

**Barnesville Planning Commission
Regular Meeting
Monday, April 6, 2009**

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

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

Member absent: Mike Osten.

Others present: Dean Tonsfeldt, Don Sakry and Pam Aakre of the Barnesville Record-Review.

AGENDA

04-06-09-01 Motion by Berndt and seconded by Mortenson to approve the agenda with the addition of Ferrell Gas and Heartland Addition Development under Other Zoning Concerns. Unanimously carried.

MINUTES

04-06-09-02 Motion by Detloff and seconded by Karsnia to approve the minutes of the February 2, 2009 meeting. Unanimously carried.

PUBLIC HEARING: REZONING REQUEST FROM DEAN'S BULK SERVICE

04-06-09-03 Motion by Mortenson and seconded by Follingstad to open the public hearing on the rezoning request from Dean's Bulk Service at 6:35 p.m. Unanimously carried.

Karen Lauer reviewed the location of the property that Dean's Bulk Service is requesting to be rezoned from I-1 to I-2. The parcel of land was purchased by Dean's Bulk Service to allow for expansion of the business. The intent is to locate a propane bullet on the land. The first step is for the land to be rezoned I-2 to allow for such a usage. Dean Tonsfeldt reviewed the steps already in process. These steps include working with the MPCA, Homeland Security and EPA. Water retention is an issue and the plan is to install a retention pond with a gated valve. Also included in the plans is the installation of a lift station which would allow water to be moved only when the new retention pond can hold it. The entire property will be diked. Homeland Security wants the business's trucks behind a gated property while the EPA and MPCA want the trucks in a contained property. This issue is still being worked on with the various agencies. The business will initially access the new property from the existing property. Phase two of the Commercial Park will require a retention pond and Dean's Bulk's retention pond will reduce the surface area necessary for the Commercial Park pond. The rezone is necessary for the proposed business expansion. Dean Tonsfeldt noted they anticipate starting the pond this year. Karen Lauer reviewed the findings of fact and the reasons for rezoning. The future installation of a fence or the placement of a propane bullet would require a CUP. The staff recommendation was reviewed by the Planning Commission. The recommendation noted that the rezoning request is reasonable and is in accordance with the 2004 City of Barnesville Comprehensive Plan. Based on the evidence presented, this rezoning request is compatible with the area and there would be no detrimental effect on the neighboring properties. Therefore staff recommends parcel 50.900.0244 be rezoned from I-1, Light Industrial District, to I-2, High Industrial District.

04-06-09-04 Motion by Berndt and seconded by Mortenson to close the public hearing at 7:02 p.m. Unanimously carried.

The Planning Commission discussed the requested rezoning of the property.

04-06-09-05 Motion by Detloff and seconded by Karsnia to recommend to the City Council to approve the rezoning request from Dean's Bulk Service that parcel 50.900.0244 be rezoned from I-1, Light Industrial District, to I-2, Highway Industrial District.. Unanimously carried.

TEMPORARY BUILDINGS

Karen Lauer reported on the research she has completed on temporary building regulations. The City Attorney indicated that he is not aware of any cities that are regulating these types of structures. The Planning Commission reviewed the information from the Moorhead building official that indicates that state code does allow temporary structures for up to 180 days provided they meet the requirement of MSBC 1300.0190. The main issue in this code section is the structural requirement to meet a 90 mile per hour wind load, including the anchoring requirements. If used in winter, the structure must meet the 50 pound ground snow load requirement. Planning Commission members questioned how many temporary structures would meet the wind or snow requirement. Temporary structures do not require a building permit so the building inspector does not get involved in the process. The temporary building issue becomes a building code issue and not a zoning issue. State statute would be the reference for the structure requirements.

HOUSE BEHIND THE CHIROPRACTIC OFFICE

Karen Lauer reported that Roland Holm has been in contact with the owner of the house behind the chiropractic office. The owner has indicated he now has the funds to do some more work on the house as the city has required. The administrative fee will be assessed by the City Council in October. The only other action available to the city would be a civil suit which would not be covered by the city's legal retainer and would thus be an additional cost to the city. Margaret Follingstad asked if the city can complete the work and place a lien on the property. Karen Lauer will ask the City Attorney if this can be done.

"CAN SMALL TOWNS BE COOL"

Karen Lauer shared notes from the "Can Small Towns Be Cool" presentation. A part of the presentation pertained to Planning Commissions. The items discussed included what is allowed, the willingness to adjust, to think outside the box, to be ahead of the trend, and to be flexible for mixed use developments. The Planning Commission, EDA and City Council need to work together to promote growth, to engage the community, to retain citizens, to involve the youth, to provide arts related events and to provide cross-generational activities. The event was video taped and a CD is available from Karen Lauer. Karen Lauer will check to see if the CD can be aired on Channel 12.

ANNUAL JOINT MEETING WITH PARK BOARD

The Planning Commission and the Park Board members will meet on May 4, 2009 at 6:30 p.m. for the annual joint meeting. Karen Lauer has been approached several times about walking paths and bike trails in the city. Planning Commission members thought it would be good to have a map of public property that shows where current paths are located and how they could possibly be linked. Grant funds or business sponsorships may be means of funding some of the work.

SWIMMING POOL ORDINANCE

The Swimming Pool Ordinance was discussed by the Planning Commission in 2006. At that time, the Commission felt it was important that the language for fences remain as written. Karen Lauer will create an inventory of pools in the city. A letter could be sent to the owners regarding the fence requirement in the ordinance. Commission members discussed options for neighborhood safety where pools are present. Concern on all of the options is how the various options would be enforced or monitored. Karen Lauer noted she will put an article in the city newsletter regarding pools, fences and safety issues.

LEAGUE OF MINNESOTA CITIES ARTICLES

The Planning Commission reviewed the articles Karen Lauer provided from the League of Minnesota Cities. The articles are pertinent to the issues the Planning Commission deals with on a regular basis. The League is trying to provide educational articles for planning commissions to lessen law suits.

BUILDING PERMIT LIST

Buildings permits for March 2009 were reviewed.

OTHER ZONING CONCERNS: FERRELL GAS

Karen Lauer noted that complaints regarding the excessive number of tanks stored on the Ferrell Gas lot have been received. The City Council has to register a complaint so the Fire Marshall can work on the issue since it is related to fire code.

OTHER ZONING CONCERNS: HEARTLAND ADDITION DEVELOPMENT

Karen Lauer gave the Commission members a map of Heartland Addition. Currently, Karen is working with a developer to maximize the number of lots in Block 2. In the future, the Commission will be asked to look at a preliminary plat. Karen Lauer requested that Commission members review Chapter 12 of the City Code, especially pages 667-670. The developer is asking if there could be a 40'-42' street without curb and gutter on 11th Ave SE. Another question involves how far a street can go into a block without it being a cul-de-sac.

The next Planning Commission meeting is Monday, May 4, 2009 at 6:30 p.m.

04-06-09-06 Motion by Follingstad and seconded by Detloff to adjourn at 9:12 p.m. Unanimously carried.

Submitted by:

Pat Berndt
Planning Commission Secretary