August 13, 2020 City Council Meeting
Aug 13, 2020 7:00 PM CDT

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MEMORANDUM

TO:        City Council
FROM:      Fire Chief Ron Lawrence
SUBJECT:   Promotion of Probationary to regular Firefighters
DATE:      August 13, 2020

Mayor and Council,

I would like to ask council for the promotion of our Probationary Status to Regular Firefighter Status.

The five new regular Firefighters are:

Shawn Aaseby
Brandon Bedbury
Joe Kiel
Dan Stoltenberg
Justin Suckut
MINUTES OF A REGULAR MEETING OF THE PRINCETON CITY COUNCIL HELD ON JULY 23, 2020 7:00 P.M.

Mayor Brad Schumacher called the meeting to order and led the Pledge of Allegiance to the Flag. Council members present were Jack Edmonds, Jenny Gerold, Jules Zimmer and Jeff Reynolds. Others present: City Administrator Robert Barbian, Finance Director Steve Jackson, Police Chief Todd Frederick, Public Works Director Bob Gerold, Community Development Specialist Stephanie Hillesheim, Clerk Shawna Jenkins, Liquor Store Manager Nancy Campbell, Fire Chief Ron Lawrence, Wastewater Plant Manager Chris Klinghagen and Attorney Damien Toven.

AGENDA ADDITIONS/DELETIONS

Zimmer stated he would like to provide an update of the Mille Lacs County Board meeting under reports. Edmonds would also like to add an update on the Historical Society under reports.

REYNOLDS MOVED TO APPROVE THE AGENDA AS AMENDED. J GEROLD SECONDED THE MOTION. THE MOTION CARRIED UNANIMOUSLY.

CONSIDERATION OF MINUTES

A. Regular meeting Minutes of July 9, 2020

J GEROLD MOTIONED TO APPROVE THE JULY 9, 2020, MINUTES. REYNOLDS SECONDED THE MOTION. THE MOTION CARRIED UNANIMOUSLY.

CONSENT AGENDA

A. Permits and Licenses
   1. Temporary Intoxicating Liquor License for Christ Our Light Fall Fest in September
   2. Gambling permit for Christ our Light September raffle
   3. Gambling permit for Christ Our Light August Raffle

B. Personnel

C. Donations and Designations

EDMONDS MOTIONED TO APPROVE THE CONSENT AGENDA. REYNOLDS SECONDED THE MOTION. THE MOTION CARRIED UNANIMOUSLY.

OPEN FORUM

PUBLIC HEARINGS

A. Ordinance 796 – approve annexation of 1.9 acres – Waiving first reading

Barbian advised that this is the annexation for the piece of property that will be used for the Public Safety Storage Building. Edmonds asked if the Planning Commission has approved this. Barbian responded that it does not go to them for approval, but they are aware of it. Edmonds confirmed that there is no opposition to this. Barbian said that was correct.

The Township met earlier this week and approved this annexation.
REYNOLDS MOVED TO OPEN THE PUBLIC HEARING AT 7:17PM. EDMONDS SECONDED THE MOTION. THE MOTION CARRIED UNANIMOUSLY.

EDMONDS MOVED TO CLOSE THE PUBLIC HEARING AT 7:18PM. ZIMMER SECONDED THE MOTION.

REYNOLDS MOVED TO APPROVE ORDINANCE 796. EDMONDS SECONDED THE MOTION.

Toven stated that the best way to handle everything would be to accept the petition first.

REYNOLDS MOVED TO ACCEPT THE PETITION. EDMONDS SECONDED THE MOTION.

REYNOLDS MOVED TO TABLE THE MOTION APPROVING ORDINANCE 796. EDMONDS SECONDED THE MOTION. THE MOTION CARRIED UNANIMOUSLY.

REYNOLDS MOVED TO WAIVE THE FIRST READING OF ORDINANCE 796. ZIMMER SECONDED THE MOTION. THE MOTION CARRIED UNANIMOUSLY.

J GEROLD MOVED TO UNTABLE THE MOTION APPROVING ORDINANCE 796. EDMONDS SECONDED THE MOTION. THE MOTION CARRIED UNANIMOUSLY.

Staff stated that they will it to send to the state for processing, and then to the County. Then an administrative Lot combination will be completed.

PRESENTATIONS / SPEAKERS - None

FYI – REPORTS, ANNOUNCEMENTS, CORRESPONENCE AND BOARDS / COMMITTEES

A. Correspondence from Fairview Medical Center regarding CARE funding

B. Garage sale request – Andrea Gerrard

Gerrard is requesting to hold a community wide garage sale. She understands that the Ordinance allows garage sales to only be 3 days long. She explained that she is advertising that it will be throughout the week, but only one person is wanting to hold theirs early in the week with everyone else holding theirs on the standard Thursday, Friday and Saturday. Staff has reviewed the application request, and wanted to specify that there is a 3-day limit for each home and social distancing must be followed.

SCHUMACHER APPROVED THE REQUEST WITH THE STAFF’S RECOMMENDATIONS OF 3 DAYS ONLY PER HOME, AND THAT SOCIAL DISTANCING BE FOLLOWED. ZIMMER SECONDED THE MOTION. THE MOTION CARRIED UNANIMOUSLY.

B. Community Development Report

Hillesheim advised that West River Town Apartment project has submitted a TIF application and deposit. The Development would be off First Ave.
Hillesheim reported that the new website will be launched a bit earlier, as the contract with the previous website host ended August 1st and we would need to pay for another year with them to hold the transition off a few days.

Hillesheim stated that the EDA Grant was submitted June 30, and staff has received a few additional requests for information, which they have provided. Staff has also discussed applying for a TED grant as a backup in case the city does not receive the EDA grant.

C. County and Staff meeting

Zimmer reported he and Edmonds met with the County at their workshop meeting on July 21st regarding the enhancement of the radio system. Frederick and the Sheriff gave a presentation to the Board and there was a consensus to apply for a grant. The County Board was very open and receptive to the project.

D. Historical Society

Edmonds advised that the Historical Society was looking at an August 30th and 31st re-opening, but they have decided to move that to October. They have a website now, and if someone would like to research something prior to their reopening, they can set up an appointment to do that.

The Brickton project they have been working on is complete.

PETITIONS, REQUESTS, AND COMMUNICATIONS - NONE

ORDINANCES AND RESOLUTIONS

A. Ord 797 - providing use of slaughterhouse activities in the B3 & N-1- FIRST READING

Dewitt’s memo advised that Carla Mertz approached the City in regards to wanting to bring a slaughterhouse business in the City. Currently, the City of Princeton does not have a Slaughterhouse Ordinance where it is an allowable use. Mertz explained to the Planning Commission at their May 18th meeting her experience in the slaughterhouse business and with this pandemic has mad awareness of the need for slaughterhouses. She had a site she was interested in that was located in the B-3 district and then a second choice of hers is in the process of being annexed into the City and zoned MN-1 Industrial.

The Planning Commission Board directed staff to draft an Ordinance that was received at their June 15th meeting, and they moved to hold a public hearing on July 20th. The Ordinance reads that a Slaughterhouse would be permitted with a Conditional Use Permit in the B-3 General Commercial District and the MN-1 Industrial District. The City council received a copy of the draft at their July 9th meeting.

AMENDMENT REVIEW STANDARDS
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1. The proposed action has been considered in relation to the specific policies and provisions and has been found to be consistent with the official City Comprehensive Plan.

2. The proposed use is or will be compatible with present and future land uses of the area.

3. The proposed use can be accommodated with existing public services and will not overburden the City’s service capacity.

4. Traffic generation by the proposed use is within capabilities of streets serving the property.

The Planning Commission held a public hearing on July 20th and moved to recommend approval to the City Council for a first reading.

EDMONDS MOVED TO INTRODUCE ORDINANCE 797. REYNOLDS SECONDED THE MOTION. THE MOTION CARRIED UNANIMOUSLY.

B. Res 20-43 – calling for a Public Hearing on proposed Development and TIF District

Barbian advised that staff is looking at a proposed Development and TIF District for a housing project. This is to call for a public hearing, which will be held at the September 24th Council Meeting.

J GEROLD MOVED APPROVE RESOLUTION 20-43 CALLING FOR A PUBLIC HEARING. REYNOLDS SECONDED THE MOTION. THE MOTION CARRIED UNANIMOUSLY.

Approve Financial Planning Agreement with Northland Securities

EDMONDS MOVED APPROVE THE FINANCIAL PLANNING AGREEMENT WITH NORTHLAND SECURITIES. J GEROLD SECONDED THE MOTION. THE MOTION CARRIED UNANIMOUSLY.

C. Res 20-42 – amending Eda Grant Amount from Resolution 20-36A

Hillesheim advised that the amount in the previous Resolution needed to be changed.

REYNOLDS MOVED APPROVE RESOLUTION 20-42 AMENDING THE EDA GRANT AMOUNT FROM RESOLUTION 20-36A. EDMONDS SECONDED THE MOTION. THE MOTION CARRIED UNANIMOUSLY.

D. Ord 798 – Extending Emergency Declaration

Frederick advised that the Emergency Declaration is due to expire at midnight July 23rd, 2020. At this time, it is the recommendation of the Emergency Management Team to extend the declaration to midnight, August 27th, 2020. As the council is aware, this is a fluid situation and this team understands that this declaration could be cancelled earlier or extended if deemed feasible.

J GEROLD MOVED APPROVE ORDINANCE 798 EXTENDING THE EMERGENCY DECLARATION. ZIMMER SECONDED THE MOTION. THE MOTION CARRIED UNANIMOUSLY.
E. Res 20-44 – approving the 1.9-acre land purchase for Public Safety Storage Building

Barbian advised that as the annexation is in the process, staff is looking for approval to purchase the 1.9 acre of land that is located just behind the public safety building.

J GEROLD MOVED APPROVE RESOLUTION 20-44 APPROVING THE LAND PURCHASE OF 1.9 ACRES TO BE USED FOR THE PUBLIC SAFETY STORAGE BUILDING. ZIMMER SECONDED THE MOTION. THE MOTION CARRIED UNANIMOUSLY.

UNFINISHED BUSINESS

A. Finance Director Hiring Process

Barbian provided the Council with the Job Description, time line and the ad that will be placed for the position. J Gerold suggested it be listed with Indeed as well.

ZIMMER MOVED APPROVE THE POSTING AND HIRING SCHEDULE. REYNOLDS SECONDED THE MOTION. THE MOTION CARRIED UNANIMOUSLY.

B. Birthday Salutes 2020

Frederick reported that in mid-April, the Police and Fire Departments started doing “birthday Salutes” for kids within the community. This was done during Covid-19 ‘Stay at Home’ restrictions with both departments driving to the residence of the child who was having a birthday that day. Pictures were taken and a Birthday card was handed out with a gift card from Dairy Queen. Now that the restriction has been lifted, they have decided to end this successful event. During this time, the departments celebrated 38 Birthdays with children in the community.

C. Accept easement from James Hanson for Brewpub water main

Barbian advised that an easement was needed from James Hanson for the Watermain to the Brewpub. Hanson has agreed to that easement and has signed the document, which will be recorded with the County.

EDMONDS MOVED APPROVE THE WATERMAIN EASEMEMENT WITH JAMES HANSON. J GEROLD SECONDED THE MOTION. THE MOTION CARRIED UNANIMOUSLY.

D. Oak Knoll Cemetery Rules

Barbian reported that over the last four months the City Council has been discussing the rules and regulations governing the cemetery. The City has reached out to the community asking for input in order that changes and improvements in the rules can be considered and made. The City Council and City Staff have talked to a number of people on issues and topics with differing views sometimes with opposing viewpoints. At various council meeting the City Council has heard additional input on the rules and the modifications considered. The Council did make a couple minor modifications or adjustments to the rules. At that time, I was directed by the City Council to meet with Melissa Ramage and Jenny Englund to hear their concerns. Two meeting occurred leading to their request for a rule to be added
The letter from Melissa Ramage and Jenny Englund dated July 9, 2020 is attached.

Their request was reviewed by Mayor Schumacher and Jenny Gerold and discussed with the Public Works Director and me. After consideration it was concluded that a modification of the rules similar to the request would work. The language being recommended to the City Council to add to the Rules and Regulations of the Cemetery, section 11.1 follows in bold

11.1 Plans, flowers and items of remembrance may be placed in an urn sitting in a holding post above ground or an urn with its own integral base. The urn must be at least 8” above ground for mower clearance. Anything placed or planted not in accordance with this rule will be removed immediately by the cemetery caretaker. The City take no responsibility for pots or stands should they be destroyed.

Live plants or flowers planted six inches from the front or back of the base of the stone/marker (not the sides) are allowed.

ZIMMER MOVED APPROVE THE RECOMMENDED CHANGES ABOVE. J GEROLD SECONDED THE MOTION. THE MOTION CARRIED UNANIMOUSLY.

E. Airport Manager position

Barbian advised that the City Council briefly discussed creating an Airport Manager position at a June Council meeting and indicated an interest in seeing the position description. In 2018 a position description was developed.

The position description was provided to the City Council in the July 6th supervisor meeting notes. Mayor Schumacher attended the Airport Advisory Board in July and covered that the Council was to discuss the possibility of creating the position and invited those that may be interested to attend the Council meeting and represent the board’s interest.

In 2018 the position was being discussed as a paid annual stipend of $2,500.00 to $3,000.00.

The Council consensus was to proceed with finding and hiring an airport manager.

NEW BUSINESS

BILL LIST

ZIMMER MOVED TO APPROVE THE BILL LIST WHICH INCLUDES THE MANUAL CHECKS AS LISTED ON THE MANUAL BILL LIST FOR A TOTAL OF $170,921.69 AND THE ITEMS LISTED ON THE LIQUOR BILL LIST AND GENERAL CITY BILL LIST WHICH WILL BE CHECKS 81476 TO 81549 FOR A TOTAL OF $1,427,995.88. REYNOLDS SECONDED THE MOTION. THE MOTION CARRIED UNANIMOUSLY

MISCELLANEOUS
Edmonds said regarding the Historical society, the old school is going to be power washed, and they will be looking for volunteers to get it repainted.

Schumacher, hockey and football boosters are always looking for ways to volunteer, that may be a good avenue for them to check.

ADJOURNMENT
There being no further business:

J GEROLD MOVED TO ADJOURN THE MEETING AT 8:35PM. ZIMMER SECONDED THE MOTION. THE MOTION CARRIED UNANIMOUSLY

Respectfully Submitted, ATTEST:

__________________________  ____________________________
Shawna Jenkins Tadych
City Clerk                 Brad Schumacher, Mayor
RESOLUTION #20-46

A RESOLUTION ACCEPTING $2500 IN DONATIONS FROM FAIRVIEW HEALTH SERVICES FOR ROCKIN THE RUM RIVER

WHEREAS, Fairview Health Services have contributed $2500 for the 2020 Rockin the Rum River events

WHEREAS, Fairview Health Services has requested their donations be used for the 2020 Rockin the Rum River, and

WHEREAS, this business has donated a total amount of $2500

WHEREAS, the City Council of the City of Princeton agrees that said contributions would be of benefit to the citizens of Princeton,

NOW, THEREFORE, BE IT RESOLVED that the City Council of the City of Princeton, Minnesota hereby acknowledges and agrees to accept said donations by Fairview Health Services, who have donated on behalf of the citizens of Princeton.

BE IT FURTHER RESOLVED that the City Council of the City of Princeton designates said donation to be used for 2020 “Rockin the Rum River” as requested.

ADOPTED this 13th day of August, 2020.

ATTEST:  

Brad Schumacher, Mayor

Shawna Jenkins Tadych  
City Clerk
THE MEETING FOR THE PLANNING COMMISSION HELD ON JULY 20, 2020 AT 7:00 P.M.,
AT THE CITY HALL COUNCIL CHAMBERS
******************************************************************************
The meeting was called to order at 7:00 P.M., by Jeff Reynolds (Reynolds ran the meeting since
he is present at City Hall). Members present were Eldon Johnson, Scott Moller, Gene Stockel
(Princeton Township Representative), and via Zoom Dan Erickson. Staff present were Robert
Barbian (City Administrator) and Mary Lou DeWitt (Comm. Dev. Zoning Specialist).

Absent was Victoria Hallin.

APPROVAL OF MINUTES OF THE REGULAR MEETING ON JUNE 15, 2020
JOHNSON MOVED, SECOND BY MOLLER, TO APPROVE THE MINUTES OF JUNE 15, 2020. UPON
THE VOTE, THERE WERE 4 AYES, 0 NAYS. MOTION CARRIED.

AGENDA ADDITIONS / DELETIONS:
JOHNSON MOVED, SECOND BY ERICKSON, TO APPROVE THE AGENDA. UPON THE VOTE, THERE
WERE 4 AYES, 0 NAYS. MOTION CARRIED.

PUBLIC HEARING:
A. Slaughterhouse Amendment for B-3 and MN-1 Districts
Mary Lou DeWitt, Comm. Dev. Zoning Specialist Memo:

BACKGROUND
Carla Mertz, approached the City in regards to wanting to bring a slaughterhouse business in
the City. Currently, the City of Princeton does not have a Slaughterhouse Ordinance where it is
an allowable use. Mertz explained to the Planning Commission at their May 18th meeting her
experience in the slaughterhouse business and with this pandemic has made awareness of the
need for slaughterhouses. She had a site she was interested in that was located in the B-3
District and then a second choice of hers is in the process of being annexed into the City and
zoned MN-1 Industrial.

ANALYSIS
The Planning Commission Board directed staff to draft an Ordinance that was reviewed at their
June 15th meeting. The Ordinance reads that a slaughterhouse would be permitted with a
Conditional Use Permit in the B-3 General Commercial District and the MN-1 Industrial District.
The Slaughterhouse Ordinance is attached for the Planning Commission to review.

AMENDMENT REVIEW STANDARDS
Common review standards:

1. The proposed action has been considered in relation to the specific policies and provisions
   and has been found to be consistent with the official City Comprehensive Plan.

2. The proposed use is or will be compatible with present and future land uses of the area.
3. The proposed use conforms with all performance standards contained in this code.

4. The proposed use can be accommodated with existing public services and will not overburden the city’s service capacity.

5. Traffic generation by the proposed use is within capabilities of streets serving the property.

CONCLUSION
The City Council has received this draft as an FYI at their June 25th meeting. The Planning Commission will be holding a public hearing on July 20th, and can make changes to the Ordinance or motion to forward the draft Ordinance #797 to the City Council for a first reading on July 23rd.

*****************************************************************************End of Staff Memo*****************************************************************************

DeWitt commented that upon review of a Slaughterhouse Ordinance in other cities, which is very few, they had it permitted with an Interim Use Permit, not a Conditional Use Permit. A Conditional Use Permit stays with the land. The interim Use is with the applicant and would be re-applied for if the property site sold. This gives the City the ability to modify the conditions to the Interim Use Permit. The Planning Commission directed staff to draft the Slaughterhouse Ordinance with a Conditional Use Permit. Staff wanted to bring this to the Planning Commission’s attention where if they would like to change the draft Ordinance, now is the time.

Johnson said that if a person invests a couple million dollars in a business site, he finds it best for the owner to have it as a Conditional Use Permit for future selling of the property.

Reynolds commented that with a Conditional Use Permit, it can be enforced and reviewed.

DeWitt said yes, but we would really have to consider what conditions should apply to the Conditional Use Permit.

JOHNSON MOVED, SECOND BY ERICKSON, TO OPEN THE PUBLIC HEARING. UPON THE VOTE, THERE WERE 4 AYES, 0 NAYS. MOTION CARRIED.

There was no one present per Zoom or in the audience for the public hearing. Staff had no comments on the public hearing.

JOHNSON MOVED, SECOND BY ERICKSON, TO CLOSE THE PUBLIC HEARING. UPON THE VOTE, THERE WERE 4 AYES, 0 NAYS. MOTION CARRIED.

Reynolds commented he is okay with the Slaughterhouse Ordinance amendment.

Moller said he is also concerned if someone invest a large amount of money to a site
for a business, if it were to be an Interim Use Permit process where a new owner would need to reapply, it could make it hard for financing approval. He would like to have it a permitted use with a Conditional Use Permit.

DeWitt explained that she has had where there is a preapproval process where the potential owner applies for the Conditional Use Permit with the condition in the purchase agreement that the application is approved prior to closing.

Moller’s concern is that years down the road there are different board members and they may not want a Slaughterhouse in the city. There are political movements to stop meat processing and this is a means to not let that happen.

JOHNSON MOVED, SECOND BY MOLLER, TO APPROVE ORDINANCE #797 AMENDING THE ZONING ORDINANCE ADDING DEFINITIONS AND PROVIDING FOR THE PERMITTED USE OF SLAUGHTERHOUSE ACTIVITIES IN THE B-3 ZONED DISTRICT AND MN-1 DISTRICT THROUGH THE CONDITIONAL USE PERMIT PROCESS, AND FORWARD ON TO THE CITY COUNCIL FOR RECOMMENDATION OF APPROVAL. UPON THE VOTE, THERE WERE 4 AYES, 0 NAYS. MOTION CARRIED.

DeWitt said she will put this on the City Council agenda for the first reading on July 23, 2020.

**OLD BUSINESS:** None

**NEW BUSINESS:**
DeWitt said for the Site Plan Review for the Public Safety Building Pole Shed will be tabled until the August 17th meeting because two of the Planning Commission members have a conflict of interest where they would not be able to vote and we would not have a quorum. Staff will do a brief review process and the Planning Commission can make comments if they see any changes that should be made.

A. Site Plan Review for Public Safety Building Pole Shed
Mary Lou DeWitt, Comm. Dev. Zoning Specialist Memo:

**Background:**
The City of Princeton is purchasing a 1.907 acre section of land adjoining the Princeton Public Safety Building located at 305 21st Avenue South, from the west (backside) of the site. This added land will accommodate the addition of a storage building for the Police and Fire Department. This land is in Princeton Township and the City Council is in the process of annexing this section of land into the City. When the City receives approval of the annexation,
staff will complete an Administrative Lot Line Adjustment to add the section of land to the Public Safety Building, Lot 8, Block 1, Aero Business Park First Addition.

The proposed storage facility will be 60’ x 104’ square feet, totaling 6,240 square feet. No water or sewer will be extended to the building. There will only be electrical and the Princeton Public Utilities are aware of the expansion.

Zoning:
The proposed annexed section of land will be attached to the Public Safety Building and automatically zoned as B-3 General Commercial District.

Setback requirements:
Side yard minimum 5 feet, proposed setback on the north side 21’ feet and south 35’ feet
Rear yard minimum 20 feet, proposed setback is 55’ feet
Maximum height 30 feet, proposed building will be 26’ feet in height

Stormwater Pondage:
The City Engineer has designed the Site Plan with the grading and drainage. The maximum lot coverage not to exceed the 60% requirement and the proposed Site Plan is 43%. No additional pondage will be necessary.

Driveway:
There will be asphalt added from the back of the current Public Safety Building to this storage facility.

Sidewalk:
In the B-3 District the requirement is for a 6’ foot sidewalk and this proposed site is installing a 4’ foot sidewalk along the front garage door area and along the south wall. The site will be fenced in and residents will not be able to access it so the sidewalk area should be okay.

Lighting:
There will be lighting installed on the building above the doors on the front and back of the building and one light on the two sides. The lighting will be directed downward with LED lighting. There is no proposed light poles.

Building Materials:
The building will be a pole building with a cement floor. The metal will be exposed fastener in a tan color to match the Public Safety Building. There will be four garage doors in a maximum height of 14’ feet at the front of the building along with a standard service door and standard garage door.

Site Plan Review Recommendation:
The Planning Commission has been requested to consider approval or denial of the Site Plan
application. Staff recommends the Site Plan approval with the following conditions:

1. Contingent on State approval on the annexation of the section of land.

2. Lot Line Adjustment Resolution be recorded at Mille Lacs County.

3. A Building Permit shall be applied for and approved prior to construction.

4. Installation of the fence follow the Zoning Ordinance requirement.

5. The sodding or seeding must be completed. If because of weather conditions sodding and/or seeding is unadvisable, it should be in compliance by no later than July 1st of the following year.

6. The driveway area must be hard-surfaced within one year of the date the permit is issued. If because of weather conditions the hard-surface is unadvisable, it should be in compliance by no later than July 1st of the following year.

Barbian said he learned today that Princeton Township may have to act on allowing the section of land to be removed from a township parcel and attached to the adjoining City owned property. He will be contacting the county and township tomorrow.

Stoeckel said they have it on the Township Board meeting tomorrow night since they receive a notice of the annexation.

Barbian was not aware they had it on the agenda. He may attend the meeting.

Johnson suggested that the building have a 10’ x 10’ or 10’ x 12’ overhead door on each side of the building to help with getting a machine out for snow removal to clear the front of the building where all the snow will drop in front of the doors.

Barbian said they looked at the snow issue with a single slop and will put a snow bar on the west and east side. Barbian noticed that the site plan is not correct of the footage to the property line.

Stoeckel said that 150’ feet is accountable, but the north and south is 160’ or 165’ square feet out of 556’.

Barbian said the Police Department does the dog training at the Airport and in the future, they will do the training at this site.

Johnson said is it 100’ feet or more setback on the south side of the site.
JOHNSON MOVED, SECOND BY REYNOLDS, TO TABLE THE SITE PLAN REVIEW FOR THE PUBLIC SAFETY BUILDING POLE SHED UNTIL THE AUGUST 17TH, 2020 PLANNING COMMISSION MEETING. UPON THE VOTE, THERE WERE 4 AYES, 0 NAYS. MOTION CARRIED.

COMMUNICATION AND REPORTS:
A. Verbal Report
Hillesheim said the TIF for the West River Town apartment site is proceeding. Also, the Sewer Study is almost done.

B. City Council Minutes for June, 2020
The Planning Commission had no comments.

MOLLER MOVED, SECOND BY JOHNSON, TO ADJOURN THE MEETING. UPON THE VOTE, THERE WERE 4 AYES, 0 NAYS. MOTION CARRIED. THE MEETING ADJOURNED AT 7:41 P.M.

ATTEST:

______________________________    ______________________________
Jeff Reynolds, Secretary            Mary Lou DeWitt, Comm. Dev. Zoning Specialist
MINUTES OF A REGULAR MEETING OF THE PRINCETON MUNICIPAL AIRPORT ADVISORY BOARD HELD ON MONDAY, July 6, 2020, AT 5:30 P.M., AT THE AIRPORT A/D BUILDING

******************************************************************************

CALL TO ORDER/PLEDGE OF ALLEGIANCE:
The Chair, Gene Stoeckel, called the meeting to order at 5:30 P.M. by leading the Pledge of Allegiance. Other members present included Troy Minske, Brenton Titcomb, Barry Ramage Jr. and John Sautter. Others present: Brad Schumacher, Mayor/Council Liaison, Lisa Fobbe Sherburne Co. Com., Larry Handsbee Baldwin Township, Tim Hennagir Union Times, City Administrator Robert Barbian, Alex Goerke (PE KLJ Engineering), Jim Flynn Flying Club, Dwayne Kruse Kruse Aviation, John George, Richard Anderson

AGENDA ADDITIONS/DELETIONS:
Minske moved, seconded by Sautter to adopt the agenda adding AD Building as 4.5 and Mowing as 4.6. Motion Carried.

APPROVAL OF MINUTES: Motion by Stoeckel, seconded by Sautter to approve the minutes of May 4th and June 1st. Motion Carried.

AD Building: The protocol and process for COVID cleaning was reviewed and Troy, John, Lynette Lindgren plan to do the daily sanitizing except Thursday when it will be done professionally. Looking to open by the weekend.

Mowing: Minske covered the mowing done by Public Works is by the hangers and looks good and around the runway it was let go to reseed to come in thicker which will be better in the long run. Sutter indicated that his general inquire to an outside vendor on lawn cutting received an approximate quote of 3K each time for 30 acres or 100.00 an acre. Questions and discussion on: grant funding, size of area, Council decides and should it be explored. No conclusions arrived at.

Engineering Report:
Goerke reported the runway reconstruction is done and electrical is 70% with an issue on foundations for pappies due to high water. They are looking into screw mounts or digging when the ground is frozen to set concrete. A lot of discussion occurred.

A stock pile of reclaim will be left until the taxiway project proceeds.

Airport Manager: Mayor Schumacher explained to the board that the Council is planning to discuss creating an Airport Manager position at the next Council meeting. The manager duties were briefly discussed. The Mayor asked if the board wanted it pursued by the it be a stipend position and invited members to attend the council meeting. The members supported.

Manager Report:
The reconstruction is going well and no additional items at this time.

Motion to adjourn by Ramage, seconded by Minske. MOTION CARRIED.

ADJOURNMENT: The meeting adjourned at 7:18 P.M.
Respectfully Submitted, Robert Barbian, City Administrator
June 22, 2020 Park & Recreation Minutes

Park Board Members Present: Blake Broding, Aaron Gruber, Travis Koenen, Jill Papesh, Robert Peters, Jacqueline Strandberg, and Carla Vita.

Others: Bob Gerold and Stephanie Hillesheim and Jules Zimmer

1. Call to Order.

2. Approval of Minutes of Regular Meeting of May 18, 2020
   Koenen motioned, seconded by Broding to approve as presented. Motion carried unanimously.

3. New Business
   Aaron Gruber, new Park Board Member, took his oath of office.

4. Reports by Staff
   A. Mark Park
      Gerold informed that baseball is starting. The City purchased lime and the school district will spread the lime on the fields. Expect to see baseball activity starting June 24. The virus guidelines now allow practice. 2 weeks later practice with other teams. Then 2 weeks after that, scrimmage.

   B. Splash Park
      Gerold brought up the splash park opening due to the changes in State virus requirements. In his research, some cities are opening splash pads, others are not. Papesh stated that the Park Board decided in previous meetings to not open the splash park due to the virus, social distancing requirements, limiting crowds, and the difficulties of all requirements to balance. Papesh stated that the funds from the splash park were also reallocated to the Reibe-Riverside Park grant due to the previous funding issues. Vita stated that it is tough for anyone, especially little kids to stay 6 feet apart.

   C. Riverside Park.
      1) Rocking on the Rum
         Hillesheim informed that the band is still coming for the event. A new item will have a virtual fishing contest. Papesh questioned the prizes. Hillesheim stated that she has funds to cover the prizes. Koenen stated that multiple small prizes allows many people to win and might entice more people to take place in the competition. Vita recommended not asking businesses to donate due to how many businesses affected due to the virus. Instead she recommended to use the funds to purchase many gift cards for local businesses to support them. The Park Board unanimously recommended to the purchase small gift cards for Princeton businesses as prizes for the virtual fishing contest.

      2) Canoe
         Hillesheim stated that City Hall has received numerous phone calls on canoe usage and many canoe outings. Broding stated that he appreciates the pier design. Gerold informed that his staff constructed. Gerold also stated that the online camping booking is working.

      3) Chamber Presentation
         Zimmer informed that Hillesheim presented to the Chamber about Riverside Park. The Chamber appreciated the work.
D. Rainbow Park
   Gerold informed that some vandalism has occurred. He is seal-coating the parking lot this year.

E. Riebe Park
   1) Funding options
   Hillshiem asked the Park Board to approve the funding that was presented to the Park Board and some fundraising ideas. Discussion on cobblestone fundraising. Discussion on a fence slat fundraiser. More research by staff on the cost benefit analysis is needed.

   Papesh stated that the amounts were approved at the special meeting. No changes are needed.

   2) Bench donations
   Hillshiem presented 3 options for bench donations all of which are low maintenance. Motion by Broding, second by Strandberg for the Georgetown bench model. Motion carried unanimously.

   Vita recommended that when benches are donated, that the appreciation of the donation should be stated among other methods, to include the City's website and Facebook as many people are interested in social media.

F. Pioneer Park
   Gerold informed that repair is taking place on the river bank.

G. Riverview Terrace Nature Park
   Gerold is spraying for buckthorne.

H. Civic Center Park
   Hillesheim stated that she is waiting on a grant for multi-generational equipment.

5. Old Business
   None

6. Miscellaneous
   1) Grant Process
   Vita sent out to all that receive the Park Agenda packets a proposed process for matching grant funds that she has used in cities in which she worked/s to improve the process of Princeton. The situation being that three times staff have applied for grants without determining funds which has caused issues. Peters questioned Hillsheim and Zimmer on where the problem with funding occurred. Papesh stated that the issue arose with City Administrator Barbian came to the Park Board requesting to use all/portion of Park Dedication fees for the Reibe-Riverside Park due to significant overages. Upon her investigation she found many items were added to the project, that the Grand Trail project went over budget and Barbian did not look innovatively on other places to fund the trail and the issue was resolved. Papesch stated that communication from the City Administrator to the Park Board is a concern, Papesch also stated that better communication to the City Council on all that the Park Board is working to complete needs to occur.

   Significant conversation took place. Zimmer stated that he believes that no issues exist as staff has no idea where matching grants might be funded, but funding has occurred. Vita stated that
this is the exact issue that required the franchise fee. Zimmer stated that people like the trail.
Vita stated that the issue is not the trail it is the process and lack of communication. Vita stated
that her expectation is better professionalism on bother. Significant conversation took place in Vita stating that it is clear that there is no support from Zimmer to memorialize a grant process to prevent this situation again.

7. Adjourn
Motion by Vita second by Broding to adjourn at 7:25pm. Motion carried unanimously.
MEMORANDUM

TO: Mayor & City Council
FROM: Mary Lou DeWitt, Comm. Dev. Zoning Specialist
SUBJECT: Slaughterhouse Ordinance
DATE: July 23rd, 2020

BACKGROUND
Carla Mertz, approached the City in regards to wanting to bring a slaughterhouse business in the City. Currently, the City of Princeton does not have a Slaughterhouse Ordinance where it is an allowable use. Mertz explained to the Planning Commission at their May 18th meeting her experience in the slaughterhouse business and with this pandemic has made awareness of the need for slaughterhouses. She had a site she was interested in that was located in the B-3 District and then a second choice of hers is in the process of being annexed into the City and zoned MN-1 Industrial.

ANALYSIS
The Planning Commission Board directed staff to draft an Ordinance that was reviewed at their June 15th meeting and they moved to hold a public hearing on July 20th. The Ordinance reads that a slaughterhouse would be permitted with a Conditional Use Permit in the B-3 General Commercial District and the MN-1 Industrial District. The City Council received a copy of the draft to review at their July 9th meeting. The Slaughterhouse Ordinance is attached for the City Council to review.

AMENDMENT REVIEW STANDARDS
Common review standards:

1. The proposed action has been considered in relation to the specific policies and provisions and has been found to be consistent with the official City Comprehensive Plan.

2. The proposed use is or will be compatible with present and future land uses of the area.

3. The proposed use conforms with all performance standards contained in this code.

4. The proposed use can be accommodated with existing public services and will not overburden the city’s service capacity.

5. Traffic generation by the proposed use is within capabilities of streets serving the property.

CONCLUSION
The Planning Commission held a public hearing on July 20th, and moved to recommend approval to the City Council for a first reading on July 23rd.
AN ORDINANCE AMENDING THE ZONING ORDINANCE ADDING DEFINITIONS AND PROVIDING FOR THE PERMITTED USE OF SLAUGHTERHOUSE ACTIVITIES IN THE B-3 ZONED DISTRICT AND MN-1 DISTRICT THROUGH THE CONDITIONAL USE PERMIT PROCESS.

SECTION 1. Chapter II (Definitions) of the Zoning Ordinance is amended as follows (underline indicates additions; strikethrough indicates deletions):

Animal, Non-domestic
Animals which are kept outside the home for the purpose of food or pleasure, such as but not limited to, livestock (cattle, hogs, swine, sheep, goats, farmed Cervidae, chickens, poultry and/or ratitae, horses, bison, mules, or other equines, Llamas, elk, wild game; deer, bear, and game birds), bees, birds (such as falcons, and wild and scrub pigeons), and similar animals.

Custom Processing
"Custom processing" means slaughtering, eviscerating, dressing, or processing an animal or processing meat products for the owner of the animal or of the meat products, if the meat products derived from the custom operation are returned to the owner of the animal. No person may sell, offer for sale, or possess with intent to sell meat derived from custom processing except in conformance with this Ordinance.

Custom Processor
"Custom processor" means a person who slaughters animals or processes non-inspected meat (not under continuous inspections by either the MN Dept. of Agriculture or US Dept. of Agriculture for slaughter house activities) for the owner of the animals, and returns the majority of the meat products derived from the slaughter or processing to the owner. "Custom processor" does not include a person who slaughters animals or processes meat for the owner of the animals on the farm or premises of the owner of the animals.

Meat Food Product
"Meat food product" means a product usable as human food, animal foods, or fertilizer and made wholly or in part from meat or a portion of the carcass of animals.

Sell or Sale
"Sell" or "sale" includes the keeping, offering or exposing for sale, use, transportation, transferring, negotiating, soliciting, or exchange of meat or meat food products, or the having in possession with intent to sell, use, transport, negotiate, solicit or exchange the same and the storing or carrying thereof in aid of traffic therein, whether done or permitted in person or through others.
**Slaughter House**

“Slaughter house” means any land, building, place or establishment in which animals are slaughtered, eviscerated, or dressed.

**SECTION 2.** Section 10 (B-3 General Commercial District) of Chapter V (Zoning Districts) of the Zoning Ordinance is amended as follows:

**C. Conditional Uses**

Slaughter House Activities, in accordance with Section VI.CC.

**SECTION 3.** Section 13 (MN-1 Industrial District) of Chapter V (Zoning Districts) of the Zoning Ordinance is amended as follows:

**D. Conditional Uses**

Slaughter House Activities, in accordance with Section VI.CC.

**SECTION 4.** Section CC (Slaughter House Activities) shall be added to Section 2 (Standards) of Chapter VI (Performance Standards) of the Zoning Ordinance as follows:

**CC. Slaughter House Activities**

1. **Purpose.**

   No person may, with respect to any animal or meat food product, slaughter any animal or meat food product, slaughter any animal or prepare an article that is usable as human food, at any establishment or place of business within the City of Princeton except in compliance with this Ordinance. Additionally, no person may operate any slaughterhouse or custom processing activity except in compliance with this Ordinance.

2. **Conditional Use Permit required.**

   The operation of a slaughterhouse or custom processing activity is allowed as a conditional use only in the B-3 General Commercial Zoning District and the MN-1 Industrial District. All such uses must, however, be in strict conformance with all Federal and State laws for the operation of such facilities. No person shall operate a Slaughter House without first obtaining an Conditional Use Permit in writing from the City, in accordance with the provisions of Section IV.3 of the Zoning Ordinance and subject to the following conditions to govern slaughter house and custom processing activities in the City of Princeton:

   a. Slaughter of animals shall take place inside a closed building in a confined
area to prevent the transmission of sound associated with the slaughter to the outside.

b. The transport of animals and by-products from the slaughter or to support the business shall be pursuant to the conditions set forth in the Conditional Use Permit issued by City of Princeton.

c. Off street parking sufficient to handle all customers, employees, trucks or transport vehicles shall be provided. Parking for all traffic utilizing the business shall be provided for on-site and off public roads, and other easements.

d. The applicant shall provide a traffic impact analysis should staff recommend.

e. The main entrance to the facility must be located on a state highway, county road, or township road, or City road. Access shall not be permitted through a residential area.

f. The site must be served by an approved On-Site Sewage Treatment System or the City Sewer System. Disposal of waste shall be in accordance with all applicable laws and regulations. This is meant to include, but is not limited to, all sewage, processed and unprocessed animal parts, manure, entrails, blood, hides, and bones.

g. The facility must have all necessary federal, state and county licenses and approvals, and comply with all state and federal health and safety regulations.

h. The maximum area (indoor, outdoor or combination thereof) for the keeping or slaughtering of animals shall not exceed sixty (60%) of the individual lot or parcel site. The Conditional Use Permit will limit the number of animals for the keeping or slaughtering.

i. The facility hours of operations shall be pursuant to those set forth in the Conditional Use Permit issued by the City of Princeton.

j. Exterior storage areas, including animal storage areas, and vehicle and trailer storage, shall be fenced and screened from adjacent property and public rights of way. Fencing shall be sufficient to provide adequate screening and contain animals securely on the owner’s property at all times.

k. Animals shall be enclosed in gated enclosures with a minimum height of 6 feet.

1. Manufactured steel pipe panels shall have a minimum pipe diameter of two (2) inches and shall have a minimum of six (6) horizontal pipes.
l. Live animals may be held on the site for no more than twenty-four (24) hours.

m. Waste slaughter byproducts shall be disposed of in accordance with all applicable federal, state, and local regulations. At a minimum, waste shall be disposed of within forty-eight (48) hours of being produced. Waste shall be stored in airtight containers and shall be confined in fully enclosed structures. Manure from holding areas shall be removed from the site daily or stored in a manner to control odor as approved by the City of Princeton.

n. The permit shall be subject to a facility management plan, waste handling, site plan, and noise and odor control plan approved in writing by the City of Princeton Zoning Department.

o. All exterior structures and improvements or fences for the keeping or confinement of animals shall meet all setbacks as defined by the City of Princeton Zoning Department. Documentation of compliance maybe required at anytime to maintain the conditional use.

p. All loading and unloading areas shall be screened from view from adjacent properties and public streets.

EFFECTIVE DATE. This ordinance shall take effect upon its summary publication in the City’s official newspaper. Said publication shall read as follows:

Ordinance #797 amends the Zoning Ordinance, allowing Slaughterhouse Activities as a Conditional Use Permit in the B-3 Zoning District and the MN-1 District, subject to specific conditions. A copy of the full ordinance is available for review at City Hall.

ADOPTED by the City Council of the City of Princeton this 13th day of August, 2020

Brad Schumacher, Mayor

ATTEST:

Shawna Jenkins Tadych, City Clerk
To: Princeton Community

Date: 08-04-2020

From: Emergency Management Team, Ron Lawrence, Todd Frederick and Bob Gerold

Regarding: Sherburne County Hazard Mitigation Plan Consideration

Mayor and Council,

The city has been contacted by Sherburne County Emergency Management and is asking that the city consider adopting the Sherburne County Hazard Mitigation Plan. The City Emergency Management team has been working with Sherburne County Emergency Management on completing an All Hazards Mitigation Plan.

The Hazard Mitigation Grant Program structures the implementation of long-term mitigation measures following a major disaster declaration for events like floods, tornados, etc.

Mitigation is any sustained action taken to reduce or eliminate the long-term risk to human life and property and focuses on breaking the cycle of disaster damage, reconstruction, and repeated damage.

Hazard mitigation planning is an important aspect of a successful mitigation program which aids in the process of setting short and long-range mitigation goals and objectives.

All mitigation projects must be cost-effective, meet both engineering and technical feasibility criteria, and clear Environmental Planning and Historic Preservation requirements in accordance with the Hazard Mitigation Assistance Unified Guidance. Other eligibility requirements include: National Flood Insurance Program (NFIP) participation and participation in a Hazard Mitigation Plan.

The HMGP program is funded by the Federal Emergency Management Agency (FEMA) and is administered by the State. Federal funding for eligible mitigation projects is available for certain mitigation projects.

The Sherburne County plan is 4 pages long and we are not sure when it was last updated. We have attached a copy of the plan for your review.
In any event, adoption is recommended. A copy of the appropriate resolution is attached for your consideration. We will be available for any questions.

Fire Chief Ron Lawrence  Police Chief Todd Frederick  Public Works Director Bob Gerold
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<td>Mitigation Strategy</td>
<td>Mitigation Action</td>
<td>Reduces Risk to New / Existing Buildings or Infrastructure</td>
<td>F</td>
<td>G</td>
<td>H</td>
<td>I</td>
<td>J</td>
<td>K</td>
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<tr>
<td>1</td>
<td></td>
<td>All-Hazards</td>
<td>Education &amp; Awareness Programs</td>
<td>Encourage city residents to sign-up for Sherburne County’s CodeRED emergency notification system.</td>
<td>n/a</td>
<td>On-going</td>
<td>High</td>
<td>2019-2023</td>
<td>City EM in cord. with City Admin.</td>
<td>The City of Princeton participates in the County’s CodeRED emergency alert system. WE have a link on our website for residents to sign up for the system. Resident sign-up for the system can also be promoted via the city’s Facebook page as well as at special community events.</td>
<td>City funding</td>
</tr>
<tr>
<td>2</td>
<td></td>
<td>All-Hazards</td>
<td>Education &amp; Awareness Programs</td>
<td>Provide education and outreach to residents and businesses on personal preparedness for severe weather events or emergencies.</td>
<td>n/a</td>
<td>On-going</td>
<td>High</td>
<td>2019-2023</td>
<td>City EM in cord. with City Admin.</td>
<td>The City’s Fire Chief holds the position of Emergency Management Director and oversees outreach to the public on emergency preparedness. The Fire Chief and Police Chief work with the industrial park owners and works to provide education to the public and the schools on severe weather and active shooter/intruder programs. Emergency Mgmt. is currently building a website that can be attached to the city website to provide information to the public about emergency preparedness. The City also can utilize its city FB page and promote preparedness at special community events.</td>
<td>City funding</td>
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CITY OF PRINCETON (area within Sherburne County)
Mitigation Action Chart

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<th>Priority</th>
<th>Expected Time-frame</th>
<th>Responsible Party</th>
<th>Comments on Implementation, Administration &amp; Integration into Local Planning Mechanisms</th>
<th>Possible Funding</th>
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<td>3</td>
<td>Severe Summer Storms / Tornado</td>
<td>Structure &amp; Infrastructure Projects</td>
<td>Construct storm shelters or tornado safe rooms near the golf course.</td>
<td>n/a</td>
<td>New (2019)</td>
<td>High</td>
<td>2019-2023</td>
<td>City EM in cord. with City Admin.</td>
<td>The City of Princeton Emergency Mgmt. will seek to work with the golf course owners to assess and address the need for storm shelters or tornado safe rooms near the golf course which is located in a part of the city within Sherburne County. In order to implement construction projects, the City will work to secure necessary funding, which may include application to FEMA or other grant sources.</td>
<td>City and County funding, FEMA HMA Grant funding</td>
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<tr>
<td>4</td>
<td>Severe Summer Storms / Tornado</td>
<td>Structure &amp; Infrastructure Projects</td>
<td>Install new outdoor warning sirens near the airport and golf course to improve warning siren coverage in these areas.</td>
<td>n/a</td>
<td>New (2019)</td>
<td>High</td>
<td>2019-2023</td>
<td>City EM in cord. with Airport &amp; Golf Course owners</td>
<td>There is poor warning siren coverage near the airport and golf course. Hwy. 169 blocks a lot of the siren sound due to traffic, and with the Industrial Park in the south side of the city, they often do not hear sirens when we test them. The City EM will work with Sherburne County Emergency Management to identify and acquire grant funding to purchase and install new sirens. The USDA Rural Development Program may fund sirens.</td>
<td>City funding, USDA Rural Dev. Grant funding</td>
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<td>5</td>
<td>Flood</td>
<td>Local Planning &amp; Regulations</td>
<td>Plan for and secure funding to improve roads, culverts and river-banks that experience flooding.</td>
<td>Yes (Transportation Infrastructure)</td>
<td>On-going</td>
<td>High</td>
<td>2019-2023</td>
<td>City EM, City Public Works and City Admin.</td>
<td>The City’s Public Works Dept. manages planning for flood mitigation and improvement projects in the city. While projects are identified, funding is necessary for implementation. The PW Dept and City EM will work with City Admin to identify and apply for appropriate outside agency funding sources to support implementation of local flood mitigation projects.</td>
<td>City funding, MN DNR, FEMA HMA grant funding, other sources TBD</td>
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<td>6</td>
<td>Flood</td>
<td>Structure &amp; Infrastructure Projects</td>
<td>Install river gauges on the Rum River and West Branch of the Rum River to improve flood stage forecasting.</td>
<td>Yes (Existing Buildings &amp; Infrastructure)</td>
<td>New (2019)</td>
<td>High</td>
<td>2019-2023</td>
<td>City EM, SWCD in cord with USGS / MN DNR</td>
<td>The City EM will work with key agency partners such as the SWCD, USGS and MN DNR to install river gauges on the Rum River and West Branch of the Rim River to monitor rising water levels that lead to flooding. The hydrologic forecasting will allow the city to better inform residents and businesses of anticipated flood stages and necessary measures to prepare. Once installed, the city can provide a link on its city website where residents can check the flood stage monitors independently to remain informed.</td>
<td>City funding, USGS, MN DNR</td>
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### CITY OF PRINCETON (area within Sherburne County) Mitigation Action Chart

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<td>7</td>
<td>Flood</td>
<td>Structure &amp; Infrastructure Projects</td>
<td>Identify localized flood mitigation measures for key areas in the southwest and southeast corners of the city that are impacted by flooding on the Rum River.</td>
<td>Yes (Transportation Infrastructure, Waste-Water Treatment Facility and Existing Residences)</td>
<td>New (2019)</td>
<td>High</td>
<td>2019-2023</td>
<td>City Public Works Dept. in cord with City EM, City Admin and Key Partners</td>
<td>When we have high rain events and spring melt, the Rum River rises and impacts several key areas of the city within Sherburne County. This affects the airport in the SW corner and the golf course and wastewater treatment plan on the SE corner. We also have concerns about localized flooding in the neighborhood located behind Coborn’s. The City will work to identify and implement mitigation measures and will engage key partners in these efforts as applicable. Outside grant funding will be applied for by the city as needed to fund large projects.</td>
<td>City funding, MN DNR grant funding, FEMA HMA grant funding</td>
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<td>8</td>
<td>Flood</td>
<td>Local Planning &amp; Regulations</td>
<td>Ensure future development of Senior-living townhomes are not subject to flooding.</td>
<td>Yes (New Development of Buildings)</td>
<td>New (2019)</td>
<td>High</td>
<td>2019-2023</td>
<td>City Public Works &amp; City Admin.</td>
<td>There are plans in development for potential construction of a senior living 55+ townhomes to be built in an area that may be subject to flooding. The City PW Dept will work to evaluate and plan for any future development that mitigates against flooding of structures in this area by adhering to the city’s floodplain ordinance.</td>
<td>City funding</td>
</tr>
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</table>

The mitigation activities listed in the City of Princeton Mitigation Action Chart were identified for inclusion in the Sherburne County 2019 Multi-Hazard Mitigation Plan Update through city staff participation in the planning process and mitigation action chart development. Mitigation activities are based upon existing mitigation efforts that are incorporated into local planning mechanisms and determination of new, cost-effective and sustainable activities that will support long-term risk reduction to the people, property and environment of our city.
RESOLUTION OF THE CITY OF PRINCETON

ADOPTION OF THE
SHERBURNE COUNTY ALL-HAZARD MITIGATION PLAN

WHEREAS, the City of Princeton 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 Sherburne 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 Sherburne County Plan includes a mitigation strategy including goals and objectives and an action plan identifying specific mitigation projects and costs; and
WHEREAS, the Sherburne County Plan includes a maintenance or implementation process including plan updates, integration of the plan into other planning documents and how Sherburne 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 Sherburne 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 Princeton supports the hazard mitigation planning effort and wishes to adopt the Sherburne County All-Hazard Mitigation Plan.

This Resolution was declared duly passed and adopted and was signed by the __________ and attested to by the __________ this ______ day of ________, 2020.

________________________________________

Attest:

________________________________________
MEMORANDUM

TO: Princeton City Council
FROM: Keith R. Butcher, Princeton Public Utilities’ General Manager
SUBJECT: SMMPA’s Amended and Restated Power Purchase Agreement Relating to Qualifying Facilities (QFs)
DATE: August 13th, 2020

ITEM SUMMARY
In an effort to reduce administrative burdens, expand to include large customer-owned Distributed Energy Resource (DERs), and update the language in the Power Purchase agreement to align with the standard Municipal Minnesota Distributed Energy Resources Interconnection Process (M-MIP), Princeton Public Utilities requests that the Princeton City Council approve SMMPA’s Amended and Restated Power Purchase Agreement Relating to Qualifying Facilities.

BACKGROUND INFORMATION
Princeton Public Utilities has been a member of Southern Minnesota Municipal Power Agency (SMMPA) for many decades. That relationship is defined under a Power Purchase Agreement and includes an Amendment to include Qualifying Facilities as defined under the federal Public Utility Regulatory Policies Act (PURPA) originally enacted in 1978.

The revisions to the existing SMMPA PURPA amendment, last updated in 2011, covers three main areas.

1. The existing contract lays out the agreement and process for the purchase of the output from customer-owned Distributed Energy Resources (DERs) of less than 40 kW. This required monthly reporting which, for such small facilities, has become administratively burdensome. The revised contract changes this to an annual basis with the purchases continuing at the members’ average retail utility energy rate per state statute.

2. The existing contract does not address purchases from facilities 40 kW and larger. The revised contract lays out the agreement and process for the purchase of the output from customer-owned DERs of 40 kW and above. This is to be done on a monthly basis and the purchases made at SMMPA’s seasonal estimated time-of-use marginal energy costs.

3. The contract language is also updated to align with the standard Municipal Minnesota Distributed Energy Resources Interconnection Process (M-MIP) which SMMPA and its membership worked through with the Minnesota Municipal Utilities Association (MMUA).
RECOMMENDATION
On July 29th, 2020, the Princeton Public Utilities Commission supported the adoption of the Amended and Restated Power Purchase Agreement Relating to Qualifying Facilities and requests approval by the City Council.
AMENDED AND RESTATED POWER PURCHASE AGREEMENT
relating to
CONTRACTS FOR COGENERATION AND
SMALL POWER PRODUCTION FACILITIES

This Amended and Restated Power Purchase Agreement ("Agreement"), dated as of ____________ ("Contract Date"), is entered into by and between Southern Minnesota Municipal Power Agency ("Agency"), a municipal corporation and political subdivision of the state of Minnesota and ____________________________, Minnesota ("Member"), a municipal corporation and political subdivision of the state of Minnesota and a member of the Agency (Agency and Member are each a "Party" and together are the "Parties").

RECATALS:

A. Pursuant to the second paragraph of Section 3(a) of the Power Sales Contract between Member and the Agency, the Parties agreed that they would use best efforts to arrange for purchases of power required of Member under the Public Utility Regulatory Policy Act, 16 U.S.C. § 2601 (including the Minnesota implementation thereof in Minnesota Statutes Section 216B.164 and Minnesota Rules Chapter 7835, "PURPA") to be made by the Agency. If such arrangements cannot be made, Member is to purchase the power and resell the same to the Agency.

B. Minnesota’s implementation of PURPA specifies standard forms of contract to be used in purchases from a Qualified Facility ("QF") with capacity of less than 40 kilowatts ("kW") ("Under 40 kW QF(s)"), all as defined under PURPA, which contemplate that the purchaser of such power also provides power and energy to the QF. It is deemed infeasible for the Agency to assume such a role.

C. In light of the above, the Agency and Member are parties to a Power Purchase Agreement relating to purchases from Under 40 kW QFs and dated as of ____________ (the "Existing Power Purchase Agreement").

D. The Agency and Member desire to revise the terms and conditions of the Existing Power Purchase Agreement, among other things, to also apply to purchases by Member from QFs that are (i) owned by Member’s retail customer, and (ii) have capacity 40 kW and above ("40 kW and Above QF(s)") and (iii) for which the Agency has determined that it is not feasible for the Agency to make such purchase directly.

NOW THEREFORE, in consideration of the foregoing Recitals and other good and valuable consideration, the receipt and adequacy of which is hereby mutually acknowledged, the Parties hereto do hereby mutually agree as follows:

1. QF Contracts. Member may enter into one or more contracts that meet all requirements of PURPA and any Member rules relating to such purchase (a) for Under 40 kW QFs
using (i) the Uniform Statewide Contract (the “Uniform Contract”) promulgated under Minnesota Rules 7835.9910, as of the date hereof, or (ii) another form consistent therewith and with the Power Sales Contract and determined by the Agency to be economically identical to the Uniform Contract for purposes relevant to this Agreement (the “Alternate Uniform Contract”) and (b) for 40 kW and Above QFs (together with the Uniform Contract and the Alternate Uniform Contract, the “QF Contract(s)”) so long as the Agency has determined that, notwithstanding the best efforts of Member and the Agency, it is not feasible for the Agency to purchase the power directly as contemplated in Section 3(a) of the Power Sales Contract. After entering into any QF Contract, Member shall promptly notify the Agency of the key terms of the contract (i.e., the identity of the QF and the billing rate selection) and provide the Agency with a copy of each QF Contract entered into with a 40 kW and Above QF.

2. **Term.** The term of this Agreement shall commence on the date hereof and continue thereafter from calendar year to calendar year unless terminated by at least 90 days written notice from either Party to the other (the effective date of such termination being the “Termination Date”). No such termination shall excuse either Party from its continuing obligations under Section 3(b) of the Power Sales Contract.

3. **Application of this Agreement.** Except as set forth on the attached Exhibit A – Excluded Contracts or as otherwise agreed to by Member and the Agency, this Agreement shall apply to all present and future QF Contracts between Member and a QF which is a customer of Member provided that (a) in the event that PURPA (or Member’s rules in implementation thereof) is changed so that Member is not required to enter into such contracts or the terms of such standard contract are changed, at the option of either Party this agreement shall not apply to QF Contracts thereafter entered into (however Section 3(a) of the Power Sales Contract shall continue to apply to such future QF Contracts) and (b) as to QF Contracts to which this Agreement does apply, it shall continue to apply until the earliest of (i) the termination of the applicable QF Contract, (ii) the Termination Date or (iii) the expiration or earlier termination of the Power Sales Contract.

4. **Power and Energy Sold to the Agency.** All power and energy delivered by the QF to Member shall be deemed sold by Member to the Agency; provided, however, that, if Member has elected to limit the maximum amount of power to be purchased from the Agency under its Power Sales Contract to its Contract Rate of Delivery and such election is in effect, the provisions of Section 21 below shall apply.

5. **Metering.** Member shall install for each QF, or cause the QF to install, a meter that will measure and store energy input and output in 15 minute intervals for purposes of the QF Contract, this Agreement and the Power Sales Contract; provided, however, that the requirement for 15 minute interval metering shall not apply (i) to Under 40 kW QFs that elect to be paid for its energy using the average retail utility energy rate (as described in Section 8(b) below) or (ii) if the Agency and Member mutually agree that the Net Energy Flow (as defined in Section 6 below) from the QF to Member is anticipated to be negative. Where the QF elects that its entire generation be deemed to be made available to Member, such generation shall be metered in a separately identifiable manner. Where remote reading meters are used, Member will make reasonable efforts, in cooperation with the Agency, to use meters compatible with the Agency’s meter reading system software. In the absence of remote meter reading capabilities, Member shall read the meter at the end of each Agency billing month and forward the electronic data, (all in a form compatible with
the Agency’s power accounting system software) to the Agency via email within two business days of the end of the Agency billing month. Member shall have the option to bill the Agency, at mutually agreed rates, for additional meter reading costs which result solely from the need to supply the data to the Agency.

6. **QF Energy Measurement.** QF metering information shall be reported to the Agency depending upon capacity size of the QF as follows:

   a. For each 40 kW and Above QF, the net energy (the “**Net Energy Flow**”) supplied by Member to the QF (a negative amount) or by the QF to Member (a positive amount) shall be determined for the applicable Agency billing period. Where the QF elects that its entire generation be deemed to be made available to Member, the entire output of its generation (the “**QF Generation Flow**”) also shall be determined for the applicable Agency billing period.

   b. For each Under 40 kW QF, metering information for the prior calendar year shall be reported to the Agency before January 15 each year in the format set forth in Exhibit B. Specifically, each Member shall submit to the Agency a report of each Under 40 kW QF with a positive Net Energy Flow from QF to Member (i.e., net export of energy) in any month, including the amount exported (in kilowatt hours) and Member’s payment to the QF for the exported energy.

7. **Coincident Peak Capacity.** The coincident peak net output from the QF to Member (the “**CP Capacity**”) shall be determined each Agency billing period at the times and in the manner used to determine Member’s capacity charges under the Power Sales Contract based upon the metering information for all QFs with meters capable of measuring and storing hourly input and output data. If the coincident peak net output from the QF to Member is negative, the CP Capacity shall be 0.

8. **Payment by the Agency to Member.** The Agency shall reimburse Member for any payments actually made by Member to a QF, based on the capacity size of the QF and the QF’s selected rate option.

   a. For purposes of this Section, the following definitions shall apply: the “**Agency Capacity Rate**” shall be the Capacity Cost set forth in Schedule 4 - Average Incremental Cost, which shall be updated annually, distributed to Member no later than January 31 of each year, and be effective for the next consecutive 12 months (“**Schedule 4**”), and the “**All-In Wholesale Rate**” shall be determined by dividing the Agency’s total annual cost of operation by the total kilowatt hours sold by the Agency.

   b. If the QF is on the average retail utility energy rate, the following reimbursement payments shall be made for the energy and capacity from the QF:

      i. If the Net Energy Flow for an applicable billing period is zero or negative, no payment shall be made by the Agency for the energy or the capacity from the QF.
ii. If the Net Energy Flow for such billing period is positive, the Agency shall pay Member for the amount of such Net Energy Flow at the energy rate Member is paying the QF under the QF Contract.

c. If the QF is on a kilowatt-hour roll-over credits rate and credits remaining at the end of the year expire, no reimbursement payments shall be made by the Agency because Member is not making any payment to the QF.

d. If the QF is on the simultaneous purchase and sale billing rate or the time-of-day purchase rates, the following payments shall be made for the energy and capacity from the QF:

i. If the QF is on the simultaneous purchase and sale billing rate, the Agency will pay Member for the QF Generation Flow, which Member has purchased from the QF, as measured on-peak or off-peak, at the Agency’s seasonal Estimated Marginal Energy Cost as set forth in Schedule 4.

ii. If the QF is on the time-of-day purchase rates (applicable to all 40 kW and Above QFs), the Agency will pay Member for the positive Net Energy Flow, which Member has purchased from the QF, as measured on-peak or off-peak, at the Agency’s, seasonal Estimated Marginal Energy Cost as set forth in Schedule 4.

iii. If the QF elects the simultaneous purchase and sale billing rate and provides firm power, it is entitled to receive a capacity payment for an applicable billing period under the QF Contract. Under such circumstances, the Agency will pay Member a capacity payment equal to the product of the Agency Capacity Rate divided by all hours in the applicable billing period multiplied by the QF Generation Flow during the applicable billing period.

iv. If the QF is on the time-of-day purchase rates and provides firm power, it is entitled to receive a capacity payment for an applicable billing period under the QF Contract. Under such circumstances, the Agency will pay Member a capacity payment equal to the product of the Agency Capacity Rate divided by the number of on-peak hours in the applicable billing period multiplied by the Net Energy Flow of the QF during on-peak hours in the applicable billing period.

e. Unless otherwise agreed, such sums payable for QF capacity and energy by adjustment to Member’s bill from the Agency under the Power Sales Contract shall be:

i. monthly with respect to transactions involving 40 kW and Above QFs;

ii. annually, consistent with Section 6(b) above, with respect to transactions involving Under 40 kW QFs.

9. Adjustments to Member’s Bill. Member’s bill under the Power Sales Contract shall be adjusted as set forth below but shall be modified as necessary to give effect to Section 21
below, if Member has elected to limit the maximum amount of power to be purchased from the Agency under its Power Sales Contract to its Contract Rate of Delivery and such election is in effect.

a. In January of each year, the following adjustments will be made to Member’s bill under the Power Sales Contract to address monthly transactions involving Under 40 kW QFs for the prior 12 months.

i. For QFs on the average retail utility energy rate or roll-over credits rate, if the monthly Net Energy Flow from the QF for an Agency billing period is:

   A. zero or negative, no adjustment shall be made to the metered energy of Member under the Power Sales Contract (notwithstanding that energy from the QF may have been sold to the Agency at one time and the Agency may have provided an equal amount of energy to Member at another time during such billing period);

   B. positive, the Net Energy Flow exported to Member’s system will be added to the Member’s bill at the All-In Wholesale Rate.

ii. For QFs on the simultaneous purchase and sale billing rate, the QF Generation Flow exported to Member’s system will be added to the metered energy (on-peak or off-peak, as measured) of Member’s bill, and the CP Capacity of the QF will be added to Member’s metered demand at the times used to determine demand charges under the Power Sales Contract.

iii. For purposes of billing, amounts due from Member for billing adjustments made under Paragraphs (a)(i) and (ii) of this Section 9 shall be netted against reimbursement payments due from the Agency to Member under Section 8.

b. Each month, the following adjustments will be made to Member’s bill under the Power Sales contract to address transactions involving 40 kW and Above QFs.

i. The Net Energy Flow exported to Member’s system will be added back to the metered energy (on-peak or off-peak, as measured) of Member’s bill.

ii. The CP Capacity of the QF will be added to the Member’s metered demand at the times used to determine demand charges under the Power Sales Contract.

Illustrative examples of the adjustments are set forth in Exhibit C.

10. Notices. Any notices, elections, demands or requests required or authorized by this Agreement, or any other instrument or document or information required to be tendered or delivered by a Party, shall be in writing and personally delivered or sent by certified mail, return receipt requested, postage prepaid, or by facsimile (confirmed by regular mail) to:

(a) If to the Agency at
500 First Avenue SW
Rochester, Minnesota 55902-3303
Attention of the Executive Director & CEO
Facsimile number: (507) 292-6413
Electronic Mail: , and

(b) If to Member at

____________________________
Attention of the General Manager
Facsimile number:
Electronic Mail:

Either Party may change these addresses upon providing notice to the other Party. Any notice given hereunder shall be deemed to be given upon the earlier of (a) actual receipt or (b) three days after deposit in a properly addressed envelope in the U.S. mail, postage prepaid, certified mail, return receipt requested.

11. **No Rights of Third Parties.** This Agreement is intended for the benefit of the Parties hereto. Nothing in this Agreement shall be construed to create any duty to, any standard of care with reference to, or any liability to, any person not a party to this Agreement.

12. **Subject to Applicable Laws.** This Agreement is subject to applicable laws including applicable federal, state and local laws, ordinances, rules and regulations. Nothing herein contained shall be construed as a waiver of any right to question or contest any such law, ordinance, rule or regulation or asserted regulatory jurisdiction.

13. **No Partnership.** This Agreement shall not be interpreted or construed to create an association, joint venture, or partnership between the Parties or to impose any partnership obligation or liability upon any Party. No Party shall have any right, power or authority to enter in any Agreement or undertaking for, or act on behalf of, or to act as or be an agent or representative of, or to otherwise bind, the other Party.

14. **Amendment.** This Agreement may be amended only upon written agreement of the Parties.

15. **No Waiver.** Failure of a Party to insist, on any occasion, upon strict performance of this Agreement shall not be a waiver of the right to insist upon strict performance of any provision on any other occasion.

16. **Captions.** The captions of the various articles and sections of this Agreement are for convenience and reference only and shall not limit or define any of the terms and provisions hereof.

17. **Choice of Laws.** This Agreement shall be governed by and construed in accordance with the laws of the State of Minnesota.
18. **Severability.** If any term or provision of this Agreement, or the application thereof to any person or circumstance, shall, to any extent, be invalid or unenforceable, the remainder of this Agreement, or the application of such term or provision to persons or circumstances other than those as to which it is held invalid or unenforceable, shall not be affected thereby, and each term and provision of this Agreement shall be valid and enforced to the fullest extent permitted by law.

19. **Power Sales Contract.** The Power Sales Contract is a separate and distinct agreement between the Agency and Member, although the Agency and Member agree that the point of metering for the QF under this Agreement shall be deemed to be a Point of Delivery under the Power Sales Contract. In all other respects the Parties do not intend this Agreement to amend or modify the Power Sales Contract. In the event that this Agreement is terminated, the Power Sales Contract shall remain in full force and effect.

20. **Existing Power Purchase Agreement.** This Agreement amends and restates in its entirety the Existing Power Purchase Agreement. The obligations of the Member and the Agency incurred under the Existing Power Purchase Agreement shall continue under this Agreement and shall not be terminated, extinguished or discharged but shall hereafter be governed by the terms of this Agreement.

21. **CROD Provisions.** Section 3 of the Power Sales Contract provides that a Member may elect to limit the maximum amount of power purchased from the Agency to a “**Contract Rate of Delivery**” or “**CROD**”. If Member has elected to establish a CROD and such election is in effect, the following modifications shall apply to the foregoing provisions:

   a. **Definitions:**
      
      i. “**Customer Generation**” shall mean all power and energy from any QFs and any other Member customer-related generation that is sold in whole or in part to the Agency.

      ii. “**Metered Base Demand**” shall mean the total hourly demand of Member from the Agency as measured under the Power Sales Contract but before any addition for power and energy from any Customer Generation (or if any Customer Generation is included in such measurement, reduced by such Customer Generation).

   b. **Section 4 Power and Energy Sold to the Agency** above shall be amended to read: “That portion of the power and energy delivered by the QF to Member which, when added to the Metered Base Demand, does not cause Member’s load to exceed its CROD shall be deemed sold by Member to the Agency.”

   c. When computing the amount of Net Energy Flow for which the Agency will pay Member under Paragraphs (b)(ii) Section 8, and which will be added to Member’s metered energy under Paragraph (a)(i)(B) of Section 9, the sum of all total energy exported by all Under 40 kW QFs subject to average retail rates or kilowatt-hour roll-over credit rates shall be multiplied by a fraction, the numerator of which is the total annual energy purchased from the Agency by Member, and the denominator of which is the total annual energy consumed by Member.
d. When computing the amount of QF Generation Flow, Net Energy Flow, or CP Capacity value for which the Agency will pay Member under Paragraph (d) of Section 8 and which will be added to Member’s metered energy and metered demand under Paragraphs (a)(ii), (b)(i) or (b)(ii) of Section 9:

i. When Member’s Metered Base Demand plus all Customer Generation exceeds Member’s CROD, any energy delivered in either direction in excess of Member’s CROD shall be excluded. In such cases, Member’s CROD will be used for purposes of calculating demand charges.

ii. When Member’s Metered Base Demand plus all Customer Generation does not exceed Member’s CROD, all metered hourly QF Generation Flow, Net Energy Flow, or CP Capacity of the QF(s) at the times used to determine demand charges, as applicable, for the applicable billing period, shall be included.

[The next page is the signature page.]
IN WITNESS WHEREOF, the Parties have executed and delivered this Agreement as of the date first written above.

SOUTHERN MINNESOTA MUNICIPAL POWER AGENCY

By ______________________
David P. Geschwind,
Executive Director and CEO

Attest ______________________
Name and Title

CITY OF ____________, MINNESOTA

By ______________________
Name and Title

And/or Attest ______________________
Name and Title

4811-0582-90163 43
Exhibit A:
EXCLUDED QF CONTRACTS
### EXHIBIT B:
SAMPLE SMMPA 2019 MEMBER DER NET EXPORT REPORT UNDER SECTION 6(b) (QF Energy Measurement)

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**CALCULATION**

- **TOTAL NET EXPORT PAYMENT TO RETAIL CUSTOMERS:** $249.47
- **SMMPA TOTAL DER NET EXPORT:** 1,914
- **SMMPA FEBRUARY WHOLESALE RATES:** $157.340
- **ALL-IN WHOLESALE VALUE OF NET EXPORT:** $143.43
- **NET PAYMENT TO CUSTOMER:** $126.04

*(From A.67 - one of all payments made to retail customers for net exports for all months in this calendar year for this SMMPA member)*

*(From A.7 - one of all net export kWh for all retail customers with DER of less than 400kW for all months in this calendar year for this SMMPA member)*

*(All in Wholesale Rate as defined in Section B.6)*

*(312 x $0.4)*

*(72 - 73 - credit to be added to 2019 February SMMPA wholesale invoices to this SMMPA member)*
EXHIBIT C:
SAMPLE CALCULATIONS UNDER SECTION 9 (Adjustments to Member’s Bill)

**Scenario #1:** QF has capacity under 40 kW and has chosen average retail utility energy rate or roll-over credits rate.
- QF has a net export for the billing period of 100 kWh
- Member pays QF the utility average rate, $0.10 for this example — $0.10/kWh * 100 kWh = $10.00
- SMMPA reimburses member $10.00
- Member pays SMMPA’s “All-In Wholesale Rate” — $0.07474/kWh * 100 kWh = $7.47

*Therefore, SMMPA pays Member $10.00 - $7.47 = $2.53*

**Scenario #2:** QF has capacity under 40 kW and has chosen simultaneous purchase and sale billing rate.
- Customer exports 1000kWh on-peak, 5 kW of which is on the hour of the coincident peak (all power produced by QF is exported).
- SMMPA purchases on-peak seasonal avoided cost — $0.02641/kWh * 1000 kWh = $26.41
- 1000 kWh is added to Member’s bill — $0.05563/kWh * 1000 kWh = $55.63
- 5 kW is added to Member’s bill demand charge — $5 * $10.95/kW = $5.95

*Therefore, Member pays SMMPA $55.63 + $5.95 = $61.58 - $26.41 = $35.17*

**Scenario #3:** QF capacity is equal to or greater than 40 kW and is on time-of-day purchase rates.
- Customer exports 100kWh on-peak during the summer 5 kW of which is on the hour of the coincident peak.
- Member purchases 100kWh at seasonal average incremental cost — $0.02641/kWh * 100 kWh = $2.64
- SMMPA reimburses member $2.64
- 100 kWh is added to Member’s bill — $0.05563/kWh * 100 kWh = $5.56
- 5 kW is added to Member’s bill demand charge — $5 * $10.95/kW = $5.95

*Therefore, Member pays SMMPA $5.56 + $5.95 - $2.64 = $8.87*
UTILITIES

412.321 MUNICIPAL UTILITIES.

Subdivision 1. Authority to own and operate.

Any statutory city may own and operate any waterworks, district heating system, or gas, light, power, or heat plant for supplying its own needs for utility service or for supplying utility service to private consumers or both. It may construct and install all facilities reasonably needed for that purpose and may lease or purchase any existing utility properties so needed. It may, in lieu of providing for the local production of gas, electricity, water, hot water, steam, or heat, purchase the same wholesale and resell it to local consumers. After any such utility has been acquired, the council, except as its powers have been limited through establishment of a public utilities commission in the city, shall make all necessary rules and regulations for the protection, maintenance, operation, extension, and improvement thereof and for the sale of its utility products.

Subd. 2. Vote on establishment.

No gas, light, power, or heat utility shall be constructed, purchased, or leased until the proposal to do so has been submitted to the voters at a regular or special election and been approved by five-eighths of those voting on the proposition. Such proposal shall state whether the public utility is to be constructed, purchased, or leased and the estimated cost or the maximum amount to be expended for that purpose. This proposal and a proposal to issue bonds to raise money therefor may be submitted either separately or as a single question. The proposal for the acquisition of the public utility may include authority for distribution only or for generation or production and distribution of a particular utility service or group of services. Approval of the voters shall be obtained under this section before a city purchasing gas or electricity wholesale and distributing it to consumers acquires facilities for the manufacture of gas or generation of electricity unless the voters have, within the two previous years, approved a proposal for both generation or production and distribution.

Subd. 3. Extension beyond limitations.

Any city may, except as otherwise restricted by this section, extend any such public utility outside its limits and furnish service to consumers in such area at such rates and upon such terms as the council or utility commission, if there is one, shall determine; but no such extension shall be made into any incorporated municipality without its consent. The sale of electricity, other than surplus, outside the limits of the city shall be subject to the restriction of section 455.29.

Subd. 4. Lease, sale, or abandonment.

Any such utility may be leased, sold, or its operation discontinued wholly or in part, by ordinance or resolution of the council, approved by two-thirds of the electors voting on the ordinance or resolution at a general or special election. If the utility is under the jurisdiction of a public utilities commission, the ordinance or resolution shall be concurred in by the public utilities commission. Such action may be taken with respect to any specific part of the utility, which part shall be named in the ordinance or resolution; but it shall not be necessary to submit the ordinance or resolution to the voters in such case if the action proposed will not result in depriving any customer inside the corporate limits of any type of municipal utility service available before the sale, lease or discontinuance of operation.
412.33 ESTABLISHMENT OF PUBLIC UTILITIES COMMISSION.

Any statutory city may by ordinance expressly accepting the provisions of sections 412.331 to 412.391 establish a public utilities commission with the powers and duties set out in those sections. Any water, light, power and building commission now in existence in any statutory city shall hereafter operate as a public utilities commission under sections 412.321 to 412.391.

412.341 COMMISSION; MEMBERSHIP, ORGANIZATION.

Subdivision 1. Membership.

The commission shall consist of three members appointed by the council. No more than one member may be chosen from the council membership. Each member shall serve for a term of three years and until a successor is appointed and qualified except that of the members initially appointed in any city, one shall serve for a term of one year, one for a term of two years, and one for a term of three years. Residence shall not be a qualification for membership on the commission unless the council so provides. A vacancy shall be filled by the council for the unexpired term.

Subd. 2. Rules; officers, salary.

The commission shall adopt rules for its own proceedings which shall provide among other things for at least one regular meeting by the commission each month. It shall annually choose a president from among its own members. It shall also appoint a secretary for an indefinite term. The secretary need not be a member of the commission and may be the city clerk. No member of the commission shall receive a salary except as fixed by the council. The secretary shall receive a salary fixed by the commission.

412.351 COMMISSION, JURISDICTION.

The council shall, in the ordinance establishing the commission, decide which of the following public utilities shall be within the commission’s jurisdiction: (1) the city water system; (2) light and power system, including any system then in use or later acquired for the production and distribution of steam heat; (3) gas system; (4) sanitary or storm sewer system or both, including the city sewage disposal plant; (5) public buildings owned or leased by the city; (6) district heating system. As used subsequently
in sections 412.351 to 412.391, the term "public utility" means any water, light and power, gas or sewer system, or public buildings thus placed by ordinance under the jurisdiction of the public utilities commission. Any public utility not placed under the jurisdiction of the public utilities commission by the ordinance establishing the commission may be placed under the jurisdiction of the commission by an amendment to the original ordinance.

History:
1949 c 119 s 45; 1951 c 378 s 13; 1973 c 123 art 2 s 1 subd 2; 1981 c 334 s 3

412.36 [Repealed, 1949 c 119 s 110]

412.361 PUBLIC UTILITY; COMMISSION POWERS.

Subdivision 1.Contract; bid provisions apply.

The commission shall have power to extend and to modify or rebuild any public utility and to do anything it deems necessary for its proper and efficient operation; and it may enter into necessary contracts for these purposes. The provisions of section 412.311 relating to advertisement for bids shall apply to contracts of the public utilities commission.

Subd. 2.Hire, direct, fix pay for personnel.

The commission shall have power to employ all necessary help for the management and operation of the public utility, prescribe duties of officers and employees and fix their compensation.

Subd. 3.Buy fuel, supplies, wholesale energy.

The commission shall have power to buy all fuel and supplies, and it may purchase wholesale electric energy, steam heat, hot water energy, gas or water, as the case may be, for municipal distribution.

Subd. 4.Fix rates; adopt service rules.

The commission shall have power to fix rates and to adopt reasonable rules and regulations for utility service supplied by the municipally owned public utilities within its jurisdiction.

Subd. 5.Relations, finances with city.

The commission shall have power to enter into agreements with the council for payments by the city for utility service, compensation for the use by either the commission or the city of buildings, equipment, and personnel under the control of the other, payments to the city in lieu of taxes, transfers of surplus utility funds to the general fund, and also agreements on other subjects of relationships between the commission and the council.

History:
1949 c 119 s 46; 1953 c 735 s 6; 1973 c 123 art 2 s 1 subd 2; 1981 c 334 s 4

412.371 SEPARATE CITY FUND FOR EACH UTILITY.

Subdivision 1.For all utility money in and out.
A separate fund or a separate account shall be established in the city treasury for each utility. Into this fund or account shall be paid all the receipts from the utility and from it shall be paid all disbursements attributable to the utility.

Subd. 2. Must audit like city.

The commission shall, in the same manner as the council under section 412.271, subdivision 1, and to the same extent, audit claims to be paid from the public utilities fund. The secretary of the commission shall draw an order upon the treasurer for the proper amount allowed by the commission.

Subd. 3. Checks paid like city.

Upon counter signature by the president of the commission and presentation orders shall be paid by the treasurer.

History:

1949 c 119 s 47; 1973 c 123 art 2 s 1 subd 2; 1986 c 444

412.381 REPORTS.

The accounting officer of the commission shall make such monthly or annual statements of operation as the commission may require. A copy of each such report shall be filed in the office of the city clerk. An annual financial report shall be made and a copy filed with the clerk at the close of the calendar year and shall be included as part of the annual financial report or statement of the clerk in conformity with section 471.697 or 471.698. The cost of publication of any other official statement required by law to be published shall be paid from public utility funds.

History:

1949 c 119 s 48; 1973 c 123 art 2 s 1 subd 2; 1987 c 384 art 2 s 90

412.391 ABOLITION OF COMMISSION OR UTILITY TRANSFER.

Subdivision 1. To council; procedure.

The public utilities commission of any statutory city may be abolished or its jurisdiction over any particular utility transferred to the council by following the procedure prescribed in this section.

Subd. 2. Ballot question if abolition.

The council may, and upon petition therefor signed by voters equal in number to at least 15 percent of the electors voting at the last previous city election shall submit to the voters at a regular or special election the question of abolition of the public utilities commission. The question on the ballot shall be stated substantially as follows: "Shall the public utilities commission be abolished?"

Subd. 3. Ballot question if transfer.

Upon like presentation of a petition for election on the question of transfer to the council of the jurisdiction of the commission over any one or more of the utilities previously placed under its jurisdiction, the council shall, in the same manner as under subdivision 2, submit the question to the
voters. The question on the ballot shall be stated substantially as follows: "Shall jurisdiction over (Name of public utility) be transferred from the public utilities commission to the council?"

Subd. 4. Time of effect.

If a majority of the votes cast on a proposition submitted to the voters under subdivision 2 or 3 is in the affirmative, the provisions of sections 412.331 to 412.381 shall cease to apply to the city, in the case of an election under subdivision 2, or to the particular utility mentioned in the proposition submitted to the voters, in the case of an election under subdivision 3. Such change shall take place 30 days after the election.

History:

1949 c 119 s 49; 1953 c 735 s 7; 1973 c 123 art 2 s 1 subd 2

412.401 [Repealed, 1953 c 398 s 13]

412.411 [Repealed, 1953 c 398 s 13]

412.421 [Repealed, 1953 c 398 s 13]

412.431 [Repealed, 1953 c 398 s 13]

412.441 [Repealed, 1953 c 398 s 13]

412.451 [Repealed, 1953 c 398 s 13]

412.461 [Repealed, 1953 c 398 s 13]

412.471 [Repealed, 1953 c 398 s 13]

412.481 [Repealed, 1953 c 398 s 13]