

**Barnesville Planning Commission
Regular Meeting
Monday, June 26, 2006**

The regular meeting of the Barnesville Planning Commission was called to order by Chair Jeremy Krause at 6:30 p.m.

Members present: Merlin Strom, Jeremy Krause, Gary Fraedrich, Steve Mortenson, Mike Osten, Pat Berndt, and Karen Lauer, Acting Zoning Administrator.

Members absent: Marlene Schell, and Aaron Grommesh.

Also in attendance were John Shockley, Roland Holm, and Karen Carpenter from the Record-Review.

AGENDA

06-26-06-01 Motion by Berndt and seconded by Strom to approve the agenda. Unanimously carried.

MINUTES

06-26-06-02 Motion by Fraedrich and seconded by Strom to approve the minutes of the June 5, 2006 meeting. Unanimously carried.

Jeremy Krause introduced and welcomed the new city attorney John Shockley.

SUMP PUMP DRAINAGE OPTIONS

Karen Lauer reported that the City Council has requested a formal recommendation from the Planning Commission on the sump pump drainage options. Jeremy Krause reported that Delbert Peterson has installed some drain tile and tees to the lots in the new development. This will allow homeowners to hook their sump pumps into the storm sewer system. Homeowners may still need to have a hose to the outside in the spring or in heavy rains. The cost per lot isn't available at this time. Karen Lauer noted that the City Council is not interested in allowing seasonal discharge of sump pumps into the sanitary sewer system. Commission members discussed the need to educate homeowners on the legality of discharging sump pumps into the sanitary sewer system. City Attorney John Shockley indicated that if the City had a signed waiver from the homeowner, City personnel would have access to the home to inspect the sump pump to ensure it is being discharged properly. He also noted that Mapleton, ND allows sump pumps to be discharged into the sanitary sewer during the winter and has a surcharge of \$100 per month during the summer months. If inspectors are not allowed access to the house, the surcharge begins. The building inspector can view the outside of the house at any time and may be able to see if the sump pump discharge hose is outside without having to gain access to the house. Gary Fraedrich asked if the new lagoon would be able to handle the discharge in the winter months. Karen Lauer noted that the City Council has concerns about allowing seasonal discharge because of the enforcement issue. Another issue revolves around who would do the inspections and the training of the personnel. Currently the City Council is directing People Service to do the inspections and they do not feel comfortable or qualified to do this. Commission members felt that random checks of homes may be sufficient rather than checking every home. Possibly a form could be sent out with the City utility bills on which homeowners could indicate if they have a sump pump. The Commission members requested that staff bring back examples from other cities to the next meeting. The Planning Commission will continue to research the issue and recommends that the City Council should address the inspection issue. The Planning Commission also requested that staff research language to be added to the sub-division ordinance.

WATER RECREATION AND STORAGE FACILITIES

Karen Lauer reported that the City Council requested that the Planning Commission review the language requiring above ground swimming pools two feet or more in depth to comply with the regulations in Sec. 11.52 Water Recreation and Water Storage Facilities. The main concern was the requirement that such swimming pools would need to be enclosed by a fence. Karen Lauer noted she has completed research and found that many communities have a swimming pool ordinance. The language in the ordinances varies from 18" to 24" depth, and one ordinance referred to square feet rather than gallons for the size of the pool. City attorney John Shockley addressed the liability issue of having a zoning ordinance for fencing swimming pools that hasn't been enforced. He noted there is generally no liability in changing or terminating an ordinance or for non-enforcement of an ordinance. The property owner has the real issue of liability if they do not follow the ordinance. It could actually be a benefit to the property owner for the ordinance to be enforced. Roland Holm reported he has received a call from a concerned citizen to see if the City has a swimming pool ordinance. He also noted that the International Residential Code has very complex language regarding fencing around swimming pools. Minnesota code does not have swimming pool language. Roland Holm also noted that any pool with a four foot depth must have a permit. Following discussion, Planning Commission members did not feel any changes need to be made to the current ordinance. Also discussed was the possibility of a certain time frame for current pool owners to come into compliance with the ordinance. A permit for the fence will not be necessary since the required height is less than six feet.

06-26-06-03 Motion by Mortenson and seconded by Strom to recommend to the City Council to retain the verbiage as is in Sec. 11.52 Water Recreation and Water Storage Facilities. Unanimously carried.

CONDITION OF POPPEL SALVAGE YARD

Karen Lauer reported that some of the salvage yard has been cleaned up at this time. She noted that on April 21, 2006 the railroad sent Mr. Poppel a letter about the west side of the fence. The letter noted that the metal fence has loose sections that flop around, and that there is debris lying around that makes it unsafe for railroad workers. Karen noted that the railroad feels the issue has been addressed at this time. Currently, material is being dumped on railroad property outside of the fence. The south side of the fence is not in good condition. The City has not sent a letter recently to Poppels regarding the condition of the fence. City attorney John Shockley noted that the City could have the Sheriff's office serve a letter rather than send it by certified mail. He also noted the letter could state the salvage yard must be in 100% compliance or the City will start the procedure to phase-out the salvage yard. If the yard comes into compliance, the procedure must begin again if non-compliance occurs. Attorney Shockley recommends sending a letter and beginning the administrative citation.

06-26-06-04 Motion by Fraedrich and seconded by Mortenson to notify the City Council that Poppel Salvage Yard is out of compliance per 3.07. Unanimously carried.

The Zoning Administrator can start the procedure for notification to the Poppel Salvage Yard. Karen Lauer noted she will request that the City Attorney draft a letter of notification and administrative citation.

PUBLIC HEARING – AMEND SIGN ORDINANCE FOR P ZONE; ADD SCHOOLS AS PERMITTED USE IN P ZONE; REZONE SCHOOL PROPERTY FROM R-2 TO P-PUBLIC FACILITIES

06-26-06-05 Motion by Osten and seconded by Strom to open the public hearing on the Public Facilities Zone items at 7:30 p.m. Unanimously carried.

Karen Lauer reported that all necessary publications and mailings were completed. One citizen did express concern that the change is being made to allow the school to construct a building. The citizen was concerned with the hodge podge of buildings at the athletic complex. Merlin Strom noted that once the new building is constructed 1-2 of the smaller sheds will be removed. Gary Fraedrich noted that if citizens are concerned with the structures they may also address the school board.

06-26-06-06 Motion by Berndt and seconded by Fraedrich to close the public hearing at 7:50 p.m. Unanimously carried.

Karen Lauer reviewed the current P-Public Facilities Zone language.

06-26-06-07 Motion by Fraedrich and seconded by Berndt to recommend to the City Council the following language for Section 17.20 P-Public Facilities Zone Signs. Unanimously carried.

Churches, schools, hospitals, clinics, libraries or similar uses may be allowed one identification sign, subject to the approval of a conditional use permit, provided that:

1. Such signs shall be solely for the purpose of displaying the name of the institution and its activities or services
2. The sign is not to exceed eighty (80) square feet in aggregate area
3. Height is not to exceed 8 feet
4. Width is not to exceed 12 feet
5. The sign is of a monument styling, rather than pole mounted
6. There is ground landscaping surrounding the base of the sign
7. There are no flashing lights of any type, and
8. Such other terms and conditions as may be appropriate and allowed by law.

06-26-06-08 Motion by Strom and seconded by Osten to recommend to the City Council to add the following to Section 16.10 P Public Facilities Districts. Unanimously carried.

16.12 Permitted Uses:

- d. Public preschool, elementary, junior or senior high schools.

06-26-06-09 Motion by Strom and seconded by Fraedrich to recommend to the City Council to rezone all Independent School District #146 property from R-2 to P, Public Facilities District. Unanimously carried.

DELYLE FANKHANEL PROPERTY: NONCONFORMING USE 702 FRONT STREET SOUTH

Karen Lauer reported that semis are parking at the 702 Front Street South location and this is not allowable. Mr. Fankhanel also owns the neighboring property that was formerly the county shop. The county shop location was allowed to park trucks on the site and was allowed to continue to be a nonconforming use. The Commission members discussed the zoning of both the former county shop and the house. Commission members requested that staff research the zoning and nonconforming use status of the county shop location. Commission members agreed that a letter should be sent to Mr. Fankhanel to address the parking issue at the house located at 702 Front Street South. The item will be addressed at a future meeting of the Planning Commission.

BUILDING PERMIT LIST

Planning Commission members reviewed the building permit list from April 1 through June 21, 2006. A question was asked if people are doing projects without getting a permit. Roland Holm indicated that most people get a permit for projects, and if a permit was not obtained the person did not know that one was needed. Commission members discussed the possibility of using a utility bill stuffer to educate people on when a permit is needed. The issue of needing a permit for window replacement was discussed. Roland Holm indicated that the replacement of a window with a window of an equal size could possibly be the changed to a \$25.00 permit fee, the same as a shingle job.

The next Planning Commission meeting is August 7 at 6:30 p.m.

06-26-06-10 Motion by Fraedrich and seconded by Strom to adjourn at 8:20 p.m. Unanimously carried.

Submitted by:

Pat Berndt
Planning Commission Secretary