

## Regular Board Meeting

February 18, 2020

Meeting called to order at 7:00 p.m. by Village President Dennis Manthei. Trustees present: Brown, Hennessey, Lautz, Leicht, and Schumacher. Excused: Wee. Also present: Police Chief Jeremy Randall, Public Works Director Loren Schwier, Village Attorney Bryant Klos, Kassandra Opsahl, Peter Opsahl, Chris Walters, and Village Administrator Teresa DeLong.

### Minutes

Motion by Trustee Hennessey, seconded by Trustee Leicht to approve the Village Board minutes of the February 4, 2020, meeting as presented. Roll call vote: Unanimous aye. Motion approved.

### Claims

Claims from the following funds were presented for payment:

<u>General Fund:</u>	\$2,356,473.84
<u>Water Utility:</u>	\$11,632.38
<u>Sewer Utility:</u>	\$54,305.67
<u>Storm Water Utility:</u>	\$665.26

Motion by Trustee Leicht, seconded by Trustee Schumacher to approve the payment of all claims as listed. Roll call vote: Unanimous aye.

### Street Committee

Trustee Brown reported on the February 4, 2020, Street Committee meeting. The Street Committee reviewed and discussed proposed Ordinance No. 493 to Amend Snow and Ice Removal in Downtown Business Area. The proposed ordinance would require downtown businesses to remove snow and ice from the sidewalks adjacent to the business within twelve hours instead of the present twenty-four hours. The ordinance deletes 5.04(J)(3) and recreates same to read as follows:

Owners of lots used for business and residential purposes on the first floor in the downtown business area which adjoin (1) Leonard Street between Elm Street and Garland Street; and which adjoin (2) Elm Street, Memorial Drive, Hamilton Street, and Franklin Street between Mill Street and Youlon Street may place snow and ice from their sidewalk and boulevard into the street for snow removal by the Village so as to keep the downtown business area free from snow and ice for safe pedestrian and vehicle movement. Owners of lots outlined in this subsection shall clean any sidewalk to the full width of such sidewalk. This must be accomplished within twelve (12) hours after the snow ceases to fall or within twelve (12) hours of the formation of ice, and shall cause the same to be kept clear from snow and ice. In the case where the snow shall continue to fall for some time, it shall be removed as soon as practicable after it has ceased to fall

and provided that when ice has formed upon any sidewalk so that it cannot be immediately removed, the owner of each and every lot set forth above shall keep the ice sprinkled with salt, an ice melt product, or sand.

James Leicht stated several downtown business owners have brought the ordinance change request to him because there are sidewalks that are consistently not being cleared in a timely manner in the downtown area. Dan Wee expressed concerns about the significant change from twenty-four hours to twelve hours, the discriminatory nature of the proposed change, and the fact most of the downtown businesses are not open on the weekends. John Lautz suggested a time of day deadline instead. Loren Schwier cited enforcement issues for the public works department, including additional overtime for his employees, who would be in charge of tracking the beginning of the twelve-hour period, and that priority has to be given to clearing Village streets and Village sidewalks before public sidewalks in the downtown district. The Committee adjourned with no action on the proposed Ordinance.

Motion by Trustee Brown, seconded by Trustee Leicht to approve the minutes of the February 4, 2020, Street Committee meeting as presented. Roll call vote: Unanimous aye. Motion approved.

#### Planning Commission

President Manthei reported on the February 17, 2020, Planning Commission meeting. Three public hearings were held. The first public hearing concerns a Preliminary Plat of Greenfield Addition submitted by Peter Opsahl d/b/a Greenfield Addition, LLC. Greenfield Addition is a 15.63-acre proposed development located on the former Lakeview Health Care Facility site at 902 East Garland Street. The Plat proposes 24 parcels and an Outlot for stormwater management. A number of residents attended the public hearing to ask questions of Developer Peter Opsahl regarding density, rental unit numbers, storm water management, and the build out time frame. The second public hearing was called to order. This public hearing concerns a Petition for Change of Zone submitted by Peter Opsahl d/b/a Greenfield Addition, LLC to rezone five proposed lots to R-2 Residential District. Peter Opsahl presented the location of the five lots to be rezoned. The final public hearing was called to order. This public hearing concerns a Conditional Use Permit Application submitted by Peter Opsahl to rezone eight proposed lots in Greenfield Addition to multi-family. The eight lots will consist of townhouses varying from three-unit buildings to eight-unit buildings. A number of residents asked if the multi-family units and townhouse units would be rentals or owner-occupied, and Peter Opsahl stated the units will be constructed with required firewalls so each could be sold as twinhomes. The Planning Commission meeting was then called to order by Chair Dennis Manthei. The Commission reviewed Planning Commission Resolution No. 1.20 which approves the Preliminary Plat of Greenfield Addition with conditions regarding final plat approval and public areas and the proposed Developer's Agreement. The Planning Commission unanimously approved Planning Commission Resolution No. 1.20. The Commission then reviewed the Petition for Change of Zone submitted by Peter Opsahl d/b/a Greenfield Addition LLC in order to rezone Lots 25 through 29 of Greenfield Addition from R-1 Single-family Residential to R-2 Two-Family Residential to accommodate five duplex units. The Planning Commission recommended to the Village Board approval of the Petition for Change of Zone as presented. The Commission reviewed proposed Conditional Use Permit No. 45. The Conditional Use Permit would permit townhouses varying from three-unit buildings to eight-unit buildings on Lots 1 and

2, 21 through 24, and Lots 13 and 14 of Greenfield Addition. The conditions include: Compliance with all State and Village building and fire code requirements; providing garage space for at least two vehicles and driveway parking space for two vehicles; rear, side, and front yard setbacks for the proposed lots; signage; and garbage and recycling requirements. The Planning Commission recommended approval of Conditional Use Permit No. 45 to the Village Board as amended by the Commission. The Commission discussed the proposed Developer's Agreement. On behalf of Pete Opsahl, Attorney Dustin Von Ruden addressed items included in the proposed Developer's Agreement. Most of his proposed updates reflect incorporating a reasonableness standard regarding Village oversight and approvals for the project. The only substantive change relates to the guarantee/warranty requirements set forth in Section 9 of the proposed Agreement. The Agreement proposed by the Village requires the Developer to guarantee certain infrastructure and utility improvements to be completed by the Developer for a period of five years after completion. Pete Opsahl and DBS Group have reached out to the various subcontractors scheduled to construct the infrastructure and utility improvements. They have found that none of the subcontractors will warranty the improvements for a period longer than one year. This is the standard warranty provided for improvements of this nature, and it is the same warranty the Village receives from the same contractors when completing similar infrastructure and utility improvements. Developer is requesting the Village reduce the guarantee/warranty period to one year from the date of substantial completion which is the industry standard. The other proposed revision is in Exhibit B to the Agreement which states the Developer shall be responsible for paying the Village for all plan and engineering review fees and services along with attorney fees incurred by the Village. The Developer has requested a cap of \$20,000 be placed on these costs. The Planning Commission recommended the Village Board approve the Developer's Agreement with the revisions discussed. The Commission reviewed a Petition for Change of Zone submitted by Matt and Jenny Knebes (Your Hometown Property Management) and Jared Mulder to rezone three lots from Residential to Business District Zone. The Business Zone is required for multi-family apartment buildings. The Commission then reviewed an Application for Conditional Use Permit also submitted by Matt and Jenny Knebes and Jared Mulder. The Application is requested in order to construct a four-unit apartment building and adjacent four-car garages. The four-unit building will be a slab-on-grade construction with no basement and will complement the already existing and recently renovated six-plex on the corner of North Leonard and East Tilson Street. The Planning Commission scheduled public hearings on the Petition for Change of Zone and the Conditional Use Permit Application for Monday, March 16, 2020, beginning at 5:00 p.m. with a Planning Commission meeting immediately following.

Motion by President Manthei, seconded by Trustee Schumacher to approve the minutes of the February 18, 2020, Planning Commission meeting as presented. Roll call vote: Unanimous aye. Motion approved.

#### Petition for Change of Zone

Motion by Trustee Lautz, seconded by Trustee Hennessey to approve the Petition for Change of Zone submitted by Peter Opsahl d/b/a Greenfield Addition, LLC to rezone Lots 25 through 29 of Greenfield Addition from R-1 Single-family Residential to R-2 Two-Family Residential to accommodate five duplex units. Roll call vote: Unanimous aye. Motion approved.

Conditional Use Permit No. 45

Motion by Trustee Lautz, seconded by Trustee Hennessey to approve Conditional Use Permit No. 45 for construction of multi-family residential units on Lots 1 and 2, 21 through 24, and Lots 13 and 14 of Greenfield Addition as presented. Roll call vote: Unanimous aye. Motion approved.

Developer's Agreement for Greenfield Addition

The Village Board reviewed a proposed Developer's Agreement as amended and recommended by the Planning Commission and revisions requested by Peter Opsahl. A full-time resident inspector has been agreed upon and included in the Agreement, along with payment for such inspection obligations. Guarantee and warranty terms were discussed extensively. The proposed Agreement included a five-year guarantee and warranty on materials and construction installation, and Mr. Opsahl has requested the industry standard of a one-year warranty. Previous Developer's Agreements were discussed and reviewed.

Motion by Trustee Lautz, seconded by Trustee Schumacher to approve the Developer's Agreement as recommended by the Planning Commission with subsequent revisions recommended by the Village Attorney in the form presented to the Village Board with the guarantee found at page 6 extended to a two-year guarantee and the second year letter of credit being in the amount of \$50,000.00 instead of the 25 percent and no lump sum for each catch basin, manhole, or valve box. Roll call vote: Unanimous aye. Motion approved.

Motion by Trustee Leicht, seconded by Trustee Hennessey to adjourn the meeting at 8:12 p.m. Approved by voice vote.

Teresa L. DeLong, Village Administrator