

**Barnesville Planning Commission
Regular Meeting
Monday, July 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, Mike Osten, and Karen Lauer, Zoning Administrator.

Member absent: Matthew Wever.

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

AGENDA

07-06-09-01 Motion by Mortenson and seconded by Karsnia to approve the agenda with the addition of Permitted Intrusions into Front Yards under Other Zoning Concerns. Unanimously carried.

MINUTES

07-06-09-02 Motion by Karsnia and seconded by Follingstad to approve the minutes of the June 1, 2009 meeting. Unanimously carried.

FINAL PLAT FOR HEARTLAND THIRD ADDITION

Karen Lauer reviewed the discussion that occurred at the City Council meeting regarding the plat for the Heartland Third Addition. The Council was informed that the footage for the right of way could be taken from the park rather than the proposed new lots. Lauer noted that the future owners of lots 1 and 2 could request that 10th Ave be paved so a garage could be placed on that side of the lot. If 10th Ave was paved, the cost would be share by lots 1, 2 and 3. Lauer also noted that lots 1 and 2 could actually be split to make two lots each and still meet the minimum lot size. Lauer reported that it is not necessary to hold a public hearing on the final plat since a public hearing was held on the preliminary plat for the Heartland Third Addition. The Planning Commission expressed concern with the size of lots 5 and 6. The Commission members indicated they continue to believe that it would be better to divide the block into 5 lots instead of 6 lots.

07-06-09-03 Motion by Follingstad and seconded by Mortenson to recommend to the City Council to approve the final plat for Heartland Third with a 130' depth for lots 5 and 6 and 72' width for lot 3. Unanimously carried.

SWIMMING POOL ORDINANCE

Karen Lauer reported that the City Council felt \$25 was too high a permit fee for all swimming pools 24" or deeper. Lauer noted that City Attorney Shockley requested that, whether or not a building permit is needed for swimming pools, this be tabled so more research could be completed. John Shockley, Karen Lauer and Roland Holm will meet to review the research. The item will be discussed at a future meeting.

POPPEL SALVAGE YARD

Karen Lauer reported that she contacted Ed Poppel on June 10 to relay the Planning Commission request for a timeline for cementing in the fence posts. Mr. Poppel indicated the work would start before July 6, 2009. The gate which was broken at that time is now fixed and closed. The items are inside the fence. Lauer noted that to the best of her knowledge the concrete work has not begun. Lauer also reviewed the recent history of correspondence with the Poppels regarding the various issues with the fence, the gate and items left outside the fence. If the CUP for the salvage yard were revoked, the railroad lease requires that the building, fence, materials and soil contamination would need to be removed. It is possible to apply for a state grant for funds to remove contaminated soil. At this point, the railroad is fairly happy with the condition of the fence on the railroad side of the salvage yard. Mike Osten indicated that the business does

serve a purpose in the community. If it were closed, Osten wondered where city residents would dispose of materials. The Planning Commission requested that staff continue to document the condition of the property. When City staff is back to full force, the Planning Commission would like staff to begin seeking previous documentation.

OLD CHURCH PROPERTY

Karen Lauer noted that John Shockley, City Attorney, said public works employees cannot take down the chimney on the old church. The removal of the chimney would need to be contracted and the City does not have the funds budgeted for such work. Caution tape has been placed around the old church. Roland Holm indicated that barricades should be placed so there is no parking in the vicinity during Potato Days.

DENNIS BRATON PROPERTY

Karen Lauer mailed a letter to Dennis Braton reminding him of the July 31 deadline for meeting conditions in the CUP for his moved in building. Lauer will report on the completed work at the August Planning Commission meeting. If the required work is not completed, the Planning Commission can make a recommendation to the City Council for action on the CUP. The City Attorney indicated that since the building was moved in without the proper steps, the City can go in and remove it. Karen Lauer will discuss with John Shockley, City Attorney, the options and legal timelines for the removal/demolition of the building. Shockley has sent a letter to Mr. Braton stating he is in violation of the ordinance not allowing materials in front of the fence. At this point, Mr. Braton has not applied for a building permit to work on the CUP required construction. Depending on what work is completed by the August 3 meeting, the Planning Commission may need to wait until the September 1, 2009 CUP deadline before taking any action.

DELYLE FANKHANEL PROPERTY

Karen Lauer reviewed with the Planning Commission the August 30, 2006 memo from John Shockley on the history of the property in question. Lauer noted that the vehicles around the property are all Fankhanel owned vehicles so it does not appear that Mr. Fankhanel is operating a business on the property. The police department is trying to deal with the public nuisance issue of the numerous vehicles around the property.

LAND USE PLANNING WORKSHOP

Steve Mortenson, Paul Karsnia, Margaret Follingstad and Pat Berndt attended a recent workshop in Fergus Falls. Some items of interest included the following:

- The only authority the City has is its ordinances.
- Planning Commission has to work as a team.
- Should have a meeting with Planning Commission members from other cities to discuss/share information on issues.
- Planning Commission should meet with the City Council to focus on policy issues. May be good for Parks, Planning Commission, City Council and EDA to all meet.
- Going on a site visit is very valuable. Remember to look but don't make comments to the owner that may be taken as a commitment from the Planning Commission. It would be recommended that the Planning Commission go as group and it should be posted as a meeting.

BUILDING PERMIT LIST

Buildings permits for June 2009 were reviewed. Roland Holm indicated that there is more building/repair activity recently.

OTHER ZONING CONCERNS: PERMITTED INTRUSIONS INTO FRONT YARDS

Roland Holm expressed concern with ordinance language regarding uncovered porches and platforms. Holm questioned the definition of uncovered. Karen Lauer reported that the language became part of the ordinance in September of 2003 in response to a resident's request to put a deck on the front of his house with a ramp for access. The resident would need to build in the setback and requested a variance. The language added to Subd. 6 allowed the building of the structure without a variance. Roland Holm indicated there is another issue because any porch/platform that is over 30" above grade must have a railing with a

minimum height of 36” and spindles that must be less than 4” apart. The Commission members discussed the need to define covered or to change the language to make the intent clearer. Karen Lauer will research the language that other communities may have for similar instances.

The next Planning Commission meeting is Monday, August 3, 2009 at 6:30 p.m.

07-06-09-04 Motion by Follingstad and seconded by Mortenson to adjourn at 8:50 p.m. Unanimously carried.

Submitted by:

Pat Berndt
Planning Commission Secretary