

**Barnesville Planning Commission
Regular Meeting
Monday, February 4, 2008**

The regular meeting of the Barnesville Planning Commission was called to order by Vice Chairman Merlin Strom at 6:30 p.m.

Members present: Steve Mortenson, Margaret Follingstad, Merlin Strom, Gary Fraedrich, Mike Detloff, Mike Osten, Pat Berndt, Aaron Grommesh, and Karen Lauer, Zoning Administrator.

Members absent: None.

Others present: Roland Holm, Joel Anderson, Dennis Braton, Ryan Tonsfeldt, Craig LeNoue, Brian Carlson, Brenda Carlson, Shirley Bredman, Dave Bredman, Dale Braton, Marvin Stetz and Pam Aakre of the Barnesville Record-Review.

OATH OF OFFICE FOR MIKE DETLOFF AND MERLIN STROM

Karen Lauer administered the oath of office for Planning Commission members Mike Detloff and Merlin Strom.

AGENDA

2-4-08-01 Motion by Mortenson and seconded by Osten to approve the agenda. Unanimously carried.

MINUTES

2-4-08-02 Motion by Osten and seconded by Follingstad to approve the minutes of the January 7, 2008 meeting with the correction of the date of the meeting to January 7 and to change reproofing to reroofing. Unanimously carried.

PUBLIC HEARING: DEAN'S BULK CUP REQUEST FOR ELECTRONIC SIGN

2-4-08-03 Motion by Mortenson and seconded by Berndt to open the public hearing on the Dean's Bulk CUP request for an electronic sign at 6:36 p.m. Unanimously carried.

Karen Lauer reviewed the information on the signage at the Barnesville C-Store. The CUP request is for adding electronic signage to an existing pole sign. The sign will use fixed electronic technology and is permitted by a Conditional Use Permit. Karen Lauer noted that all mailings and advertisements had been completed as required and no calls were received prior to the meeting in regard to this matter. Ryan Tonsfeldt commented that there would be no reader board and the sign would only be used for listing gas prices. The bottom of the sign meets the minimum height requirements and the sign does not exceed the 100 square feet allowance. The sign installation requires a building permit and would be based on the value of the sign. The Planning Commission considered this situation to be similar to reroofing a house and agreed to retain the building permit requirement.

2-4-08-04 Motion by Osten and seconded by Follingstad to close the public hearing at 6:45 p.m. Unanimously carried.

2-4-08-05 Motion by Follingstad and seconded by Mortenson to recommend to the City Council to approve the Dean's Bulk Service CUP request to add an electronic sign with the following conditions. Unanimously carried.

1. Applicant will acquire a building permit from the City of Barnesville.
2. No additional signage may be added to the freestanding pole which would cause the total square footage to exceed 100 square feet.

PUBLIC HEARING: ORDINANCE REGULATING SOLID FUEL-FIRED HEATING DEVICES

2-4-08-06 Motion by Fraedrich and seconded by Follingstad to open the public hearing on the ordinance regulating solid fuel-fired heating devices at 6:48 p.m. Unanimously carried.

Karen Lauer reviewed the previous Planning Commission discussion on prohibiting such devices and regulations on existing devices. The City Attorney provided input on the state statute and the ability to prohibit the solid fuel-fired heating devices. The City Attorney indicated the ordinance cannot phase out existing devices if the property is sold, can regulate the types of materials burned, and can regulate operating time frames. Karen Lauer noted that existing devices will become a non-conforming use if the City were to adopt an ordinance to prohibit the devices. Karen Lauer noted there are four existing units in use at this time. Craig LeNoue commented that a neighbor has a unit and a prevailing wind will bring the smoke into his house and garage. He is concerned with the height of the stack and would like the smoke to go up and over his house. Shirley Bredman quoted EPA standards and noted that she has photographs of smoke from her neighbor's unit. Dave Bredman stated that he believes the units cause a need to deal with public health issues. Joel Anderson commented that an indoor fireplace uses the same wood as is used in the outdoor solid fuel-fired heating devices. He also noted that he has not received a complaint in the fourteen years that he has had his device, but he also noted that he does live on the edge of town. Dennis Braton noted that he burns wood in his unit and he did have the police check once to see if he was burning railroad ties. Roland Holm commented that a higher stack may not solve the smoke issue. Craig LeNoue noted that the school had issues with smoke and they added height to the smokestack and he is just asking for additional height on his neighbor's smokestack. Dale Braton noted that a taller smokestack will not solve the smoke issue on all days. Marvin Stetz noted that his smokestack is 21 feet from the ground. He expressed concern with wind damage if the smokestack is too high. All current owners of the solid fuel-fired heating devices indicated they had no concern with the list of allowable fuel sources or with the usage time frame. Planning Commission members discussed possible options for defining the height of the smokestack in the proposed ordinance.

2-4-08-07 Motion by Fraedrich and seconded by Osten to close the public hearing on the ordinance regulating solid fuel-fired heating devices at 8:09 p.m. Unanimously carried.

The Planning Commission discussed the ordinance and possible stack height requirements. It was the consensus of the members to continue that part of the discussion at the March meeting.

2-4-08-08 Motion by Mortenson and seconded by Osten to recommend to the City Council to approve Ordinance 11.57 Exterior Solid Fuel-Fired Heating Devices. Unanimously carried.

Subd. 1. Definitions

Exterior Solid Fuel-Fired Heating Device - An external device designed for solid fuel combustion so that usable heat is derived for the interior of a building, and includes solid fuel-fired stoves, solid fuel-fired cooking stoves, and combination fuel furnaces or boilers which burn solid fuel. This definition specifically includes all wood boilers located inside accessory buildings. Solid fuel-fired heating devices do not include outdoor fire pits, wood-fired barbeques, gas-fired fireplace logs, or wood-burning fireplaces or wood stoves in the interior of a building.

Subd. 2. Prohibition of Exterior Solid Fuel-Fired Heating Devices

Outdoor solid fuel heating devices are prohibited and shall not be installed or operated with the Barnesville City limits.

Subd. 3. Existing Exterior Solid Fuel-Fired Heating Devices

All existing solid fuel units installed with City limits at the time of adoption of this ordinance are required to meet emission standards currently required by the Environmental Protection Agency (EPA), which are hereby adopted by reference together with any amendments or modifications made to them in the future. In addition:

A) Exterior solid fuel-fired heating devices shall burn clean fuel only, specifically, biomass pellets, corn, firewood, and clean untreated lumber or other clean wood products. Any dense smoke, noxious fumes, gas and soot, or cinders, in unreasonable quantities, or any use of an external solid fuel-fired heating device to burn solid fuels other than those solid fuels for which the external solid fuel-fired heating device was designed, will be declared a public nuisance.

B) The following materials shall specifically not be used or burned in exterior solid fuel-fired

heating devices: grass, leaves, oil, rubber, plastics, tires, railroad ties, construction debris, and painted or chemically treated lumber, composite shingles, tar paper, insulation composition board, sheetrock, wiring, paint, and hazardous and industrial solid waste.

C) Exterior solid fuel-fired heating devices may only be used October 1 through April 15.

D) Subd. 4 Phasing out of Existing Exterior Solid Fuel-Fired Heating Devices

A) If the exterior solid fuel-fired heating device is destroyed by any means to an extent of more than fifty (50) percent of its replacement cost at time of destruction and no building permit has been applied for within 180 days, its use must be discontinued;

If the use of the exterior solid fuel-fired heating device is discontinued or abandoned for twelve (12) months; its use may not thereafter be resumed.

Subd. 5 Penalty

Any violation of this ordinance is a misdemeanor. Each day a violation occurs is a separate offense.

PUBLIC HEARING: MODIFICATIONS TO COMMERCIAL AND INDUSTRIAL FENCING

2-4-08-09 Motion by Follingstad and seconded by Fraedrich to open the public hearing on the modifications to Commercial and Industrial Fencing at 8:19 p.m. Unanimously carried.

Karen Lauer reviewed the proposed changes to Ordinance 11.61 Subd. 6 – 9. Commission members discussed the proposed changes.

2-4-08-10 Motion by Osten and seconded by Berndt to close the public hearing on the modifications to Commercial and Industrial Fencing at 8:22 p.m. Unanimously carried.

2-4-08-11 Motion by Berndt and seconded by Detloff to recommend to the City Council to approve the modifications to Commercial and Industrial Fencing as follows. Unanimously carried.

SEC. 11.61. FENCING AND SCREENING

Subd. 6. Business Commercial and Industrial District Fences.

A. Commercial and Industrial District Fences are those fences located within commercial or industrial zoned areas of the City.

A B. Fences extending across a required front yard or a required side yard which abuts a street on a corner lot shall be at least seventy five percent (75%) open for the passage of air and light and shall maintain the traffic visibility requirements of this Section.

B C. All Business **commercial** and industrial fences ~~may be erected up to eight feet (8')~~ shall require a conditional use permit.

€ D. Fences which are primarily erected as a security measure may have arms projecting into the applicant's property on which barbed wire can be fastened commencing at a point at least seven feet (7') above the ground.

~~D. The screening provisions for business and industrial districts shall supersede, where applicable, the provisions of this Subdivision.~~

Subd. 7. Required Fencing and Screening. Where any commercial, industrial use, or multi-family building of four (4) or more units (i.e. structure, parking or storage) abuts property zoned for residential use, that business, industry or multi-family building shall provide screening along the boundary of the residential property. Screening shall also be provided where a business, industry, or multi-family building of four (4) or more units is across the street from a residential zone, but not on that side of a business, industry or multi-family building considered to be the front yard. Provided, however, that the provisions of this Section will not apply where a multi-family building abuts property also zoned for multi-family use. All fencing and screening specifically required by this Section shall be subject to traffic visibility requirements of this Section and shall consist of either a fence or a green belt planting strip as provided for below:

A. A green belt planting strip shall consist of evergreen trees and/or deciduous trees and plants and shall be of sufficient width and density to provide an effective visual screen. This planting strip shall be designed to provide substantial visual screening to a minimum height of six (6') feet. Earth mounding or berms may be used but shall not be used to achieve more than three feet (3') of the required screen. The planting plan and type of plantings shall require the approval of the ~~Board~~ **Planning Commission**.

B. A required screening fence shall be constructed of masonry, brick, wood or metal. Such fences shall provide a solid screening effect six feet (6') in height for multi-family uses and at least six feet (6') in

height for ~~business~~ **commercial** and industrial uses unless otherwise specified. **All screening fences require a Conditional Use Permit.** The design and materials used in constructing a required screening fence shall be **required as part of the Conditional Use Permit application** ~~subject to the approval of the City.~~ ~~Fences in excess of eight feet (8') in height shall require a conditional use permit.~~

Subd. 9. Residential, Commercial and Industrial Special Purpose Fences. Residential, commercial and industrial fences for special purposes and fences differing in construction, height, or length may be permitted ~~by the Building Official~~ in any district in the City provided that reasons submitted by the applicant demonstrate the purpose is necessary to protect, buffer or improve the premises for which such fence is intended. **Applicants will be required to apply for a Conditional Use Permit.** ~~The building Official may stipulate the height, location, construction, and type of special fence thereby permitted.~~

ELECTION OF OFFICERS

Karen Lauer noted that officers will be elected for January through December 2008.

2-4-08-12 Motion by Fraedrich and seconded by Detloff to nominated Merlin Strom as Chair, Steve Mortenson as Vice Chair, and Pat Berndt as Secretary. Unanimously carried

BUILDING PERMIT LIST

No permits were issued in January.

OTHER ZONING CONCERNS – TRAFFIC/4-WAY STOP

Merlin Strom indicated he has received concerns from citizens regarding the safety of the intersection of Highways 9, 34 and 52. Karen Lauer noted that the Minnesota Department of Transportation would need to be able to support a 4-way stop at that intersection based on traffic counts. Mike Brethorst will send a letter to MNDOT regarding this issue. If the Detroit Lakes office makes a recommendation, it must be approved by the St. Paul office before any changes will be made.

The next Planning Commission meeting is Monday, March 3, 2008 at 6:30 p.m.

2-4-08-13 Motion by Detloff and seconded by Mortenson to adjourn at 8:45 p.m. Unanimously carried.

Submitted by:

Pat Berndt
Planning Commission Secretary