

**Barnesville Planning Commission
Regular Meeting
Monday, August 30, 2010**

The regular meeting of the Barnesville Planning Commission was called to order by Chairman Merlin Strom at 6:34 p.m.

Members present: Steve Mortensen, Merlin Strom, Pat Berndt, Margaret Follingstad, Brent Berg, Paul Karsnia, Mike Detloff and Mike Rietz, Zoning Administrator.

Member absent: Matthew Wever.

Others present: Roland Holm, Ruth Feldick Power, Jim Braton, Walter Schmidt, JoAnn Schmidt, Jim Bortnem, Brian Bortnem, Karen Lauer and Pam Aakre of the Barnesville Record-Review.

AGENDA

8-30-10-01 Motion by Detloff and seconded by Karsnia to approve the agenda. Unanimously carried.

MINUTES

The minutes of the August 2, 2010 meeting will be presented at the October 4, 2010 meeting.

PUBLIC HEARING – CUP FOR A FENCE ON A UTILITY EASEMENT ON LOT 2, BLOCK 1 BLUE EAGLE PARKWAY ADDITION

8-30-10-02 Motion by Mortensen and seconded by Berg to open the public hearing at 6:35 p.m. Unanimously carried.

Mike Rietz reviewed the request from Walter Schmidt to build a fence on the south lot line of Lot 2, Block 1 Blue Eagle Parkway Addition. The City would like to see the fence built at least 10 feet from the water lines. The Planning Commission discussed the utility easement on the sides of the property. A letter was received from one individual opposing the fence and one call was received opposing the fence. Schmidt indicated the fence would be built within one year. The house will be built once his other residence is sold. Karen Lauer noted that Guy Swenson and she had talked with the Schmidts regarding the possibility of building a fence. They did go out and flag the utilities and found that the telephone line is within inches of the property line. The telephone utilities are 4 feet deep but through grading and erosion, Swenson believes the lines are closer to 3 feet deep.

8-30-10-03 Motion by Follingstad and seconded by Berndt to close the public hearing at 6:56 p.m. Unanimously carried.

Mike Rietz reviewed his recommendation to approve the CUP with the placement of the fence 4 feet into the easement and parallel to the south property line.

8-30-10-04 Motion by Berndt and seconded by Follingstad to recommend to the City Council to approve the CUP for a fence on a Utility Easement on Lot 2, Block 1 Blue Eagle Parkway Addition with the following conditions. Unanimously carried.

1. Placement of the fence is allowed 4 feet into the easement, parallel to the south property line.
2. The CUP is subject to all other zoning ordinances.
3. The City of Barnesville reserves the right to add, delete, or amend these conditions if health, safety of welfare considerations warrant. No action to add, alter, or amend conditions will

occur except after mailed and published notice and a public hearing before the Planning Commission to consider such addition, deletion, or alteration of these conditions.

4. The applicant agrees to revocation of the conditional use permit upon verifiable evidence of violation of any of the terms and conditions listed herein. Said revocation of other violations not listed in the CUP will not occur except after mailed and published notice and a public hearing before the Planning Commission to establish a record of said violations and to give the petitioner a right to enter into the record any mitigating or contradicting evidence.

PUBLIC HEARING – VARIANCE FOR A GARAGE AT 113 5TH AVE SE

8-30-10-05 Motion by Detloff and seconded by Karsnia to open the public hearing for a variance for a garage at 113 5th Ave SE. Unanimously carried.

Jim Braton, the property owner, would like to replace the garage that is on his lot and the adjacent lot. The two lots were originally a single lot but it was divided and two houses were built and a single garage was built on both properties. The current garage is in a state of disrepair. Braton indicated he is applying for a variance for a new garage so he will know what can be done for a new garage prior to removing the old garage. Mike Rietz reviewed staff recommendations. Ruth Feldick Power is the owner of the other house. Power indicated she is in favor of removing the garage and is not opposed to the granting an access easement which is part of the staff recommendations. Braton indicated he is concerned that a fence could be constructed on the adjacent property which would limit access to the proposed garage. Rietz noted that if easement rights are granted, a fence would not be able to be installed. Braton also expressed concern with the distance from the window well on the northeast corner of his house because it is close to the garage. Power stated that she is considering building a new garage on the opposite corner of her lot. She noted that it is not a hardship for her to build a new garage and wondered why it is a hardship for Braton. Braton noted that to build on the other side of his property, he would need to remove trees. Roland Holm reported that the garage has four violations and a deadline of September 18, 2010 has been given to rectify the violations or penalties will be assessed. Lauer commented on a similar request that the Planning Commission heard. One of the conditions of that variance was that the owner had 60 days to obtain an access easement and to have it recorded with the county. Rietz commented that the City may want input on the minimum width of the driveway which will be a part of establishing the amount of easement necessary. Commission members asked if a variance is granted would an extension be given on the repair/demolition order. Rietz and Holm indicated that would probably happen.

8-30-10-06 Motion by Berg and seconded by Follingstad to close the public hearing at 7:53 p.m. Unanimously carried.

Follingstad commented on the possibility of building two new garages in similar locations to the current garage, adjusting the setbacks and requiring the wall of the garage to be fire rated between the garages. Berg asked if a variance is granted can it be changed in the future. Rietz noted a variance can be amended or a new variance requested.

8-30-10-07 Motion by Berndt and seconded by Follingstad to recommend to the City Council to approve the request for a variance for a garage at 113 5th Ave SE with the following conditions. Unanimously carried.

1. The existing garage must be removed within six months of the granting of this variance.
2. The new garage must be built within 24 months of the granting of this variance.
3. The applicant shall have an access easement in place with the neighbor for use of a portion of the existing driveway in order to provide access to the new garage and the easement shall be recorded with the county within 60 days.
4. This variance is subject to all other zoning ordinances.
5. The City of Barnesville reserves the right to add, delete, or amend these conditions if health, safety of welfare considerations warrant. No action to add, alter, or amend conditions will

occur except after mailed and published notice and a public hearing before the Planning Commission to consider such addition, deletion, or alteration of these conditions.

6. The applicant agrees to revocation of the variance upon verifiable evidence of violation of any of the terms and conditions listed herein. Said revocation of other violations not listed in the variance will not occur except after mailed and published notice and a public hearing before the Planning Commission to establish a record of said violations and to give the petitioner a right to enter into the record any mitigating or contradicting evidence.

PUBLIC HEARING – REZONING THE BARNESVILLE COMMERCIAL PARK FROM I-1 TO C-3

8-30-10-08 Motion by Mortensen and seconded by Detloff to open the public hearing on Rezoning the Barnesville Commercial Park from I-1 to C-3. Unanimously carried.

Mike Rietz presented the request from EDA to rezone the Barnesville Commercial Park from I-1, Light Industrial, to C-3 Commercial Park. EDA believes the C-3 zone is more in line with the use of the Commercial Park. Jim Bortnem questioned why this rezoning is being requested and is concerned with future use limitations. Lauer noted the change is in part due to the well head protection plan and also the proximity of Commercial Park to residential areas. Brian Bortnem noted that they are considering putting in outdoor parking for boats and RVs and wondered if this would be allowed in the proposed C-3 zone. Lauer noted this would be a protective covenants issue rather than a zoning issue. Bortnem suggested leaving Block 1 as I-1 and changing Block 2 to C-3. The Planning Commission discussed the options.

8-30-10-09 Motion by Berg and seconded by Mortensen to close the public hearing at 8:56 p.m. Unanimously carried.

Mike Rietz recommended approval of the rezoning request. He noted that one current business would be a nonconforming use and would need a CUP if they wanted to expand.

8-30-10-10 Motion by Berg and seconded by Karsnia to recommend to the City Council to approve rezoning the Barnesville Commercial Park from I-1 to C-3. Unanimously carried.

ORDINANCE AMENDING SECTION 11.61 FENCING AND SCREENING

Mike Rietz reviewed the proposed language for the revisions to the Fencing and Screening ordinance.

8-30-10-11 Motion by Detloff and seconded by Mortensen to call for a public hearing on October 4, 2010 on the ordinance amending Section 11.61 Fencing and Screening. Unanimously carried.

POPPEL SALVAGE YARD FENCE

Mike Rietz reported that in response to the letter sent to Mr. Poppel, the hole on the Front Street side of the fence has been repaired. The appliances were also moved inside the fence. Rietz was satisfied with the response to the letter. It was noted that the west side of the fence does need some repair. The Planning Commission recommended a letter be sent to Mr. Poppel requiring the repair of the fence.

TRUCK PARKING SIGNS ON FRONT STREET

Mike Rietz reviewed the request by Rothsay Farmer's Co-op Elevator to install no truck parking signs on their property. Police Chief Ernst indicated there is a particular truck owner who has parked in this area. Ernst has requested that he not park there. Ernst is concerned with placing no parking signs since this may restrict usage of the Co-op itself when trucks line up during harvest. Ernst recommended that we wait to see if construction on Front Street resolves this issue. The item was tabled at this time.

STOP SIGNS AT THE HWY 9 AND 52 INTERSECTION

Mike Rietz reviewed concerns that have been expressed regarding the need for some control to assist pedestrians crossing at the intersection of Highways 9, 34 and 2. Lauer has discussed the situation with Lee Berget, the Transportation District Engineer with MN DOT. The City can request that MN DOT evaluate this intersection. It was the consensus of the Planning Commission to send a letter requesting an evaluation.

STOP SIGNS ON FRONT STREET

Mike Rietz noted that Front Street is a county road so the county has the lead on the project. The cross traffic on 2nd Avenue is considered insufficient to warrant a 4-way stop on Front Street. The plans are to change this to stop signs on 2nd Avenue only and to add painted crosswalks. The Planning Commission expressed concern that Front Street will become a "race track" if the stop signs are removed. Detloff noted that a speed study should be implemented after the signs are removed. Moorhead has equipment that could be loaned to Barnesville.

FIXED FEE PERMITS UNDER THE BUILDING CODE

Roland Holm noted that some things such as manufactured homes and furnace installations do not have a permit fee established. The Planning Commission discussed the possibilities for additional fees. The item will be discussed further at the next meeting.

BUILDING PERMIT LIST

The building permits for August were reviewed.

NEXT MEETING DATE

The next Planning Commission meeting is scheduled for Monday, October 4, 2010 at 6:30 p.m.

8-30-10-12 Motion by Detloff and seconded by Mortensen to adjourn at 10:00 p.m. Unanimously carried.

Submitted by:

Pat Berndt

Planning Commission Secretary