includes a Rural Residential land use category that is not identified in Table 5: Existing Land Use. Additionally, the Public/Institutional land use in Table 5: Existing Land Use is referred to as Public/Semi-Public in the existing land use map and category descriptions.
- Ensure that the current and orderly annexation boundary of the City are reflected correctly on all maps. The Municipal Boundary shown on Figures 5 and 7 seem to leave several parcels by lakes Braunworth and Brand outside of the City boundary.
- The orderly annexation area as shown on Figures 5 and 7 does not include Braunworth, Young America, Barnes, and Brand lakes. The Plan must show the entire annexation area, including the lakes, as described and shown in the Orderly Annexation Agreement (OAA), dated June 2008.
- Figure 8: Agricultural Preserve Areas shows a parcel in the northwest area of future growth as enrolled in the program (PID=110100512). However, the most current available data shows that this parcel expired out of the program in 2018.

Future Land Use

- Future land use categories on the map and in text must be consistent with one another. Figure 11: Future Land Use includes a Public/Institutional land use that is referred to as Public/Semi-Public on page 48.
- The Plan must provide a Future Land Use table that calculates total acres and percent of total acres for each land use category for each 10-year planning period. The Plan identifies future growth acreage for each future land use category in Table 9 on page 50, and it provides the growth acreage for each 10-year planning period in Table 10 on page 51. However, the categories in Table 10 do not match those identified in the Future Land Use map, or in Table 9. The Residential categories in Table 10 must more accurately reflect Low Density Residential, Medium Density Residential, High Density Residential, and Downtown Mixed-Use categories.

Moreover, the total acreage of Residential uses in Table 10 does not match that of Table 9 as Table 10 uses gross developable acres, which is incorrect. Table 9 correctly uses net developable acres.

- The Future Land Use map must reflect an agricultural land use designation with a maximum density of 1 unit per 40 acres for all properties currently enrolled in the Agricultural Preserves Program. While most properties enrolled in the Program are identified with a land use designation of Planning Reserve, there are several parcels that do not reflect this designation on the Future Land Use map (PIDs: 110151100 and 110230800). Since the maximum density of these areas must be 1 unit per 40 acres, they cannot be considered as opportunities for affordable housing unless expiration from the program is already initiated for the land to be available for the 2021-2030 timeframe. If expiration is imminent, the Plan will need to include a description of the status and timing.
- Land use information must be described consistently throughout the Plan. The Plan states on page 56 that specific future land uses have not been identified for areas shown as Phase 4 (Beyond 2040) on Figure 13: Staging Plan. However, there are several areas, including in the northeast and southwest part of the City, that have identified land uses on Figure 11: Future Land Use Plan.

#### Density Calculations

The average net residential density for the City must be a minimum of 3 to 5 units per acre. Additionally, the Plan must provide the net developable acres for each land use category that allows for residential use. While the Plan states that 30% of the Downtown Mixed-Use category is residential and Table 9 shows a net residential developable acreage of 14 for this category, it is unclear whether the percent of residential has been considered in the acreage. Therefore, Council staff are unable to calculate the overall density of the City. Please provide clarifications on the Downtown Mixed-Use category acreage.

#### Advisory Comments

- The municipal and orderly annexation area boundaries create three isolated areas of Township jurisdiction within the overall City OAA boundary for Brand, Barnes, and Young America lakes. Council staff suggest that the City review these areas and confirm that the three lakes are in fact remaining within Young America Township's jurisdiction. If that has not been the intention of the OAA (OA-1402), maps within the Plan need to be updated to reflect that.
- Page 17 references the number of acres to accommodate the multifamily household growth as roughly 150 acres prior to roads' needs, while the Plan mentions 116 acres on page 18. Council staff assume this is an error and should be corrected.
- The Low Density Residential (1-7 units/acre) and Medium Density Residential (8-12 units/acre) density ranges leave a gap for planned development densities of seven to eight units per acre. Council staff encourage the City to ensure continuity in density ranges between different residential land use categories to reduce the need for future amendments to the Plan.
- Council staff recommend including the expiration date of the agricultural preserves program on Figure 8 in place of the enrollment date. Expiration date is more informative to future land use planning.

**Surface Water Management** (Jim Larsen, 651-602-1159)

Richfield lies within the oversight boundaries of the Nine Mile Creek and Minnehaha Creek Watershed Districts, and the Richfield Bloomington Watershed Management Organization. The City submitted a draft Local Water Management Plan (LWMP) in June 2018, that was reviewed by Council Water Resources staff. Following completion of this review, comments were sent to the City and watersheds on August 1, 2018. The Plan will be considered incomplete until the City's final LWMP has been incorporated into the Plan's Appendix F.

*Advisory Comments*

After the three watershed organizations approve the LWMP and the City adopts its LWMP, a final copy should be forwarded to the Council for our records, along with indication of the three watershed organization approval dates and local adoption date of the final LWMP.

**Housing** (Hilary Lovelace, 651-602-1555)

Existing Housing Needs

Cost burdened households must be shown as numerical values in addition to the percentages shown in Table 35.

Projected Housing Needs

- Land use information must be described consistently throughout the Plan. The Plan mentions a Mixed-Use Commercial/Residential land use designation on page 130 that is not described or mentioned elsewhere in the Plan.
- Land guided to address the City's allocation of affordable housing need for 2021-2030 is not sufficiently described for review. The Plan must list the acres of land that have a minimum residential density of eight units or higher that are expected to develop in the 2021-2030 time period. Please note that for the Plan to be consistent with Council housing policy, enough land must be guided for the 2021-2030 time frame to meet the City's allocation of affordable housing need.

Projected Housing Needs

- The Plan must include in what circumstances and sequence each tool will be used or considered, or if the City does not intend to use the tool. While the Plan describes housing tools available to Norwood Young America starting on page 131, it must also provide context about if and in what context the City will use the tool. Tools currently listed in the Plan that need a description of circumstance and sequence of use include housing bonds, tax increment financing, and the housing trust fund. Please note that tools not currently in the Plan that are added at a later date must include circumstance and sequence of use as well.
- To be consistent with Council housing policy, the Plan must clearly and directly link housing tools to housing needs identified elsewhere in the Plan. Some Plans found consistent with Council policy have achieved this using a table or a matrix, others have done so narratively. If the City is interested in additional guidance on this topic, please contact Council staff.
- The Plan must consider the use of all widely accepted tools to meet housing needs. The following tools, found on the Housing Tools page of the Local Planning Handbook, are not found in the Plan:
  - Local HRA/EDA powers

- Tax Abatement
- City support or direct application to specific resources within the Consolidated RFP put out by Minnesota Housing
- Livable Communities Act programs
- Small Cities Development Program through partnership with Carver County
- Effective referrals to partner organizations that address housing needs
- Fair Housing Policy
- First time homebuyer and down payment assistance programs
- Participation in housing-related organizations, partnerships, and initiatives
- Site assembly
- Rental license and inspections (If the City is continuing an existing program, state that this is intended to continue.)
- Preservation of expiring Low-Income Housing Tax Credit (LIHTC) properties
- Partnership with the local land trust model operated by Carver County CDA
- Preservation and support for the manufactured homes in Norwood Young America.
- Specific tools that preserve naturally occurring affordable housing, including partnerships with sources of preservation financing (MN Housing, Greater Minnesota Housing Fund's NOAH Impact Fund), and a local program utilizing 4(d) tax incentives.

#### *Advisory Comments*

- The Plan lists Carver County HOME funds as a resource. However, Carver County only receives Small Cities Development Program funds. This should be corrected.
- Norwood Young America is a participant in Livable Communities Act (LCA) programs. If the City plans to apply for LCA funds, please note that the Council will require a local Fair Housing policy as a requirement to draw upon LCA awards beginning in 2019. Please contact Council staff if you are interested in additional resources related to Fair Housing Policy development.
- HousingLink reports 78 units affordable to households earning 60% AMI, including 61 senior units that are funded with Low-Income Housing Tax Credits (LIHTC) that may expire as soon as 2021. Expiration of these tax credits without a preservation plan could result in eviction of these households. As mentioned above in the Housing Implementation Plan section, the Plan must consider preservation of properties funded with LIHTC to be consistent with Council housing policy.

#### **Surface Water Management** (Jim Larsen, 651-602-1159)

The City's Local Water Management Plan (LWMP) is currently under formal 45-day review by Council Water Resources staff. Comments will be sent in a separate letter to the City and Carver County Water Management Organization (CWMO) following completion of that review. Any modifications or additions recommended in the Council's review must be included in the LWMP and incorporated into the Plan and resubmitted for review. When available, Council staff request that the City provide the date the CWMO approved the LWMP, and the date the City adopted the final LWMP. Council staff also request that the City provide a copy of the final adopted LWMP that will be included in the final Plan that the City adopts if it differs from the draft LWMP submitted to the Council on March 28, 2019.

#### **OTHER ADVISORY INFORMATION**

Council staff offer the following additional advisory comments for your consideration.

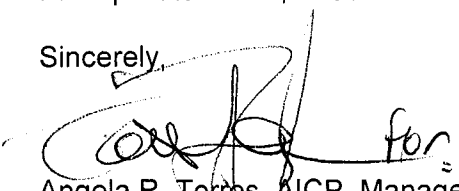
**Transportation** (Russ Owen, 651-602-1724)

- Council staff suggest including the American with Disabilities Act (ADA) requirements from the Parks in the Transportation chapter.
- Council staff request clarifying that the Highway 212 expansion project is not currently funded or in the 2040 Transportation Policy Plan (TPP) on page 59.

To expedite the Council's review of supplemental materials submitted in response to incomplete items, please provide a cover memo that outlines where and how the incomplete items are addressed in the new material. Also, as with the original submittal, please use the online submittal for supplemental information.

After all of the required elements of the Plan are submitted and found complete, Council staff will begin the official review process. If you have any questions or need further information regarding the comments in this letter, please contact Raya Esmaeili, Sector Representative and Principal Reviewer, at 651-602-1616 with any questions or for additional assistance.

Sincerely,



Angela R. Torres, AICP, Manager  
Local Planning Assistance

CC: Deb Barber, Metropolitan Council District 4  
Raya Esmaeili, Sector Representative/Principal Reviewer/Reviews Coordinator





Public Services Division  
Planning and Water Management Dept  
Government Center - Administration Building  
600 East 4<sup>th</sup> Street  
Chaska, Minnesota 55318  
Phone: (952)361-1820  
Fax: (952)361-1828  
[www.co.carver.mn.us](http://www.co.carver.mn.us)

## Memo

**To:** Stephanie Falkers, Associate Planner, SRF Consulting Group  
**From:** Adriana Atcheson, Planner  
**Date:** April 26, 2019  
**Re:** Norwood Young America Draft 2040 Comprehensive Plan Comments  
**CC:** Paul Moline

Enclosures: none

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The following comments are in regards to the draft 2040 Norwood Young America Comprehensive Plan, as reviewed by Carver County:

### Land Use

- All land use maps were black. Could not review content to determine if we had any concerns.

### Surface Water Management:

- An updated Surface Water Management Plan (SWMP) was recently provided to the Carver County Watershed Management Organization. Comments on the updated SWMP are forthcoming. The 2040 Comprehensive Plan currently references the city's 2013 WMP. The 2040 Comprehensive Plan should be updated to incorporate the city's updated SWMP.

### Transportation

- Figure 17 – MnDOT Official Heavy Commercial Average Daily Traffic Volumes: HCAADT data is available from the County to show on County A-Minor Arterials including CSAH 33.
- Page 80 – New Minor Arterial Roadways and Major Collector Roadways: Reference the US 212/TH 5/CSAH 33 Transportation Study in relation to planned and future roadway connections in this area.
- Updated 2040 forecasts are available from the Carver County Transportation Model to incorporate into the final version of the plan. The updated model incorporated changes to the socioeconomic inputs by TAZ, as coordinated with the city in September 2018. Updates should be incorporated into Figure 21: Forecasted 2040 Average Daily Traffic Volumes, Figure 22: Future 2040 Volume to Capacity Ratio, and Table 22: Socioeconomic Information by Transportation Analysis Zone – 2040 Forecast.

Thank you for considering these comments in the final revisions of the City of Norwood Young America's Comprehensive Plan. If you have any questions or concerns regarding these comments, please contact me via phone (952-361-1829) or email ([aatcheson@co.carver.mn.us](mailto:aatcheson@co.carver.mn.us)) to discuss them.

Sincerely,

Adriana Atcheson  
Planning & Water Management, Carver County



## ECONOMIC DEVELOPMENT AUTHORITY MINUTES

July 22, 2019 – 6:30 p.m.

ATTENDEES: Carol Lagergren, Craig Heher, Mike McPadden, Charlie Storms, Dick Stolz

ABSENT: none

STAFF: Steve Helget, Tony Voigt

OTHERS: Ally Clark, Carolyn Hoernemann, Randy Clark, Tonya Noeldner, Bill Grundahl, Linda Harms, Marie Nolan, Karen Hallquist, Chris Starr, Tim Litfin, Rob Hagerstrom, Mark VanGelder  
Andy & Julie Wigfield, Jean Toengus, Stacey Horton

1. Call Meeting of Economic Development Authority to Order

1.1 Pledge of Allegiance

Meeting was called to order by President Lagergren at 6:51pm with all members present.

2. Approve Agenda

2.1 Approve minutes of June 24, 2019 meeting

*Motion: MM/DS to adopt the agenda. Vote 5 – 0. Motion carried.*

*Motion: DS/CS to approve the minutes of June 24, 2019. Vote 5 – 0. Motion carried.*

3. Adjournment

*Motion: MM/CS to adjourn at 6:52pm. Vote 5 – 0. Motion carried.*

Sincerely Submitted,

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Carol Lagergren, President

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Kelly Hayes, City Clerk / Treasurer



## ECONOMIC DEVELOPMENT AUTHORITY MINUTES

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*Motion: MM/CS to adjourn at 6:52pm. Vote 5 – 0. Motion carried.*

Sincerely Submitted,

---

Carol Lagergren, President

---

Kelly Hayes, City Clerk / Treasurer



**CITY COUNCIL MINUTES**  
August 12, 2019 – 6:30 p.m.  
City Council Meeting

ATTENDEES: Carol Lagergren, Craig Heher, Mike McPadden, Dick Stolz, Charlie Storms

STAFF: Steve Helget, Kelly Hayes, Tony Voigt

OTHERS: Ally Clark, Merrill Busch, Joe White, Jim Ische, Steve Curfman, Will Brown, Hannah Felix, League of Minnesota Cities.

1. Call Meeting of City Council to Order

1.1 Pledge of Allegiance

Meeting was called to order by Mayor Lagergren at 6:30pm with all members present.

2. Approve Agenda

Change: Remove 7.5 Approve Finance Clerk and Office Assistant Job Descriptions

*Motion: DS/MM to approve the agenda with the change. Vote 5 – 0. Motion carried.*

3. Introductions, Presentations, Proclamations, Awards, and Public Comment - none

4. Consent Agenda

4.1 Approve minutes of June 12 and July 22, 2019 meetings

4.2 Approve payment of claims

4.3 Approve Hiring of Firefighters

4.4 Approve Last Call outdoor sale of alcohol

4.5 Approve Street Closing Request for Minn-e-Rod Pull Event

4.6 Accept Fire Fighter Resignation

4.7 Approve to rescind motion to hire Bus Driver

Helget requested to make a couple of corrections to the minutes of July 22, 2019 meeting. Mayor

Lagergren requested that it be move to 7.5 under new business.

*Motion: CS/CH to approve the consent agenda. Vote 5 – 0. Motion carried.*

5. Public Hearings

5.1 Ordinance No. 320, City Council Meeting Starting Time

The Public Hearing was opened. Helget noted that the City Council meeting used to be at 6:00pm and it was changed in February at the request of the former mayor. When she resigned, it was requested to change the meeting time back to 6:00pm. There was no public comment.

*Motion: MM/DS to close the public hearing at 6:34pm. Vote 5 – 0. Motion carried.*

6. Old Business

7. New Business

7.1 Adopt Ordinance No. 320, City Council Meeting Starting Time

Council member Stolz asked if a public hearing was required each time the meeting time is changed. As the meeting time is in the City Code, a public hearing is required and there is a 10-day publication requirement. Helget will contact the City Attorney to find out if the meeting time is required to be in the City Code.

*Motion: CH/CS to Adopt Ordinance No. 320, changing the City Council Meeting Time at 6:00pm. Vote 5 – 0. Motion carried.*

*Motion: CH/MM to approve the publication of Ordinance No. 320. Vote 5 – 0. Motion carried.*

7.2 Consider Pattison Sand Company Transloading Facility

The City received notice from Carver County Planning about a potential business to be established at the intersection of Highway 212 and Salem Avenue. Pattison Sand Company has applied for a County Conditional Use Permit to operate a transloading facility. The Carver County Planning Commission is requesting that the City Council review the CUP application and provide any comments on the proposed business development.

The City Council had concerns about safety and noise. Joe White of Pattison Sand Company and Will Brown of TC & W Railroad reported on the project and there will be additional signage and other safety measures put in place. Mr. White stated MnDOT doesn't feel that a berm was necessary at this time because land will still be farmed. When Highway 212 is expanded into a four-lane, a berm will be installed as the farmland will no longer be between the site and the highway. The loudest noise will be during the day when the payload is backing up. Mr. White gave an example of how at their Kimball location he was having a regular conversation with someone about 30 yards from the site and they did not have to raise their voices.

The Tacoma intersection will not be blocked during the train's dropping off. The drop off will be during their same train schedule, approximately 9:30pm and the process will take about 45 minutes. Commissioner Jim Ische spoke on the safety and signage concerns and said the County and MnDOT is working on that. He stated their hope is there will be funding in 2021 for expanding Highway 212 to four lanes from Norwood Young America to Cologne.

Business owner Steve Curfman spoke on how he is in favor of this project and how he believes it will help with construction costs by having this facility so close.

Recommendations to the County Planning Commission: ensure there are stop signs at the railroad crossing on Salem Avenue and to have them lighted, public safety for all drivers on Highway 212 is number one concern, and the installation of a left turning lane and an eastbound acceleration lane.

#### 7.3 Approve Final Acceptance of The Preserve 5<sup>th</sup> Addition Public Improvements

Bolton & Menk has reviewed and is recommending approval of the public improvements. Stolz questioned why the sidewalks are installed prior to all the houses being knowing heavy equipment being driven on them. Tony Voigt, Public Service Director, stated it is done this way in order to maintain the same grade or slope throughout the development. Otherwise homeowners when installing their yards and driveways may not meet the correct grade and will not match up with the planned sidewalk. Mayor Lagergren asked about the two-year warranty and who makes sure that everything is to the City's satisfaction and that the punch list is completed. Voigt stated that Bolton Menk and himself would be responsible for it.

*Motion: DS/CS to approve the final acceptance of the public improvements for the Preserve 5<sup>th</sup> addition contingent upon completion of the remaining punch list items to the satisfaction of the City. Vote 5 - 0. Motion carried.*

#### 7.4 Approve Vac and Jetter Truck Purchase

This is a budgeted item. The current equipment will be put up for auction.

*Motion: CS/CH to approve the purchase of a 2009 Vactor from MacQueen Equipment for the amount of \$180,000. Vote 5 - 0. Motion carried.*

#### 7.5 ~~Approve Finance Clerk and Office Assistant Job Descriptions~~

#### 7.5 Approve Minutes of July 22, 2019

Helget requested the following changes to the July 22, 2019 minutes: under 5.1 add C-3 prior to "zoning district" on the third line and under 7.5 include the words "6-month" in front of extension for the property.

*Motion: CH/DS to approve the minutes of July 22, 2019 with the additional as stated. Vote 5 - 0. Motion carried.*

#### 8. Council Member & Mayor Reports

CS - No Parks meeting since the last meeting.

CH - Planning - will be bringing recommendations to the next council meeting.

MM - Stiftungsfest is coming up August 22 - 25.

DS - No Senior Advisory since last meeting.

CL - Personnel Meeting prior to this meeting. Recommendations will be coming at next meeting. Highway 212 meeting with businesses took place. Currently MnDOT is planning to have Highway 212 to be closed through town from June - August. Looking at best way to detour traffic.



9. Closed Meeting

Lagergren stated the purpose of the Closed Meeting is to discuss pending litigation in the matter of McCourt v. City of Norwood Young America; Court File No. \_18-cv-02743-PAM-BRT. This portion of the meeting will be closed pursuant to MN Statutes, Section 13D.05, Subdivision 3(b).

The following were in attendance: Carol Lagergren, Craig Heher, Mike McPadden, Dick Stolz, Charlie Storms Steve Helget, and Hannah Felix, League of Minnesota Cities.

Lagergren recessed the regular meeting at 7:51.

Lagergren opened the Closed Meeting at 7:54. *Motion was made by MM/CH to adjourn the Closed Meeting and reconvene the regular meeting at 8:10.*

10. Adjournment

*Motion: MM/DS to adjourn at 8:10pm. Vote 5 – 0. Motion carried.*

Sincerely Submitted,

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Carol Lagergren, Mayor

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Kelly Hayes, City Clerk/Treasurer



TO: Honorable Mayor Lagergren and City Council Members

FROM: Steven Helget, City Administrator

DATE: August 26, 2019

SUBJECT: Public Service Building Clean-Up Report

=====

Tony Voigt, Public Service Director, will provide an update at the meeting on their progress of cleaning up the area behind the Public Works garage.

*Norwood Young America*



TO: Honorable Mayor Lagergren and City Council Members

FROM: Steven Helget, City Administrator

DATE: August 26, 2019

SUBJECT: Consider Sinclair Food Mart Outdoor Storage Clean-up Deadline Extension Request

---

On August 9, 2019, I mailed a letter to Mr. Russ Smith, Sinclair Food Mart, informing him of a Zoning Code violation with respect to the numerous vehicles and semi-trailers parked outdoors on his property located at 503 Faxon Road N. Enclosed is a copy of the August 9<sup>th</sup> letter.

The property is zoned C-2, General Commercial District. Salvage yards are not a permitted use in the C-2 zoning district and auto sales and display are only permitted with a conditional use permit. In addition, outdoor storage is not a permissible use without a conditional use or interim use permit.

In accordance with Section 120 of the City Code, Administrative Enforcement, Mr. Smith has 30-days to bring the property into compliance. The deadline is September 8, 2019.

Mr. Smith has commenced clearing the site of the vehicles and trailers but is requesting the City Council consider extending the deadline. Mr. Smith plans to be in attendance at the meeting.

*Norwood Young America*



August 9, 2019

Russ Smith  
Sinclair Food Mart  
503 Faxon Road N.  
Norwood Young America, MN 55368

**Re: Notice of Zoning Code Violation and Nuisances**

Dear Mr. Smith:

With respect to your property at 503 Faxon Road N., Norwood Young America, you currently have many cars and trucks, and three (3) semi-trailers parked outdoors on the site. There is also a pile of vehicle tires and a small amount of scrap metal. See enclosed pictures that I took on August 1 and 5, 2019.

Your property is zoned C-2, General Commercial District. Salvage yards are not a permitted use in the C-2 zoning district and auto sales and display are only permitted with a Conditional Use permit. In addition, outdoor storage is not a permissible use of the property without a conditional use or interim use permit. Enclosed is a copy of Section 1230.09 of the City Code which identifies the permitted and accessory uses for the C-2 zoning district. Please contact me if you wish to discuss applying for a permit for outdoor storage.

Currently the outdoor storage of the vehicles and semi-trailers is a violation of the City's Zoning Code. In accordance with the City's Administrative Enforcement, you are hereby given 30-days to come into compliance with the City's Zoning Code. **Please remove the cars, trucks, and semi-trailers by September 8, 2019.** If the violation is not remedied by the stated date you will be subject to an administrative citation of \$100.00 per day for each day the civil offense continues to exist. Enclosed is a copy Section 120 of the City Code pertaining to Violations and Penalties.

If you wish to contest my interpretation of the Zoning Code and citation, you may request a hearing with the City Council. You must do so by providing a letter to the City Administrator within thirty (30) days of the date of this letter. Please include your name, contact information, date of offense, and a brief description of the reason(s) for requesting a hearing. The hearing will be held within sixty (60) days from the date the request is received.

In respect to the vehicle tires and small amount of scrap metal, they are considered a nuisance. Please remove them by **August 18, 2019.**

Please feel free to contact me with any questions at 952-467-1805. Your cooperation regarding this matter is appreciated.

Sincerely,

  
Steven Helget  
City Administrator

*Norwood Young America*



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

From: Cynthia Smith Strack, Consulting Planner

Date: August 26, 2019

Re: Code Amendment – Auto Repair Uses

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## **BACKGROUND**

The City Council and the Planning Commission have been reviewing existing and potential auto repair uses in various zoning classifications. The Planning Commission held an initial public hearing in May. Following the hearing the Commission had significant additional discussion, primarily on outdoor storage associated with auto repair uses. The Commission added language to the proposed code amendment and held a second public hearing on the proposed code amendment on August 6<sup>th</sup>. Draft minutes of the meeting are attached.

Following the public hearing the Planning Commission recommended the City Council approved the code amendment.

Attached please find the draft ordinance reflecting:

1. Updating of Section 1200.04 Definitions for minor, major auto repair, and automobile service stations. Minor auto repair relates to mechanical repair of passenger autos; major auto repairs relates to auto-body repair. The definition of automobile service station is proposed to be revised to allow detached car washes.
2. Amendment of Chapter 1230.08, Subd. 4 to add subsection (H) allowing minor auto repair as a conditional use in the RC-1 Residence Neighborhood Commercial District. Specific use standards apply, including standards for exterior storage of used tires.
3. Amendment of Chapter 1230.10, Subd. 4(F) to remove incidental auto repair and service, accessory to auto dealership sales, storage, and display in the C-3 Downtown District.
4. Amendment of Chapter 1230.12, Subd. 4(D) & (E) to provide for minor and major auto repair as conditional uses in the Light Industrial District. Specific use standards apply, including standards for exterior storage of used tires.

## **ACTION:**

The City Council is to take action on the attached Ordinance. Following action, if appropriate the City Council is asked to act on the proposed summary for publication.

*Norwood Young America  
Planning Commission Minutes  
August 6, 2019*

**Present:** Commissioners Mike Eggers, John Fahey, Paul Hallquist, Craig Heher and Bob Smith.

**Absent:** Commissioners Jerry Barr and Bill Grundahl.

**Staff:** City Administrator Steve Helget and Planning Consultant Cynthia Smith Strack.

**1. Call to Order.**

The meeting was called to order by Chair Heher at 6:00 pm. All present stood for the Pledge of Allegiance.

**2. Oath of Office – Robert (Bob) Smith.**

Planning Commissioner Bob Smith read an oath of office.

**3. Adoption of Agenda.**

Chairperson Heher introduced the agenda.

*Motion* – Fahey, second Eggers to approve the agenda. The agenda was approved 5-0.

**4. Approval of Minutes from the Regular Meeting July 2, 2019.**

Heher introduced the minutes from the July 2, 2019 regular meeting.

*Motion* – Fahey to approve the July 2, 2019 regular meeting. Second by Eggers. With all in favor the regular meeting minutes were approved 5-0.

**5. Public Comment.**

Andrea Gerth, 307 Shady Lane, requested the Planning Commission consider allowing detached accessory dwelling units. Chairperson Heher noted the Planning Commission had placed discussion of accessory dwelling units on hold several years ago and could re-examine.

**6. Public Hearings.**

**A. Zoning Code Amendment – Auto Repair Uses.**

Chairperson Heher introduced the public hearing and explained the hearing process. Hearing opened at 6:06 p.m.

Strack noted the City Council and the Planning Commission have been reviewing existing and potential auto repair uses in various zoning classifications. The Commission held an initial public hearing in May. Following the hearing the Commission had significant additional discussion following the hearing, primarily on outdoor storage associated with auto repair uses. The



Commission added language to the proposed code amendment and called for a second public hearing on the proposed code amendment.

The draft ordinance proposes:

Updating of Section 1200.04 Definitions for minor, major auto repair, and automobile service stations. Minor auto repair relates to mechanical repair of passenger autos; major auto repairs relates to auto-body repair. The definition of automobile service station is proposed to be revised to allow detached car washes.

Amendment of Chapter 1230.08, Subd. 4 to add subsection (H) allowing minor auto repair as a conditional use in the RC-1 Residence Neighborhood Commercial District. Specific use standards apply, including standards for exterior storage of used tires.

Amendment of Chapter 1230.10, Subd. 4(F) to remove incidental auto repair and service, accessory to auto dealership sales, storage, and display in the C-3 Downtown District.

Amendment of Chapter 1230.12, Subd. 4(D) & (E) to provide for minor and major auto repair as conditional uses in the Light Industrial District. Specific use standards apply, including standards for exterior storage of used tires.

The Commission plans to pursue rezoning of the north and south side of Railroad St W from Franklin to Progress to RC-1 District after the 2040 Comprehensive Plan is placed into effect.

Notice of public hearing was published and posted. No comments for or against the proposed amendment have been received at this time.

Heher summarized a letter sent out to auto repair businesses pertaining to code amendment.

Randy Clark, 408 Shady Lane, addressed the Commission pertaining to a conditional use permit issued for his mother's property at 232 Main Street East and permitted uses in the C-3 District. Clark had placed highlighted copies of the aforementioned CUP and C-3 District standards at the Commissioner's desks and referenced those items. Clark opined petitioners were treated inequitably and zoning standards were overly restrictive. Clark did not directly express whether he was for or against the proposed code update pertaining to auto repair uses.

Steve Curfman, Curfman Trucking addressed the Commission pertaining to the proposed code amendment. Curfman opined selling commercial buildings is difficult and City standards are too restrictive. Curfman did not directly express whether he was for or against the proposed code update pertaining to auto repair uses.

Motion – Eggers to close the public hearing. Second by Hallquist. With all in favor the public hearing was closed at 6:21 p.m.

B. Interim Use Permit Outdoor Storage – 717 Faxon Road (Lionshead).

Chairperson Heher opened the public hearing.

Strack stated Joel Buettenhoff (Property Owner) and David Heldt (Lessee) have applied for an interim use permit in conjunction with proposed outdoor storage (trailers) at 717 Faxon Road. The Applicants propose to store inventory in trailers stored outdoors on the site. The trailers will be used for staging and transfer of products used and made at the facility. Application materials and a map of the site are attached for consideration/information.

An interim use permit is required under §1230.09, Subd. 5(A) of the City Code which provides for the proposed outdoor storage in the C-2 General Commercial District.

The Applicants represent: There are five (5) trailers on site at this time. The trailers are used to store tires and wheels which are shipped off site. No other outdoor storage is proposed in conjunction with the use of the property. Fencing is not proposed.

The Commission must make a determination of whether or not the proposed storage of trailers on site amounts to an ‘outdoor storage yard’. If so fencing or screening is required.

Dave Heldt representing Lionshead Tire and Wheel addressed the Commission. Heldt stated storage of semi-trailers is proposed north and south of their bay at 717 Faxon Road. Heldt stated currently four trailers are stored on site but as many as six trailers could be on site at one time. He noted fencing isn’t proposed as they occupy the building as a tenant. Heldt explained wheels and tires are stored in the trailers until shipping is needed. The trailers are removed from the site when shipping is imminent.

Heher asked if semi tractors are stored no site. Heldt indicated they were not. Heher stated the application references up to five semi-trailers being stored on site, Heldt had stated maximum of six. Heher asked Heldt to clarify. Heldt state six trailers are now requested.

Commissioner Fahey inquired as to whether or not the trailers are on wheels. Heldt confirmed they are and they are removed from the site when shipping occurs.

Dave Elling, owner of property at 515 Faxon Road addressed the Commission. Elling stated he wanted to be a good neighbor to 717 Faxon Road but was concerned about stormwater flowing to his lot and negatively impacting his structure’s foundation. Elling opined paving of gravel surfaces, snow melt from storage, and heavy rain events contributed to his perception of the issue. Elling requested the Planning Commission address stormwater concerns as part of the interim use permit review.

Fahey inquired as to whether Elling’s building had a basement. Elling noted his building was slab on grade foundation and that the slab was breaking up which he (Elling) was attributing to stormwater from the structure at 717 Faxon Road. Heldt opined the Property Owner (Buettenhoff) was intending to change drain tile on site.

Elling inquired as to whether or not stormwater concern would impact the Planning Commission’s decision pertaining to the interim use permit request. Heher state he could not speak for the Commission.

Motion – Hallquist to close the public hearing. Second by Fahey. With all in favor the public hearing was closed at 6:50 p.m.

## 7. New Business.

Chairperson Heher introduced agenda item pertaining to meeting date for September meeting due to Labor Day holiday.

Motion – Fahey to move the September meeting to Wednesday, September 4<sup>th</sup>. Second by Smith. Motion carried unanimously.

## 8. Old Business.

### A. Zoning Code Amendment: Auto Repair Uses.

Chairperson Heher introduced the agenda item.

Strack noted the proposed text amendment updates several sections of the zoning code. The first pertains to definitions and updates to three are proposed. The first relates to describing major auto repair as applying to auto body work. The second relates to describing minor auto repair as applying to mechanical work on autos. The third definition removes a prohibition of detached car washes which is presently contained in the definition.

Also proposed is an amendment of Chapter 1230.08, Subd. 4 to add subsection (H) allowing minor auto repair as a conditional use in the RC-1 Residence Neighborhood Commercial District. Specific use standards apply, including standards for exterior storage of used tires. Amendment of Chapter 1230.10, Subd. 4(F) to remove incidental auto repair and service, accessory to auto dealership sales, storage, and display in the C-3 Downtown District. Amendment of Chapter 1230.12, Subd. 4(D) & (E) to provide for minor and major auto repair as conditional uses in the Light Industrial District. Specific use standards apply, including standards for exterior storage of used tires.

Commissioner Fahey requested clarification of the intent of change in definitions related to car washes. Strack clarified that the definition allowing fueling stations currently prohibits detached car washes, even though one exists that was added within the past decade. Strack opined a use prohibition in a definition is rare as uses are typically defined by zoning classification versus definition of terms.

Steve Curfman requested permission to speak. Chairperson Heher allowed. Curfman referenced uses allowed under an existing conditional use permit for his operation at 600 Railroad Street West. Heher clarified the proposed text update is separate and independent of an existing, compliant CUP.

Motion – Eggers to recommend the City Council approve the draft code amendment pertaining to auto repair uses. Second by Fahey. Motion approved 5-0.

### B. Interim Use Permit Outdoor Storage – 717 Faxon Road.



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

From: Cynthia Smith Strack, Strack Consulting LLC

Date: August 26, 2019

Re: Interim Use Permit: Outdoor Storage – 717 Faxon Road

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**Applicants:** Joel Buettenhoff, Faxon RD Investors LLC (Property Owner)  
David Heldt Representing Lionshead Tire and Wheel (Lessee)

**Subject Property Address:** 717 Faxon Road

**Legal Description:** Lot 1, Block 1, YA Addition

**Property ID:** #588490010

**Zoning Class:** C-2 General Commercial District

**Request:** Interim use permit to allow outdoor storage

**Background**

Joel Buettenhoff (Property Owner) and Davide Heldt (Lessee) have applied for an interim use permit in conjunction with proposed outdoor storage (trailers) at 717 Faxon Road. The Applicants propose to store inventory in trailers stored outdoors on the site. The trailers will be used for staging and transfer of products used and made at the facility. Application materials and a map of the site are attached for consideration/information.

An interim use permit is required under §1230.09, Subd. 5(A) of the City Code which provides for the proposed outdoor storage in the C-2 General Commercial District.

The Applicants represent:

- There are five (5) trailers on site at this time. The trailers are used to store tires and wheels which are shipped off site. The Applicant's request up to six trailers be allowed to be stored on site at one time. The trailers are used for product storage until shipped. The trailers are on wheels, licensed, and removed from the site for shipping purposes.
- No other outdoor storage is proposed in conjunction with the use of the property.
- Fencing is not proposed.

**Hearing Requirements**

The Planning Commission held a public hearing on the proposed interim use permit. Public hearing testimony is included in the draft meeting minutes as attached hereto.

### **Examination of Code Requirements**

NYA City Code requirements applicable to this Interim Use Permit Request are itemized below; consulting staff comments are illustrated in **red bold, italic type face**.

#### **1210.06 (B) Specific Standards for Outdoor Storage**

Conditions for outdoor storage yards are prescribed under Section 1210.06(B) of the Code. Specifically the standards require:

1. All outdoor storage yards shall be completely screened from roads or developed areas with a solid fence or wall 6 feet or more in height, maintained in good condition, and screened with suitable planting. ***The Applicants are not proposing fencing or screening at this time.***
2. No un-screened outdoor storage yards established after the effective date of this Chapter shall be located closer than 500 feet to existing State and Federal roads, nor closer than 100 feet to any other City streets. ***The proposed trailer storage areas appear to be greater than 500 feet from TH 212 but less than 100 feet from Morse Street and Faxon Road.***

"Storage yards" are not defined in the Code. The Commission must decide whether or not the trailers being stored outdoors amount to a 'storage yard'. Presumably storage yards are more than just one piece of equipment. However, the Planning Commission should determine whether or not a storage rack constitutes a storage yard. If so, the standards for screening should apply.

#### **1210.07 Interim Use Permits Conditions for Approval.**

IUP's must meet Requirements of 1210.06, Subd. 3(B)(16): General Criteria for Approval of Conditional Use Permits.

1. The use is consistent with goals, policies and objectives of the Comprehensive Plan.  
***DISCUSSION: The existing and future use are consistent with the Comprehensive Plan.***
2. The use is consistent with the intent of this Ordinance. ***DISCUSSION: The proposed use is an allowed as an interim use in the C-2 District under an IUP.***
3. The use does not have an undue adverse impact on governmental facilities, utilities, services or existing or proposed improvements. ***DISCUSSION: The proposed outdoor storage will not impact government facilities, utilities, services, or existing improvements. No changes to the existing lot, structure, or parking facility are proposed.***
4. The use does not have an undue adverse impact on the public health, safety or welfare.  
***DISCUSSION: No changes to the existing property, structure, or parking facility are proposed.***
5. The use will not be injurious to the use and enjoyment of other property in the immediate vicinity for the purpose already permitted, nor substantially diminish and impair property values within the neighborhood. ***DISCUSSION: No changes to the existing property, structure, or parking facility are proposed.***
6. The use will not impede the normal and orderly development and improvement of surrounding property for uses permitted in the district. ***DISCUSSION: The proposed outdoor storage will not impede orderly development and improvement of surrounding properties.***
7. Adequate utilities, access roads, drainage and necessary facilities have been or will be provided.  
***DISCUSSION: No changes to the existing property, structure, or parking facility are proposed.***

8. Adequate measures have been or will be taken to provide for vehicular and pedestrian safety and convenience to, from and within the site. **DISCUSSION: No changes to the existing property, structure, or parking facility are proposed.**
9. The use meets all of the performance criteria requirements as established in Section 1245.01 of this chapter. **DISCUSSION: No new construction is contemplated at this time.**
10. The use shall, in all other respects, conform to the applicable regulations of the district in which it is located. **DISCUSSION: No new construction is contemplated.**

#### **Planning Commission Recommendation**

Following the public hearing the Commission discussed whether or not the proposed storage of trailers on site amounts to an 'outdoor storage yard'. The Commission noted if the trailers were moved off-site for shipping on a regular basis they did not constitute an outdoor storage yard, therefore, fencing or screening is not required. The Commission approved a motion recommending the City Council approve the interim use permit based on the following conditions:

1. The approved interim use permit is applicable to the property addressed as 717 Faxon Road and shall be limited to a maximum of six trailers.
2. At no time shall more than six (6) trailers be stored on the site.
3. Trailers on site shall be licensed and operable at all times.
4. This permit is subject to all applicable codes, regulations and ordinances, and violation thereof shall be grounds for revocation.
5. The permit shall be subject to annual inspection and audit by the City.
6. The City may revoke the Interim Use Permit upon violation of the use permit standards in the Zoning Ordinance or violation of the conditions of this resolution, subject to the requirements of Section 1210.06, Subd. 5 "Revocation of Conditional Use Permits" of the Zoning Ordinance.
7. The interim use permitted under this Resolution shall be revoked if the Use ceases for more than 12 consecutive months.
8. The interim use permit shall expire when the trailers are no longer stored on site.

#### **Action**

Following discussion the City Council is to act on the request. A sample RESOLUTION is attached for consideration.



## B. Interim Use Permit Outdoor Storage – 717 Faxon Road (Lionshead).

Chairperson Heher opened the public hearing. Strack stated Joel Buettenhoff (Property Owner) and David Heldt (Lessee) have applied for an interim use permit in conjunction with proposed outdoor storage (trailers) at 717 Faxon Road. The Applicants propose to store inventory in trailers stored outdoors on the site. The trailers will be used for staging and transfer of products used and made at the facility. Application materials and a map of the site are attached for consideration/information.

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Heher asked if semi tractors are stored no site. Heldt indicated they were not. Heher stated the application references up to five semi-trailers being stored on site, Heldt had stated maximum of six. Heher asked Heldt to clarify. Heldt state six trailers are now requested.

Commissioner Fahey inquired as to whether or not the trailers are on wheels. Heldt confirmed they are and they are removed from the site when shipping occurs.

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Elling inquired as to whether or not stormwater concern would impact the Planning Commission's decision pertaining to the interim use permit request. Heher state he could not speak for the Commission.

Motion – Hallquist to close the public hearing. Second by Fahey. With all in favor the public hearing was closed at 6:50 p.m.

## 7. New Business.

Chairperson Heher introduced agenda item pertaining to meeting date for September meeting due to Labor Day holiday.

Motion – Fahey to move the September meeting to Wednesday, September 4<sup>th</sup>. Second by Smith. Motion carried unanimously.

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Steve Curfman requested permission to speak. Chairperson Heher allowed. Curfman referenced uses allowed under an existing conditional use permit for his operation at 600 Railroad Street West. Heher clarified the proposed text update is separate and independent of an existing, compliant CUP.

Motion – Eggers to recommend the City Council approve the draft code amendment pertaining to auto repair uses. Second by Fahey. Motion approved 5-0.

### B. Interim Use Permit Outdoor Storage – 717 Faxon Road.

Heher introduced the business portion of discussion pertaining to an interim use permit request. Heher

requested the Commission address whether or not the storage of trailers onsite amounted to outdoor storage [yard].

Smith opined consideration of how long-term the trailers are stored on site would be a consideration for whether or not fencing standards applied. Smith inquired as to whether trailers were on wheels and could be licensed and whether or not they were regularly removed from the site. Smith opined if the trailers are licensed that would indicate they able to be removed from site.

Heldt stated the trailers are moved off the site when shipping is imminent. He also noted they lease the building and will likely seek alternate location as business expands.

Smith noted a six or eight foot fence would likely not completely screen the semi-trailers which average 14 feet in height.

Heher addressed licensing of semi-trailers and expressed favorable view of adding licensing of semi-trailers to a condition of interim use permit issuance. Heher also noted the number of semi-trailers stored on site was now requested at six versus five.

Heher asked for input from other Commissioners pertaining to outdoor storage of trailers. Commissioners concurred the storage of semi-trailers did not comprise outdoor storage [yard].

Strack noted public hearing testimony referenced a perceived stormwater issue. Such stormwater issues are typically a private issue between property owners and not a public source of public involvement since no changes to surfaces are requested as part of the use permit. In the future, if surface changes are proposed, they are subject to review by the City. If snow storage is leading to excess drainage during periods of snowmelt, then location of snow storage could be addressed. The Commission concurred stormwater as described appears to be a private issue between property owners.

Motion – Hallquist to recommend the City Council approve an interim use permit with the following condition updates to those proposed in a staff memo: (1) maximum number of semi-trailers allowed to be stored on site at one time is six (not five) and (2) semi-trailers stored on site must be licensed and operable. Second by Smith. Motion approved 5-0.

#### C. Minimum Opacity Standard for Building Openings in the C-3 Downtown District.

Heher introduced the agenda item.

Strack acknowledged presence of property owners in the audience and noted the City has adopted a Downtown Redevelopment Plan which contains an implementation plan and design guidelines. The implementation plan recommends the Planning Commission address store front window openings in an effort to create pedestrian interest and lingering in the Downtowns. As such the Commission has discussed how to prohibit boarding up and blocking-out of storefront, first floor windows. The Commission is considering code language pertaining to required storefront window opacity. The proposed language is limited to window/door opacity of storefronts and doesn't codify design standards incorporated in the Redevelopment Plan. The Planning Commission made a conscious decision not to recommend design standards be made local laws but, instead, are recommendations.





Carver County GIS, Pictometry 2017

This map was created using Carver County's Geographic Information Systems (GIS), it is a compilation of information and data from various City, County, State, and Federal offices. This map is not a surveyed or legally recorded map and is intended to be used as a reference. Carver County is not responsible for any inaccuracies contained herein.

Map Date: 7/13/2019



## OWNER / SUBDIVIDER:

Young America Corporation  
717 Faxon Road  
Norwood Young America, Minnesota 55397

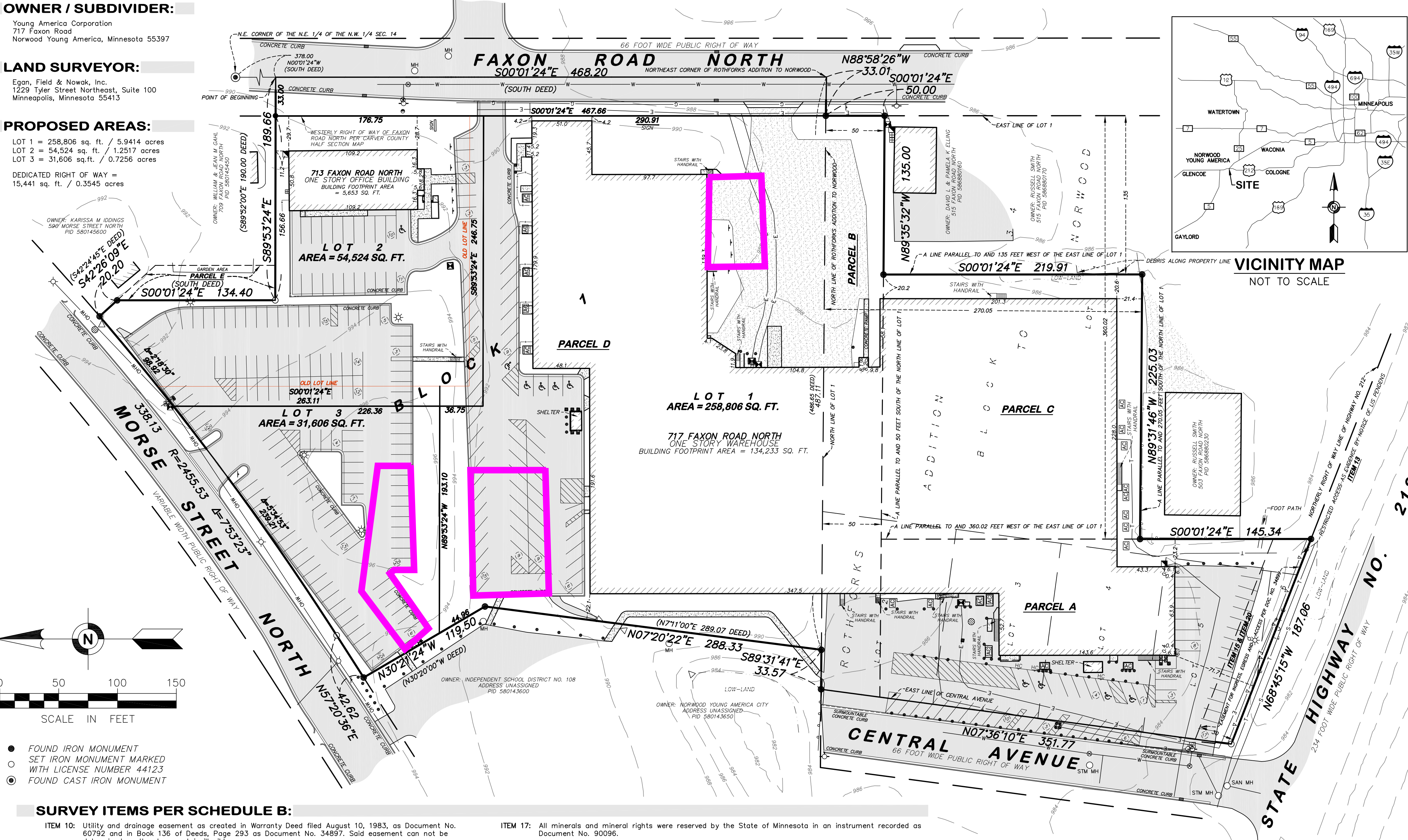
## LAND SURVEYOR:

Egan, Field & Nowak, Inc.  
1229 Tyler Street Northeast, Suite 100  
Minneapolis, Minnesota 55413

## PROPOSED AREAS:

LOT 1 = 258,806 sq. ft. / 5.9414 acres  
LOT 2 = 54,524 sq. ft. / 1.2517 acres  
LOT 3 = 31,606 sq. ft. / 0.7256 acres

DEDICATED RIGHT OF WAY =  
15,441 sq. ft. / 0.3545 acres



- FOUND IRON MONUMENT
- SET IRON MONUMENT MARKED WITH LICENSE NUMBER 44123
- ⊙ FOUND CAST IRON MONUMENT

## SURVEY ITEMS PER SCHEDULE B:

- ITEM 10: Utility and drainage easement as created in Warranty Deed filed August 10, 1983, as Document No. 60792 and in Book 136 of Deeds, Page 293 as Document No. 34897. Said easement can not be determined as the document is illegible.
- ITEM 11: Rights of the public and others entitled to the use of that portion of the Land lying within the bounds of, including but not limited to: Any street, highway, road, and/or alley; as laid out, presently used, or dedicated.
- ITEM 12: Right to construct and maintain temporary snow fences over lands adjacent to State Trunk Highway No. 212 acquired by the State of Minnesota as originally evidenced by Notice of Lis Pendens recorded in Book M of Miscellaneous, Page 71.
- ITEM 13: No right of access exists from the Land to State Trunk Highway No. 212. Right of Access was acquired by the State of Minnesota as originally evidenced by Notice of Lis Pendens recorded in Book M of Miscellaneous, Page 71. Right of Access as evidenced by Notice of Lis Pendens is depicted hereon.
- ITEM 14: Easement for roadway and utility purposes, together with any incidental rights, in favor of the City of Norwood, as contained in the instrument, dated May 10, 1976, recorded May 14, 1976, as Document No. 28923, in Book 127 of Deeds, Page 59. Said easement for roadway and utility purposes does not affect the subject property and it not depicted hereon.
- ITEM 15: Non-exclusive easement for ingress, egress and access purposes as created in instrument filed as Document No. 34899 in Book 136 of Deeds, Page 295. Said easement affects the subject property and is depicted hereon.
- ITEM 16: Easement for underground power line purposes, together with any incidental rights, in favor of Northern States Power Company, as contained in the instrument, dated November 21, 1977, recorded December 2, 1977, as Document No. 35786, in Book 137 of Deeds, Page 439. Said easement as described is fully embraced within the right of way of Highway No. 212 and does not affect the subject property, however the apparent intent of said easement would appear to have created an easement over the southerly 10 feet of the subject property.

- ITEM 17: All minerals and mineral rights were reserved by the State of Minnesota in an instrument recorded as Document No. 90096.
- ITEM 18: Easement for electric power line purposes, together with any incidental rights, in favor of Northern States Power Company, as contained in the instrument, dated October 5, 1960, recorded October 27, 1960, in Book 61 of Deeds, Page 486, as Document No. 98287. Said easement affects the subject property, however is blanket in nature and can not be graphically depicted.
- ITEM 19: Easement for electric power line purposes, together with any incidental rights, in favor of Northern States Power Company, as contained in the instrument, dated August 9, 1977, recorded December 2, 1977, as Document No. 35788, in Book 137 of Deeds, Page 443. Said easement affects subject property, however is undefined do to insufficient information in description.
- ITEM 20: Easement for non-exclusive right of way, ingress, egress and access purposes, together with any incidental rights, in favor of Roy E. Eder and Phyllis E. Eder, husband and wife, their heirs and assigns, as contained in the instrument, dated September 30, 1977, recorded October 7, 1977, as Document No. 34991, in Book 136 of Deeds, Page 357. Said easement affects the subject property and is depicted hereon.
- ITEM 21: Ditch Agreement dated June 10, 1953, filed August 3, 1954, in Book L of Miscellaneous records, Page 229, as Document No. 86610. Said Ditch Agreement affects the subject property, however there are no survey related items to depict hereon.
- ITEM 22: Ditch Agreement dated October 5, 1955, filed February 16, 1956, in Book L of Miscellaneous records, Page 429, as Document No. 89193. Said Ditch Agreement affects the subject property, however there are no survey related items to depict hereon.
- ITEM 23: Ditch Agreement dated August 31, 1956, filed October 11, 1956, in Book 57 of Deeds, Page 572, as Document No. 90521. Said Ditch Agreement affects the subject property, however there are no survey related items to depict hereon.

## LEGEND

- |        |                           |               |                       |
|--------|---------------------------|---------------|-----------------------|
| MH     | MANHOLE                   | —○—○—○—       | CHAIN LINK FENCE      |
| SAN MH | SANITARY MANHOLE          | —□—□—□—       | WOOD FENCE            |
| STM MH | STORM MANHOLE             | —▢—▢—▢—       | GUARDRAIL             |
| OR     | CATCH BASIN               | —S—S—S—       | SANITARY SEWER        |
| ▽      | FLARED END SECTION        | —SS—SS—SS—    | STORM SEWER           |
| ⊙      | GATE VALVE                | —W—W—W—       | WATERMAIN             |
| ⊙      | HYDRANT                   | —E—E—E—       | UNDERGROUND ELECTRIC  |
| ⊙      | STOP BOX                  | —OHW—OHW—OHW— | OVERHEAD WIRE         |
| ⊙      | AIR CONDITIONER           | —T—T—T—       | UNDERGROUND TELEPHONE |
| ⊙      | ELECTRIC BOX              | —G—G—G—       | UNDERGROUND GAS       |
| ⊙      | ELECTRIC METER            |               |                       |
| ⊙      | LIGHT                     |               |                       |
| ⊙      | UTILITY POLE              |               |                       |
| ⊙      | POWER POLE WITH LIGHT     |               |                       |
| ⊙      | GUY WIRE                  |               |                       |
| ⊙      | COMMUNICATION BOX         |               |                       |
| ⊙      | GAS METER                 |               |                       |
| ⊙      | SIGN                      |               |                       |
| ⊙      | FLAGPOLE                  |               |                       |
| ⊙      | BOLLARD                   |               |                       |
| ⊙      | HANDICAPPED PARKING SPACE |               |                       |
| ⊙      | PARKING COUNT             |               |                       |
- BITUMINOUS SURFACE  
—■—■—■— CONCRETE SURFACE  
—▨—▨—▨— GRAVEL SURFACE  
—○—○—○— EXISTING CONTOUR LINE

PRELIMINARY PLAT OF:  
YA ADDITION

## LEGAL DESCRIPTION:

Parcel A: That part of Lots 1, 2, 3, 4, 5, and 6 of Block 34, ROTHFORK'S ADDITION TO NORWOOD, according to the recorded plat thereof, Carver County, Minnesota bounded as follows:

On the north by, a line parallel to and 50.00 feet south of the north line of said Lot 1. On the east by, a line parallel to and 360.02 feet west of the east line of said Lot 1. On the south by, the northerly right-of-way line of Trunk Highway No. 212. On the west by, the east line of Central Avenue.

Parcel B: That part of Lot 1, and Lot 2, Block 34, Rothforks Addition to Norwood according to the plat thereof on file and of record in the Office of the Register of Deeds, Carver County, Minnesota, lying north of a line 50 feet south of, measured at right angles to, and parallel with, the north line of said Lot 1 and Lot 2.

Parcel C: That part of Lots 1, 2, and 3, of Block 34, Rothfork's Addition to Norwood, according to the recorded plat thereof, Carver County, Minnesota bounded as follows:

On the north by: a line parallel to and 50.00 feet south of the north line of said Lot 1; On the east by: a line parallel to and 135.00 feet west of the east line of said Lot 1; On the south by: a line parallel to and 270.05 feet south of the north line of said Lot 1; On the west by: a line parallel to and 360.02 feet west of the east line of said Lot 1.

Parcel D: That part of the Northeast Quarter of the Northwest Quarter of Section 14, Township 115, Range 26, Carver County, Minnesota, described as follows:

Commencing at the northeast corner of the Northeast Quarter of the Northwest Quarter of said Section 14; thence on an assumed bearing of South along the east line of said Northeast Quarter of the Northwest Quarter, a distance of 378.00 feet to the point of beginning of the land to be described; thence continuing South along the last described line, a distance of 488.20 feet to the northeast corner of ROTHFORKS ADDITION TO NORWOOD, according to the recorded plat thereof; thence North 89 degrees 34 minutes 00 seconds West along the north line of said ROTHFORKS ADDITION TO NORWOOD, a distance of 486.65 feet; thence North 7 degrees 11 minutes 00 seconds East, a distance of 289.07 feet; thence North 30 degrees 20 minutes 00 seconds West, a distance of 119.50 feet; thence North 57 degrees 22 minutes 00 seconds East, a distance of 42.62 feet; thence northeasterly a distance of 338.13 feet along a tangential curve concave to the northwest said curve having a central angle of 7 degrees 53 minutes 23 seconds and a radius of 2455.53 feet; thence South 42 degrees 24 minutes 45 seconds East not tangent to the last described curve, a distance of 20.20 feet; thence South, a distance of 134.40 feet; thence South 89 degrees 52 minutes 00 seconds East, a distance of 190.00 feet to the point of beginning.

Parcel E: A non-exclusive easement for drainage, utility, and contouring purposes over and across the following described property:

That part of the Northeast Quarter of the Northwest Quarter of Section 14, Township 115, Range 26, Carver County, Minnesota, described as follows:

Commencing at the northeast corner of said Northeast Quarter of the Northwest Quarter of Section 14; thence on an assumed bearing of South along the east line of said Northeast Quarter of the Northwest Quarter, a distance of 378.00 feet; thence North 89 degrees 52 minutes 00 seconds West, a distance of 160.00 feet to the point of beginning of the land to be described; thence continuing North 89 degrees 52 minutes 00 seconds West, a distance of 30.00 feet; thence North, a distance of 134.40 feet; thence South 42 degrees 24 minutes 45 seconds East, a distance of 44.48 feet, thence South, a distance of 102.00 feet to the point of beginning.

Abstract Property.

## NOTES:

- The orientation of this bearing system is based on the Carver County coordinate grid (NAD 83-96 Adj.).
- The total area of the property described hereon is 360,377 square feet or 8.2731 acres.
- The legal description and easement information used in the preparation of this survey is based on the Commitment for Title Insurance prepared by First American Title Insurance Company National Commercial Services, Commitment No. NCS-595989-MPLS dated February 6, 2013 at 7:30am.
- Existing utilities, services and underground structures shown hereon were located either physically, from existing records made available to us, by resident testimony, or by locations provided by Gopher State One Call, per Ticket No. 133172379. However, lacking excavation, the exact location of underground features cannot be accurately, completely and reliably depicted. Where additional or more detailed information is required, the client is advised that excavation may be necessary. Other utilities and services may be present and verification and location of all utilities and services should be obtained from the owners of the respective utilities prior to any design, planning or excavation.
- No zoning report or letter was received from the insurer pursuant to Optional Table A Item 6(a) & 6(b) of Table A, as set forth in the 2011 Minimum Standard Detail Requirements for ALTA/ACSM Land Title Surveys.
- No flood zone information was available for the property described hereon as the City of Norwood / Young America does not participate in the Federal Flood Insurance Rate Map Program.
- As of the date of this survey the property described hereon contains a total of 275 parking spaces of which 265 are standard spaces, 10 handicapped; 19 parking spaces are partially contained within the right of way of Central Avenue.
- As of the date of this survey there is no observable evidence of current earth moving work, building construction or building additions on the property described hereon.
- As of the date of this survey and according to the City of Norwood Young America Engineering Department there are no completed or proposed changes in street right-of-way lines. As of the date of this survey there is no observable evidence of recent street or sidewalk construction or repairs that affect the property described hereon.
- As of the date of this survey there is no observable evidence that the property described hereon is being used as a solid waste dump, sump or sanitary landfill.
- Pursuant to the U.S. Fish & Wildlife Service, National Wetlands Inventory there are no wetlands on subject property.
- Per the City of Norwood Young America zoning map the subject property is zoned C-2 General Commercial.
- Topography shown hereon was acquired from Minnesota Department of Natural Resources LIDAR data.

## CERTIFICATION:

I hereby certify that this survey was prepared by me or under my direct supervision and that I am a duly Licensed Land Surveyor under the laws of the State of Minnesota.

Date of survey: December 4, 2013  
Date of signature: May 5, 2014

Brent R Peters, PLS  
Minnesota License No. 44123



1229 Tyler Street NE, Suite 100  
Minneapolis, Minnesota 55413  
PHONE: (612) 466-3300  
FAX: (612) 466-3383  
WWW.EFNSURVEY.COM

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TO: Honorable Mayor Lagergren and City Council Members

FROM: Steven Helget, City Administrator

DATE: August 26, 2019

SUBJECT: Consider acquisition of Tax Forfeited Property

---

Carver County has informed the City that the property located at 518 Elm St. W. has been approved by the County Board for tax forfeiture. For public auction purposes the County has placed an appraised value on the land of \$7,000 and classified it as non-conservation.

At the July 22, 2019 regular City Council meeting, the Council considered a request from Andy and Julie Wigfield for the City to acquire the property located at 518 Elm St. W. Jay Squires, City Attorney, stated the City can purchase the property and turnaround and sell it to a third party. Mr. Squires stated he was comfortable with doing such a transaction if the City had a vision of an economic development purpose.

One of the questions raised at the July 22<sup>nd</sup> Council meeting was whether Carver County could offer the property for acquisition to the abutting property owners. According to the County, if the City requests the property sale be limited to the abutting property owners than it would comply with the request. If the City does not make such a request than it will automatically go to public auction and available to any interested buyer.

I researched and learned of two examples in Carver County where cities acquired tax forfeited property for a public propose.

1. The City of Chaska purchased a property that was in a commercial area that was the sole undeveloped parcel. The City negotiated and entered an agreement with BankVista to build a new bank at that location. The City acquired the property as a public purpose and then sold the land to BankVista who built their new bank.
2. The City of Waconia acquired a multi-family lot that had more than \$900K in special assessments on it. Their incentive was to attempt to obtain repayment for some of the owed special assessments at the time of the resale. They sold the property to a private developer for an affordable housing project and recovered about half of the owed special assessments in the sale transaction.

*Norwood Young America*



Mr. Wigfield stated at the July 22<sup>nd</sup> meeting that it may be several months before this property is available for public auction. I spoke to the County and they stated they would have their risk management staff review the buildings and determine if they must be removed or what improvements would need to be done to them so people could view them during the auction. This has the potential to take several months.

Mr. Wigfield also stated if the City acquired the property and sold it to them the property would be back on the tax rolls sooner than later.

As reported at the July 22<sup>nd</sup> meeting, I have formally requested this parcel be withheld from tax forfeiture sale at this time in order to allow the City time to evaluate the feasibility of acquiring it. The County is withholding the parcel from sale until 12/21/2019.

**Possible City Council Actions:**

1. Proceed with acquiring parcel 580500750, 518 Elm Street W. and preparing an agreement with Andy and Julie Wigfield to sell them the property.
2. Elect not to proceed with acquiring parcel 580500750, 518 Elm Street W.  
A resolution will be presented to the City Council at a future meeting to approve the tax forfeited property for public sale.
3. Elect not to proceed with acquiring parcel 580500750, 518 Elm Street W.  
Request Carver County restrict the sale of the property to the abutting property owners. A resolution will be presented to the City Council at a future meeting to approve the tax forfeited property for public sale to only the abutting property owners.

**CERTIFICATE OF COUNTY BOARD OF CLASSIFICATION OF FORFEITED LANDS AS PROVIDED BY  
CHAPTER 386, LAWS 1935  
AS AMENDED.**

To the Board of the City of Norwood Young America

We, the members of the County Board of the County of CARVER, Minnesota, do hereby certify that the parcels of land hereinafter listed are all of the lands which have been classified by us as conservation/non-conservation Lands, from the list of lands forfeited to the State of Minnesota for non-payment of taxes for the year or years **2014 through 2018** as provided by Minnesota Statutes 1945, Section 282.01 as amended.

PIN	Legal Description	Appraised Value of Land	Conservation / Non-Conservation
58.0500750	Commencing at a stake 90 feet East of the southwest corner of Block Ten (10) on the south line thereof; thence running East 90 feet; thence North 125 feet; thence West 90 feet; thence South 125 feet to the place of beginning, all situated in the Village of Norwood, Minnesota, according to the Plat thereof on file and of record in the office of the Register of Deeds in and for said County of Carver, Minnesota	\$7,000	NON-CONSERVATION
58.0500480	City Lots of Norwood East 57 ft. of West 126 ft. of Block 5	\$10,000	NON-CONSERVATION

In witness whereof we have hereunto subscribed our names this 17 day of May, 2019.

Gayle O Degler

Tom Workman

Randy Maluchnik, Chair

Tim Lynch

Jim Ische

Attest: Kathleen Smith,  
Carver County Land  
Records Manager

The foregoing classification and sale is hereby approved on \_\_\_\_\_, 2019.

By the Board of the City of Norwood Young America

Filed this \_\_\_\_\_ day of \_\_\_\_\_, 2019.

Kathleen Smith, Carver County Land Records Manager

By:  
Deputy

## LOCATION OF TAX FORFEITED LANDS

### City of Norwood Young America Parcels:

General

[Click for Report Card](#)

[View Available Plat](#)

[View Land Records](#)

[Email Property](#)

**Parcel ID: 580500750**

[Field Definitions](#)

Taxpayer	STATE OF MINNESOTA IN TRUST
Taxpayer 2	CIO CARVER COUNTY AUDITOR
Taxpayer Address	600 4TH ST E CHASKA, MN 55318-2102
Property Address	518 ELM ST W NYA, MN 55368
City/Township	NORWOOD YOUNG AMERICA
Use 1	T E Misc Co D 2
Mapped Acres	0.29
PLSS	TWP 115, RNG 026, SEC 15
Plat Name	CITY LOTS OF NORWOOD
Block	010

Property Information

General

[Click for Report Card](#)

[View Available Plat](#)

[View Land Records](#)

[Email Property](#)

**Parcel ID: 580500480**

[Field Definitions](#)

Taxpayer	STATE OF MINNESOTA - DNR
Taxpayer 2	TAX SPEC. - BUREAU OF R E MGMT
Taxpayer Address	500 LAFAYETTE RD ST PAUL, MN 55155-4030
City/Township	NORWOOD YOUNG AMERICA
Use 1	State Property
Mapped Acres	0.16
Tax Acres	0.25
PLSS	TWP 115, RNG 026, SEC 14
Plat Name	CITY LOTS OF NORWOOD
Title Source	Abstract
Tax Description	



TO: Honorable Mayor Lagergren and City Council Members  
FROM: Steven Helget, City Administrator  
DATE: August 26, 2019  
SUBJECT: Resolution 2019-21, Carver County All Hazard Mitigation Plan

---

Enclosed is Resolution 2019-21, adoption of the Carver County All-Hazard Mitigation Plan. To date, the City has adopted the County's Plan which allows the City to qualify for FEMA assistance. The County updates their Plan every 5-years.

**Suggestion Motion:**

**Motion to approve Resolution 2019-21, Adoption of the Carver County All-Hazard Mitigation Plan.**



# **RESOLUTION 2019-21**

## **ADOPTION OF THE**

### **CARVER COUNTY ALL-HAZARD MITIGATION PLAN**

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

WHEREAS, the City of Norwood Young America has participated in the hazard mitigation planning process as established under the Disaster Mitigation Act of 2000, and

WHEREAS, the Act establishes a framework for the development of a multi-jurisdictional County Hazard Mitigation Plan; and

WHEREAS, the Act as part of the planning process requires public involvement and local coordination among neighboring local units of government and businesses; and

WHEREAS, the Carver County Plan includes a risk assessment including past hazards, hazards that threaten the county, an estimate of structures at risk, a general description of land uses and development trends; and

WHEREAS, the Carver County Plan includes a mitigation strategy including goals and objectives and an action plan identifying specific mitigation projects and costs; and

WHEREAS, the Carver County Plan includes a maintenance or implementation process including plan updates, integration of the plan into other planning documents and how Carver County will maintain public participation and coordination; and

WHEREAS, the Plan has been shared with the Minnesota Division of Homeland Security and Emergency Management and the Federal Emergency Management Agency for review and comment; and

WHEREAS, the Carver County All-Hazard Mitigation Plan will make the county and participating jurisdictions eligible to receive FEMA hazard mitigation assistance grants; and

WHEREAS, this is a multi-jurisdictional plan and cities that participated in the planning process may choose to also adopt the county plan.

NOW THEREFORE, BE IT RESOLVED that the City of Norwood Young America supports the hazard mitigation planning effort and wishes to adopt the Carver County All-Hazard Mitigation Plan.

This Resolution was declared duly passed and adopted this 26th day of August 2019.

Attest:

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Carol Lagergren, Mayor

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Kelly Hayes, City Clerk / Treasurer



TO: Honorable Mayor Lagergren and City Council Members  
FROM: Steven Helget, City Administrator  
DATE: August 26, 2019  
SUBJECT: Crown College Baseball Facility Use Agreement

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The City has been approached by the Crown College head baseball coach (Ryan Doheny) with respect to their team utilizing the Sports Complex baseball field (Zellmann Field) for their Fall 2019 practices and one alumni game to be played on Sunday, October 6, 2019.

Enclosed for City Council consideration is a Recreation Agreement between the City and Crown College. The Agreement identifies what park facilities the College can utilize, the dates and times it can utilize the facility, insurance requirements, garbage clean-up, and reimbursement for repairs of any damages. All practices and the one game are to be played during daylight hours. Proposed is to assess a fee of \$800 for the use of the field and require payment of such upon execution of the Agreement.

**Suggestion Motion:**

**Motion to approve the Recreation Agreement between the City of Norwood Young America and Crown College.**

*Norwood Young America*



## RECREATION AGREEMENT

This **AGREEMENT** is made, pursuant to Minn. Stat. 471.15 et. seq, as of August 26, 2019, by and between **The City of Norwood Young America**, hereinafter "**City**", and Crown College, hereinafter "**College**" a private Christian college located in St. Bonifacius, Minnesota.

The parties agree as follows:

I. **PURPOSE/DESCRIPTION OF PREMISES.** **City** and **College** enter into and execute this Agreement for the purpose of documenting their respective roles in the **College's** use of the Norwood Young America Sports Complex Baseball field (the "Premises") owned by the **City**. The **College's** use of the Premises is more particularly described in Exhibit A attached to and made part of this Agreement.

II. **USE OF THE PREMISES.**

A. The **College** shall be allowed to utilize the Premises for the **College's** Fall 2019 baseball practices and one (1) alumni baseball game to be held on October 6, 2019. The **City** shall be responsible for the Premises' maintenance and readiness for **College** use. The **City** shall provide concessions during the alumni baseball game. The **College** shall not bring beverages and food onto the Premises with the exception of water and sports beverages such as Gatorade for the **College** baseball players. The **College** shall clean up all garbage from the dugouts and other Premise areas utilized and deposit in the receptacles provided at the Premises after each use of the Premises.

B. *Premises Usage Fee.* **College** shall pay the **City** \$800.00 for use of the Premises. The **College** shall make full payment of the usage fee to the **City** upon execution of this Agreement. The **College** accepts responsibility for any costs associated with damages to the

Premises either directly or indirectly during the College's use of the Premises and shall reimburse the City for any necessary repairs.

III. **INSURANCE.** College shall maintain the following insurances in effect through completion of its usage of the Premises:

A. Comprehensive General Liability with policy limits of not less than \$1,500,000 for each occurrence and in the aggregate for bodily injury and property damage.

The City shall be named as an additional insured on the CGL policy described above.

IV. **INDEMNIFICATION.** College shall defend, indemnify, and hold City and its officers and employees harmless against any and all claims, liability, loss, or damage whatsoever, including reasonable attorney's fees and expenses recoverable under applicable law, which arise from or relate to or are caused by the negligent acts or omissions of College or its employees or agents.

V. **PARTIES BOUND.** The covenants and conditions contained in this Agreement shall apply to and bind the successors and assigns of all of the parties to the Agreement.

VI. **ENTIRE AGREEMENT.** This Agreement shall constitute the entire agreement between the parties. Any prior understanding or representation of any nature preceding the date of this Agreement shall not be binding upon either party except to the extent incorporated in this Use Contract.

VII. **MODIFICATION OF AGREEMENT.** Any modification of this Agreement or additional obligation assumed by either party in connection with this Agreement shall be binding only if evidenced in a writing signed by each party or an authorized representative of each party.

IN WITNESS WHEREOF, each party to this Agreement has caused it to be executed on the date indicated below.

CITY OF NORWOOD YOUNG AMERICA

DATED: \_\_\_\_\_

By: \_\_\_\_\_

Its: \_\_\_\_\_

STATE OF MINNESOTA )

COUNTY OF CARVER )

The foregoing instrument was acknowledged before me this \_\_\_\_\_ day of \_\_\_\_\_ 2019, by \_\_\_\_\_ on behalf of  
**THE CITY OF NORWOOD YOUNG AMERICA.**

\_\_\_\_\_  
NOTARY PUBLIC

CROWN COLLEGE

DATED: \_\_\_\_\_

By: \_\_\_\_\_

Its: \_\_\_\_\_

STATE OF MINNESOTA )

COUNTY OF CARVER )

The foregoing instrument was acknowledged before me this \_\_\_\_\_ day of \_\_\_\_\_ 2019, by \_\_\_\_\_ on behalf of  
**CROWN COLLEGE.**

## **EXHIBIT A**

Crown College is authorized to utilize the Norwood Young America Sports Complex Baseball field for their Fall 2019 baseball practices commencing on September 6 through October 11, and one (1) alumni baseball game on October 6, 2019. All practices and the alumni game shall occur during daytime hours. The maximum number of practices per week shall be three (3) and shall occur during the hours of 3:00 – 6:30 p.m. Monday through Friday. The baseball field will be reserved for the alumni game on October 6 from noon to 6:30 p.m.

Crown College's use of the Norwood Young America Sports Complex Baseball field shall be limited to the baseball field, the parking lot, and restrooms. The softball fields shall not be utilized in any way.

Crown College shall provide the City with a practice schedule upon execution of this Agreement. Any changes in the schedule due to incremental weather or other reasons shall be communicated to the City as soon as practical and any date changes in the schedule shall be preapproved by the City.



TO: Honorable Mayor Lagergren and City Council Members  
FROM: Steven Helget, City Administrator  
DATE: August 26, 2019  
SUBJECT: Approve The Preserve 5<sup>th</sup> Addition Letter of Credit Reduction

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At the August 12, 2019 regular meeting, the City Council approved the final acceptance of The Preserve 5<sup>th</sup> Addition public improvements.

In accordance with the original Development Agreement with Loomis Homes, LLC., the Developer was required to provide the City with security in a sum equal to 125% of the estimated total of all costs of the improvements which Loomis Homes did in the form of a letter of credit. On August 13, 2018, based on the improvements completed to date, the Council approved reducing the letter of credit to \$234,000 which is the current amount.

Enclosed is a letter from Scott Loomis, Loomis Homes, requesting the letter of credit be reduced to \$0 effective upon the City receiving a warranty bond. In accordance with the Development Agreement the warranty on the public improvements is two (2) years.

**Suggestion Motion:**

**Motion to approve reducing the Loomis Homes' Irrevocable Letter of Credit to \$0 upon receipt of a warranty bond.**



Loomis Homes LLC  
1458 White Oak Dr  
Chaska, MN 55318  
Scott Loomis  
Chief Managing Officer  
[Scott@loomis-homes.com](mailto:Scott@loomis-homes.com)  
952-200-8838

August 12, 2019

**Steve Helget**  
City Administrator  
City of Norwood Young America  
P.O. Box 59  
310 Elm Street W.  
Norwood Young America, MN 55368

Re: The Preserve 5<sup>th</sup> addition

To: Steve Helget

In regard to the Preserve 5<sup>th</sup> addition development consisting of 37 lots. Loomis homes is requesting to reduce the letter of Credit for the development to the amount of \$0 This reduction is to come into effect once the city accepts the project and receives the warranty bond.

Regards,

Scott M. Loomis  
Chief Managing Officer