

**Barnesville Planning Commission
Regular Meeting
Monday, March 1, 2010**

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

Members present: Brent Berg, Mike Detloff, Margaret Follingstad, Paul Karsnia, Steve Mortenson, Merlin Strom, Matt Weaver, Mike Rietz, Zoning Administrator and Karen Lauer.

Members absent: Pat Berndt

Others present: Chuck, Patty, Tanya, Crystal, John

AGENDA

3-1-10-01 Motion by Mortenson and seconded by Detloff to approve the agenda as written. Motion unanimously carried.

MINUTES

3-1-10-02 Motion by Detloff and seconded by Berg to approve the minutes of the February 1, 2010 meeting. Motion unanimously carried.

PUBLIC HEARING: J&J RECYCLING & AUTO SALES CUP REQUEST

3-1-10-03 Motion by Detloff and seconded by Berg to open the public hearing on the CUP Request for J&J Recycling and Auto Sales at 7:45pm. Motion unanimously carried.

Merlin Strom reviewed the public hearing process and noted that J&J Recycling & Auto Sales is requesting as CUP to utilize the property as a salvage yard.

Karen noted that the application may be withdrawn. She had received a verbal from the property Owner that they may withdraw the application, but nothing written has been received at this time.

Tanya asked who would be responsible for making sure the property owner was in compliance with all CUP requirements such as not storing salvage items outside of buildings and obtaining applicable hazardous waste permits.

Chuck noted that there are State guidelines for containment to prevent run-off into the soil.

Patty questioned if the location for such a business is appropriate next to parks, downtown (Front Street), and access from Highway 9, and that it seemed like it would be a detriment to the impression of the town.

Mike Rietz responded that auto sales are allowed per the zoning district and the CUP was for the salvage portion of the business and that visual concerns such as those expressed could be addressed with conditions on the permit.

Chuck also noted concern with the appearance of a salvage/ “junk” yard in that location. Tanya stated that the MPCA does not have a salvage yard program, and questioned if the State can do regular inspections of the site and if it has authority to shut it down if it is not in compliance.

Patty stated concern in regard to potential ground contamination, accidents, and leaks, and questioned why the property owner was not present at the hearing and if they would be a responsible owner.

Mike Rietz explained to the public in attendance that the “public hearing” is held to solicit public input and that the commission would be discussing the topic later on in the meeting, but the public would still be welcome to stay for the remainder of the meeting and listen to discussion at that time.

Tanya stated that her opinion is that the State does not have regulations in place for protection from waste management systems.

Chuck commented that in agricultural situations there are sometimes spot inspections, but mostly relies on the honor system in reporting spills, and questioned what a “reportable” quantity is for spillage.

Chuck commented that fencing should be provided for safety/security.

Crystal noted that the property can’t look worse that it does now, and that lots of kids hang out there now.

John commented that if the property continues not to be used that there is the potential for the property owner to stop paying taxes and the condition of the property to worsen.

Patty questioned whether the proposed use in town is in the best interest of the community.

Chuck noted property is overgrown. Compliance for keeping grasses mowed is currently handled on a complaint basis. Merlin Strom commented that property maintenance items in violation of City codes can be taken care of by the City and assessed back to the property owner.

Chuck commented that back in January 2007 the same business had a request for a salvage yard in Wilkin County.

Karen noted that she spoke with the Zoning Administrator in Wilkin Country and that the request was denied since the applicant did not provide specific information on the collection and disposal of cars. Proposed property was outside of Wolverton city limits.

Chuck commented that he was pleased with Karen getting the information out to property Owners, since he felt like it wasn’t done when the new lagoon was proposed.

3-1-10-04 Motion by Mortenson and seconded by Karsnia to close the public hearing on the CUP request for J&J Recycling & Auto Sales at 8:10pm. Motion unanimously carried.

Karen reviewed staff recommendations and noted that all activities including crushing were to occur inside the building(s), and that there is a noise ordinance in place that may help address noise issues related to the proposed operations.

Mike Detloff suggested adding that the applicant be required to meet all MPCA guidelines, be sure the CUP stated that all work including car crushing to occur indoors, property owner also to supply scrap dealers information, keep records on whom they are selling to.

Follingstad suggested possibly limiting the hours of operation if noise from car crushing and other operations is a concern to the neighboring residential areas.

In regard to who would conduct annual inspections, Strom stated that there is no mechanism in place for Don Sakry to get paid for inspections unless a permit fee was established. It was suggested that possibly the city administrator and the police chief could conduct the annual inspections.

Rietz stated he would check into J&J's other business in Main Avenue in Fargo. He questioned the accuracy/completeness of the CUP application due to not enough information and no plan for meeting State statutes.

Rietz stated that the City has until April 12th to take final action on the application, and the issue could be tabled until the April 5th planning commission meeting and still be able to present recommendations to City Council within the 60day requirement.

Berg questioned if the \$100,000 bond/credit for environmental clean-up in the staff recommendation is actually high enough to cover costs.

Strom suggested a condition of the permit to limit hours of operation from 7am-5:50pm M-F and 7am-noon on Saturday.

Detloff reiterated that they would be required to meet all state statutes in regard to scrap dealers.

Berg questioned what the process for revocation of the CUP or recourse if the conditions of the permit are not met.

Follingstad suggested a annual inspection for hazardous waste at the Owner's expense.

Lauer suggested to table the issue and direct staff to do additional research. Rietz will also check with City Attorney on valid reasons to deny permit.

3-1-10-05 Motion by Mortenson and seconded by Detloff to table a decision on the J&J Recycling CUP request until the April 5th meeting when there is further information available. Motion unanimously carried.

PUBLIC HEARING: REVISIONS TO WIND ENERGY CONVERSION ORDINANCE

3-1-10-06 Motion by Detloff and seconded by Mortenson to open the public hearing on the Revisions to the Wind Energy Conversion Ordinance at 8:52pm. Motion unanimously carried.

Mike Rietz stated that the ordinance was reviewed by the TEC board and that the proposed revisions are acceptable to them. One correction was noted, that under Section (D) – Application Procedures it should refer to section “11.84” in lieu of “152.148” as indicated in the draft ordinance.

3-1-10-07 Motion by Karsnia and seconded by Berg to close the public hearing on the Revisions to the Wind Energy Conversion Ordinance at 8:58pm. Motion unanimously carried.

3-1-10-08 Motion by Detloff and seconded by Karsnia to send to Council for first reading on March 8th. Motion unanimously carried.

DISCUSSION ON ACCESSORY STRUCTURE ORDINANCE

Strom noted that they had received a request from a property owner to have the accessory building ordinance allow 11 foot side walls in lieu of 10 foot so they could easily get a 10 high overhead door. It was noted that 10' door is possible with 10 foot sidewalls if a scissor truss is used.

3-1-10-09 Motion by Follingstad and seconded by Karsnia to send to forward Accessory Building Ordinance to City Council. Motion unanimously carried.

BUILDING PERMIT LIST

Building permits for February 2010 were reviewed.

OTHER ZONING CONCERNS

Other items discussed included the planning commission needs to review the sidewalk language in the city ordinance to address policies for removal/replacement and conflicts with tree root structures.

Strom suggested a booth at Showcase with Planning and Zoning and Park board members soliciting input from the public on sidewalks.

Rietz suggested an option for creating a sidewalk fund would be a monthly fee or revenue/bond.

Strom suggest a survey (envelope stuffer) over the next couple of month in the City news letter as a method of gathering public input on perceived value of sidewalks. A draft survey would be brought to the committee for review prior to being sent out.

The next Planning Commission meeting is Monday April 5, 2010 at 6:30pm.

3-1-10-10 Motion by Mortenson and seconded by Detloff to adjourn at 9:40pm. Motion unanimously carried.

Submitted by:

Margaret Follingstad
Planning Commissioner