

**CITY OF SAINT PETER  
OFFICIAL PROCEEDINGS – REGULAR MEETING  
MINUTES OF THE PLANNING AND ZONING COMMISSION  
January 7, 2021  
Virtual Meeting via GoToMeeting Application**

The January 7, 2021 meeting of the Saint Peter Planning and Zoning Commission was called to order at 5:30 pm by Community Development Director Russ Wille. The Commission assembled virtually via the GoToMeeting platform.

Commission members Andrew Davis, Ken Rossow, Scott Fichtner, Brad DeVos and Shanon Nowell were in attendance. Member Joe Urban was absent. Visitor present was ISG Engineer Nathan Hermer on behalf of Mike Volk. Community Development Director Russ Wille and Administrative Secretary Cindy Moulton were in attendance.

**Approval of Agenda**

Motion by Rossow, seconded by Davis to approve the meeting agenda as presented. All members voting aye, the Agenda was approved.

**Election of Officers**

A motion was made by DeVos, seconded by Rossow to elect Davis as Chairperson. With no further nominations all members voting aye, Davis was elected President.

A motion was made by Davis, seconded by Rossow to elect Fichtner as Vice Chairperson. With no further nominations, all members voting aye, Fichtner was elected Vice Chairperson.

**Approval of Minutes**

A motion was made by Nowell, seconded by Fichtner to approve and accept the prepared minutes of the December 3, 2020 regular meeting of the Planning and Zoning Commission. All members voting aye, the minutes were approved as presented.

**Public Hearing – Windsor Pond Fourth Addition Preliminary Plat**

Mike Volk, Windsor Homes, LLC, is proposing the creation of Windsor Pond Fourth Addition. Preliminary and Final Plats have been submitted for the Commission's approval.

Wille stated that Volk has submitted a plat that indicates creation of 12 lots to accommodate construction of slab-on-grade single family homes. The remainder of the undeveloped property would be designated as Outlot A. He indicated that Outlot A would not be developable until such time its own platting process was completed.

All lots meet the minimum size, frontage and standards set forth by the City Council. Wille stated that the Public Works Department, City Engineer and he concur that the petitioned plat meets the requirements and standards adopted by the City.

He also added that that the roads currently constructed within Windsor Pond, the planned extension of Windsor Lane, and the construction of the remaining portion of Victoria Street will adequately service the new properties.

Wille indicated that the City Council will be asked to consider a development agreement when they consider the final plat.

Wille opened the public hearing at 5:44 pm. With no public comment, the public hearing was closed at 5:45 pm.

The Commission agreed that Windsor Pond has been a great addition to St. Peter and are happy with the expansion.

### **Preliminary/Final Plat(s) – Windsor Pond Fourth Addition**

A motion was made by Rossow, seconded by DeVos to introduce Resolution No. 2021-01 entitled, "Resolution Recommending Approval Of The Preliminary Plat Of Windsor Pond Fourth Addition". All members voting aye, the Resolution was passed and adopted.

A motion was made by Fichtner, seconded by Davis to introduce Resolution No. 2021-02 entitled, "Resolution Recommending Approval Of The Final Plat Of Windsor Pond Fourth Addition". All members voting aye, the Resolution was passed and adopted.

### **Title Correction Issues – Kwik Trip North Addition**

Kwik Trip, Inc. has purchased the property located at 100 Dodd Road (former Seitzer building) and intends to demolish the existing structures and build a new truck stop/convenience store. Wille stated the property is located in the C-4 District (Highway Commercial) and is subject to the Gateway Overlay.

Wille indicated that the property consists of three lots and a remnant of what is believed to be a vacated right of way. Kwik Trip Inc. has had an Alta Survey completed of the properties and some issues were identified that need to be addressed in order for Kwik Trip, Inc. to obtain Title Insurance.

Willed stated that the survey identifies that a variance exists from the Highway #169 setback to allow for a billboard and a Conditional Use Permit was approved following the granting of the variance. He also added that an easement was granted and recorded to provide for the installation of an electrical service to illuminate the billboard. Given that the billboard will be removed upon redevelopment of the property, the variance, Conditional Use Permit and easement is no longer needed.

Wille added that a development agreement between H.B. Seitzer & Company and the City was executed in 1993 as the property was developed. He indicated that H.B. Seitzer completely satisfied the terms of the agreement.

Because the property has changed hands and will be subject to redevelopment, the development agreement with H.B. Seitzer would no longer be appropriate. Wille stated that as Kwik Trip is developed, the City will enter into a development agreement for the installation of public utilities and public services necessary to serve the property.

Kwik Trip, Inc. is requesting that the City Council take action to eliminate the variance, eliminate the electrical easement, remove the Conditional Use Permit, and release the terms of the development agreement between H.B. Seitzer and the City.

Wille noted MnDOT has determined that the property will not have access to Hwy #22 or Dodd Avenue. Ingress and egress will be located off of Old Minnesota.

Davis said that although the entrance and exit to the property is not part of the business at hand, he expressed his concern over the wide driveway and its location relative to the intersection

Rossow stated that the title information indicates a list of past due taxes but also stated that the taxes were not due at the time the title information was completed in March.

Wille stated that all of the taxes need to be current for the transfer of the property to take place.

A motion was made by Davis, seconded by Nowell to introduce Resolution No. 2021-03 entitled, "Resolution Recommending That The City Council Undertake Certain Title Correction Actions To Accommodate The Redevelopment Of The 100 Dodd Avenue Property By Kwik Trip, Inc." All members voting aye, the Resolution was passed and adopted.

### **Annexation by Ordinance – Pell/Enz/Wilson/Nicollet County**

The City entered into a Development Agreement with St. Peter Lands, LLC on November 9, 2020 for a residential multi-family development in Traverse Green Subdivision. As per the Agreement, the City is obligated to extend a sanitary sewer main from its current terminus in Warren Park to the North Traverse Green site no later than October 2021.

Wille stated that in order to extend the sewer main a temporary construction easement and a permanent easement must be obtained for the underground infrastructure. Wille indicated that the City will be required to return the land to preconstruction condition once the sewer main is installed.

Bolton & Menk prepared the proposed easement and as a result, easements would be required from Ben and Joanna Pell as well as LaVonne (Bonnie) Enz.

Wille indicated that John Foster from Foster Appraisals has completed appraisals for both temporary and permanent easements. Once the values were determined, offers were made to both the Pell's and Enz's in an attempt to negotiate the acquisitions of the easements.

Dan Wilson of Henning Professional Services is representing the City in negotiations. At this time the Enz's have rejected the offer. In consultation with City Attorney Brandt, the counteroffers made by the property owners were determined by City staff to be unacceptable and not in the City's best interest.

Wille stated negotiations are at a standstill with the Enz's. He stated the Enz's have decided to have an appraisal done of the property on their own. He added it appears that the City is close to having an agreement with Pell's.

Due to the inability to obtain an easement with Enz's and given the deadline of October 2021 for the City to have the sewer in place and operational, it appears necessary to initiate the involuntary annexation of the properties as well as five additional properties. The City can then exercise the authority of condemnation granted to them by M.S. 414.033 Subdivision 2(2).

The City Council has initiated involuntary condemnation of the property as well as 5 additional properties that are surrounded by city limits.

Because of the time constraints, and to be sure the lands comprise all of the land are necessary, the matter has been referred to Boundary of Adjustments. They in turn have passed the information onto MnDOT to pre map this. If these 7 parcels are annexed into the City, both the Boundary of Adjustments and MnDOT indicated it would be approved.

The City Council has scheduled a public hearing for February 8, 2021. City Attorney Brandt has sent certified mail notice to the property owners indicating the public hearing as well as the Traverse Township Clerk.

City Administrator Todd Prafke has authorized Wille to offer a shared taxation agreement with Traverse Township.

Once the property is annexed, the City would have standing to compel both parties to provide the easements through alternative means. If they are in the city limits, and only in the city limits the City would have the ability to exercise eminent domain or condemnation and take the property for public use.

Wille stated that the City Council needs to provide notification to the property owners of the City's intent to condemn the sanitary sewer easement. That action could be initiated the City Council. Wille said the City would still need to reimburse the property owners for the easements which would likely be more than the appraised value of the land. The City would need to deposit funds with the court in an amount equal to their final offer. Should the property owners not agree to the proposed reimbursement, they can initiate action to have the value of the easements determined through the courts.

Wille stated that once the process is initiated, the City could have access to the easements and could begin construction within 90 days.

Fichtner inquired as to how it may affect the farmer's property taxes.

Wille stated that there is a lot of fluctuation depending on the size of the property.

He also asked if the property were developed in the future if the property owners would have to pay for the line.

Wille stated that it would be a future deferred assessment and at the time of development it would have to be paid.

Fichtner asked if the property is zoned R-3 if it could be developed as 1, 2 or multifamily residential housing.

Wille indicated that it is a pyramidal zoning. He stated that if the developer wanted to restrict the type of housing, they could develop covenants and record them. Those covenants would only be enforced by that neighborhood. The City has no roll in enforcing covenants.

Rossow asked if the sewer line would be designed in order to stub in for future developments.

Wille stated that it would which was one of the Enz's requests.

DeVos asked should the property owners come to an agreement on the easement, would eminent domain and annexation be necessary.

Wille stated that if a successful negotiation is reached and signed by February 8, 2021, the City Council would have the discretion to deny the ordinance and not annex the lands. Wille stated if the agreement is not signed, once the annexation is completed, there is no going back.

A motion was made by Nowell, seconded by Fichtner to introduce Resolution No. 2021-04 entitled, Resolution Recommending the Annexation By Ordinance And Zoning Designation Of Properties Completely Surrounded By Lands Current Within The Municipal Boundaries". All members voting aye, the Resolution was passed and adopted.

### **Reports**

**Baker Gateway Amendment** Wille announce that the City Council will be holding a public hearing on February 8, 2021

### **Adjournment**

With no further business before the Commission, Davis moved the adjournment of the meeting. The motion was seconded by Rossow, all voting in favor, the meeting was adjourned at approximately 6:23 pm.