

**Barnesville Planning Commission  
Regular Meeting  
Tuesday, September 5, 2006**

The regular meeting of the Barnesville Planning Commission was called to order by Chairman Jeremy Krause at 6:32 p.m.

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

Members absent: Aaron Grommesh.

Also in attendance were Roland Holm, John Shockley, Sean Wahl and Pam Aakre from the Record-Review.

**AGENDA**

**09-05-06-01** Motion by Strom and seconded by Fraedrich to approve the agenda with the addition of Educational Opportunity under Other Zoning Concerns. Unanimously carried.

**MINUTES**

**09-05-06-02** Motion by Schell and seconded by Mortenson to approve the minutes of the August 7, 2006 meeting. Unanimously carried.

**PUBLIC HEARING: CUP REQUEST FROM DR. SEAN WAHL TO EXTERNALLY ILLUMINATE HIS BUSINESS SIGN**

**09-05-06-03** Motion by Strom and seconded by Osten to open the public hearing on the CUP request from Dr. Sean Wahl to externally illuminate his business sign at 6:35 p.m. Unanimously carried.

Karen Lauer reported that all publishings and mailings were completed. One call was received prior to the meeting and the caller was in favor of the request. Dr. Wahl reviewed his proposal to place two lights on each side of the business sign. The lights will be on from dusk until dawn.

**09-05-06-04** Motion by Fraedrich and seconded by Schell to close the public hearing at 6:37 p.m. Unanimously carried.

Karen Lauer reviewed the sign ordinance language and the staff recommendation. The current ordinance stipulates that illuminated signs may be permitted by conditional use. The purpose of the language is so that the Planning Commission can review the requests and make sure the illuminated sign would not have a negative impact on neighboring property.

**09-05-06-05** Motion by Fraedrich and seconded by Berndt to recommend to the City Council to approve the CUP request from Dr. Sean Wahl to externally illuminate his business sign with the following conditions. Unanimously carried.

1. The external illumination will be limited to four small ground mounted fixtures with 100 watt bulbs.
2. The City of Barnesville reserves the right to inspect the property for conformity with these conditions.

**SUMP PUMP DRAINAGE OPTIONS**

The Commission members reviewed the input from the City Engineer regarding the capacity of the sanitary sewer system. The engineer indicated that "the City's sanitary sewer collection system and expanded wastewater treatment facility has the capacity to accommodate the wastewater flows for several years under

the proposed revisions to the sump pump discharge system by waiver during the November 1 – March 30 period.” Karen Lauer reviewed the West Fargo language that requires citizens to make a request for a seasonal waiver and, if granted, bills the citizen \$50 per year to cover the city’s costs. The Commission reviewed the language in the current ordinance that allows the Wastewater Superintendent to allow a temporary by-pass into the sanitary sewer system in case of frozen pipes. Gary Fraedrich indicated he is in favor of allowing any homeowner to utilize the sump pump by-pass from November 1 – March 31 with no justification required. City Attorney John Shockley indicated that other cities have experienced overall success with similar ordinances. There is some work in the spring for public works, some issues where a small percentage of citizens have fought compliance, and the need for some extra staff time. Karen Lauer noted that the opinion of the City Engineer was based on minimal usage, not allowing usage to anyone. The Engineer believes the inspection program should be in place and be followed. Roland Holm suggested that the plumber who installs the shut-off valve should take care of the seal inspection since they would know the location of the valve. Karen Lauer indicated she would review the proposal with Dave Riddering to get input on staffing issues. The number of homes opting for this is unknown but would probably be small. This will be an experimental process over the next year. Any changes in the ordinance would not require a public hearing since this is not a zoning ordinance. The first and second City Council readings will be the opportunity for public input.

**09-05-06-06** Motion by Fraedrich and seconded by Mortenson to recommend to the City Council to amend the Sump Pump Drain Regulations as follows. Unanimously carried.

Sec. 3.60. Sump Pump Drain Regulations and Unlawful Acts (replace current Subd. 3 with the following:)

Subd. 3 Seasonal Waivers While sump pump discharge into the sanitary sewer is strictly prohibited from April 1 to October 31, residents may apply for a seasonal waiver. Any person granted a seasonal waiver shall be charged a \$50 upfront fee to cover the cost of City staff and the additional cost in treating the extra water during the period of the waiver. If a seasonal waiver is granted, the owner of the property may place a pipe connecting the sump pump to the sanitary sewer, which must have a shut-off valve. City staff, on or around April 1 each year, will close the valve so that no water can reach the sanitary sewer line and place a seal on that valve. City staff, on or about November 1 of each year will remove the seal and open the valve to allow discharge into the sanitary sewer system if the owner desires. No person other than City staff may remove the seal and change the valve. If upon inspection by City staff the seal has been tampered with, the owner of the property will be charged a \$100 per month surcharge for each month between the discovery of the tampering and the last inspection by City staff. By applying for the waiver, the owner has also granted permission to City staff to inspect the connection and seal anytime between April 1 and November 1 to determine whether or not the seal has been tampered with. Such inspections must be made between 8:00 a.m. and 8:00 p.m. and only when a resident of the premises is on site. Failure to allow such an inspection or to allow the City staff entry around November 1 and April 1 to switch the valves and place on or remove the seal shall result in automatic revocation of the seasonal waiver. In addition, if at any time City staff determines that the seal has been tampered with, will result not only in the surcharge set forth above, but also the revocation of the seasonal waiver.

### **CONDITION OF POPPEL SALVAGE YARD**

Karen Lauer reported that a letter was served on August 21 to Tom Poppel regarding the condition of the Salvage. Karen Lauer indicated there have been significant improvements made since that time. Solid metal has been installed on the south side of the yard, and two signs have been posted indicating there is to be no dumping outside the fence. The property is completely enclosed except for the east side which has an accordion style gate. Upgrades can still be made until September 21. If compliance is not reached by that date, Tom Poppel will be notified that the gate must be changed.

### **DELYLE FANKHANEL PROPERTY**

Karen Lauer reported that truck parking is grandfathered in as a use on the former Clay County Shop location. The Police Chief plans to visit with Mr. Fankhanel, review the map showing the property lines, and allow thirty days to comply and move the semi-trailers within the property lines. If this is not done, a ticket will be issued and the matter will go to court within ten days. If there is still not compliance, a ticket will be issued on a daily basis. At some point, the vehicle can be towed.

## **INTERIM USE PERMITS**

The Commission reviewed the proposed new Interim Use language which comes directly from state statute. Attorney John Shockley reviewed the appropriate uses of an Interim CUP. A conditional use permit has no time limit. An Interim permit is used for things that have a definite lifetime, require minimal amounts of investment, and may be in an undeveloped residential zone until development occurs. A gravel pit is an example of an appropriate use of an Interim CUP. Home occupations are generally not an appropriate Interim use. It is important to not evaluate the person applying for the permit, but to review the use and what is allowed in an ordinance. Commission members felt the proposed language should include a \$150 fee for Interim Use Permits.

**09-05-06-07** Motion by Strom and seconded by Osten to call for a public hearing on October 2 at 6:30 p.m. for Interim Uses. Unanimously carried.

## **BUILDING PERMIT LIST**

Planning Commission members reviewed the building permit list from August 1 through August 31, 2006.

## **OTHER ZONING CONCERNS – EDUCATION OPPORTUNITY**

Karen Lauer reviewed an upcoming training. By the next meeting, Commission members will let Karen know if they are able to attend.

The next Planning Commission meeting is Monday October 2, 2006 at 6:30 p.m.

**09-05-06-08** Motion by Strom and seconded by Berndt to adjourn at 7:47 p.m. Unanimously carried.

Submitted by:

Pat Berndt  
Planning Commission Secretary