

**Barnesville Planning Commission  
Regular Meeting  
Monday, August 3, 2009**

The regular meeting of the Barnesville Planning Commission was called to order by Chairman Merlin Strom at 6:33 p.m.

Members present: Steve Mortenson, Paul Karsnia, Merlin Strom, Pat Berndt, Matthew Wever, Margaret Follingstad and Karen Lauer, Zoning Administrator.

Member absent: Mike Detloff and Mike Osten.

Others present: Pam Aakre of the Barnesville Record-Review.

**AGENDA**

**08-03-09-01** Motion by Mortenson and seconded by Follingstad to approve the agenda with the addition of Right of Way Questions under Other Zoning Concerns. Unanimously carried.

**MINUTES**

**08-03-09-02** Motion by Follingstad and seconded by Karsnia to approve the minutes of the July 6, 2009 meeting. Unanimously carried.

**SWIMMING POOL ORDINANCE**

Karen Lauer indicated John Shockley, City Attorney, had been researching to determine if a permit is needed for a swimming pool. Shockley found that the residential code does not require a building permit but the Minnesota administrative code does require a building permit. The City Council had the second reading on the building permit for swimming pools over 30 inches and passed the ordinance with a \$5 building permit fee. Lauer noted that Roland Holm must inspect the pool and the inspection will take two or more hours of his time. Mr. Holm's compensation is a percentage of the permit fee. The permits are required only one time. It was the consensus of the Planning Commission members that the permit should be attached to the property. The Planning Commission will discuss the permit fee next spring.

**POPPEL SALVAGE YARD**

Karen Lauer noted that currently the fence is up, the gate is closed, and the items are inside the fence at the Poppel Salvage Yard. Lauer also noted she will call the Poppels to check on the status of the concrete work for the posts.

**DENNIS BRATON PROPERTY**

Karen Lauer discussed the Dennis Braton Property CUP with John Shockley, City Attorney. Shockley indicated that if Mr. Braton had not made progress to comply with the CUP conditions by July 31, 2009, the zoning officer has the authority to issue an order to discontinue the activities at the site. Shockley also noted that Mr. Braton should be given a reasonable amount of time to remove the structure and that 14 days should be adequate. At this point, Mr. Braton has not applied for a building permit to work on the CUP required construction and he has not responded to the letter sent to him on June 28, 2009 by Karen Lauer. Follingstad asked if Mr. Braton could apply for an extension to the CUP deadline. Lauer indicated she believed he could make such a request and that the Planning Commission could grant an extension. It was the consensus of the Planning Commission members to move forward with the notice to Mr. Braton that he has 14 days to remove the building from his property. If the building is not removed within 14 days, the City has the ability to remove the building and assess the cost to Mr. Braton. Lauer noted that the issue will be reviewed at the next City Council meeting.

**PERMITTED INTRUSIONS INTO FRONT YARDS**

Karen Lauer reviewed the request from Roland Holm to clarify the definition of an uncovered porch. The Planning Commission reviewed ordinances from Moorhead and Fargo in regard to permitted intrusions into front yards. Commission members agreed that the language in the Moorhead ordinance is clearer and better than the current Barnesville language. Commission members also felt that the revised language should still include the statement that "they may extend eight feet into the front yard, but in no case will the remaining front yard set be less than 15 feet." It would be good to also address side yard intrusions at the same time. Lauer noted that a public hearing is needed to amend the ordinance and the amended ordinance would need to go to the City Council for two readings. Lauer will write a draft amendment for the next meeting and the public hearing could be held at the October Planning Commission meeting.

#### **PROPERTY MAINTENANCE TASK FORCE**

It is the recommendation of City Attorney, John Shockley, to create a Property Maintenance Task Force. The members of the task force would consist of the individuals who have something to do with property maintenance issues. The City Council appointed Dean Ernst, Chief of Police, Dave Riddering, Public Works, Roland Holm, Building Inspector, Karen Lauer, Zoning Administrator, and John Shockley, City Attorney to the task force. The task force plans to meet on a monthly basis. The initial discussions will focus on how to cooperate, collaborate and to get action steps into place.

#### **ACCESSORY BUILDINGS IN SIDE YARDS**

Karen Lauer reported there have been discussions about an accessory building that appeared in a side yard of a home and whether or not the building can be placed in the side yard. Upon research, Lauer noted that the City does not have anything in the ordinance to prohibit an accessory structure in a side yard. After researching other cities' ordinances, Lauer found that Moorhead does allow accessory structures in the side yard and Fargo does not allow structures in the side yard setback. Lauer noted that she had not driven around the city to see if there were other structures in the side yard. Planning Commission members could not think of any instances of side yard structures that they had noticed. Commission members discussed the pros and cons of being more restrictive than the Fargo-Moorhead area. Before the next meeting, Commission members are requested to drive around the city to see what structures currently exist in side yards. Lauer will do some more research on the topic and the issue will be discussed further at the next meeting.

#### **OTHER ZONING CONCERNS: RIGHT OF WAY QUESTION**

Karen Lauer reported that she had received a complaint last week regarding a shed outside the property's fence on a property on 13<sup>th</sup> Street in the Del Acres 7<sup>th</sup> Addition. The home owner has taken out a section of the fence and placed the shed outside the fence near the power lines which is in the right of way. The owner indicated the shed is on skids and they would move it when it needed to be moved from the right of way. Lauer has discussed the issue with the City Attorney who indicated that some cities will lease the right of way to home owners. This would require year after year monitoring and could include a fee from \$1 to \$1,000. The City Council would need to take action to set up such a lease. The home owner in this instance has about 9' of building on property that is not his. At this point, it is necessary to determine who owns the property or if it is on a right of way or utility easement.

#### **BUILDING PERMIT LIST**

Buildings permits for July 2009 were reviewed.

The next Planning Commission meeting is Tuesday, September 8, 2009 at 6:30 p.m.

**08-03-09-03** Motion by Mortenson and seconded by Karsnia to adjourn at 8:24 p.m. Unanimously carried.

Submitted by:

Pat Berndt  
Planning Commission Secretary