

**Barnesville Planning Commission Meeting
Monday, May 1, 2023
City Hall Council Chambers**

Meeting was called to order at 6:31 p.m. by Brent Berg

Present: Brent Berg, Dawn Stuvland, Joshua Schroeder, Michael Harbin, Ben Schumann, and Dan Swenson.

Absent: None

Others Present: City Zoning Administrator Jeremy Cossette, Planning staff member Karen Lauer, Public Citizens Craig LaBelle, Nick Wheelright, Mary Wheelright

Approval of Agenda:

05-01-2023-01 Motion by Swenson, second by Harbin to accept the agenda. Motion approved.

05-01-2023-02 Approval of Minutes: Motion by Stuvland, second by Swenson to accept minutes as written from the April 3, 2023 meeting. Motion approved.

a. Public Hearing: LaBelle Variance

A Public Hearing was published to consider Craig LaBelle Variance on accessory buildings which would exceed the square footage allowed and Variance for appearance of structure.

05-01-2023-03 Open Public Hearing- Motion by Stuvland, second by Harbin to open the Public Hearing at 6:33 pm. Motion approved.

Cossette reviewed the application of variance from Craig LaBelle and provided an overview of the variance request. The request was to build an accessory building (garage) thirty by forty (30x40) on a concrete slab that was already at a residence he owns which was identified as 223 3rd Street NE. The variance request was also for him to move an accessory building (storage shed) eight by twelve (8x12) to be added to the property, which exceeds the permitted structure size by 296 square feet. Cossette had mentioned that the primary residence is stucco, and that LaBelle also would need a variance on the appearance of structure due to the accessory building materials would not be the same. After Cossette gave an overview of the variance application, LaBelle spoke to the Commission. LaBelle had stated that he was working with Barnesville Inspector Sid Fossen and would make sure that the current location would work. LaBelle stated that the current location over a large concrete pad already on the property was ideal and that it was sound. LaBelle informed that he would have a thickened edge which extends 2 ft out to allow for the proper building code. There was discussion on the setback and that they would adhere to the rear setback requirements. Once the garage portion was spoken about, then the Commission spoke at length with LaBelle about the storage shed. After a long discussion on the location, it was found that LaBelle would be placing the storage shed on the east side of the concrete pad and between there and the south side of the residence. Lastly, Cossette had mentioned that the appearance of the garage and shed accessory buildings would be different from the primary residence. This is due to that fact that the primary residence is stucco and wouldn't be reasonable to require a stucco garage and storage shed. LaBelle had stated that he will have the same color siding and shingle as the primary but will be doing the accessory buildings in vinyl siding.

05-01-2023-04 Close Public Hearing- Motion by Schroeder, second by Harbin to close the Public Hearing at 6:42 pm. Motion approved.

b. Action: Craig LaBelle Variance on accessory buildings which would exceed the square footage allowed and Variance for appearance of structure.

Discussion on the LaBelle variance was spoken about during the open public hearing section. After speaking with LaBelle about his variance application, the Commission still had some questions and comments. Harbin had mentioned that he was ok with the stucco and the accessory buildings being vinyl as long as they are same color and the shingles being the same. Berg had mentioned that the look of the buildings should be the same and was also ok with the variances. Schuman had mentioned that he was ok with the garage but did question the placement of the shed but was ok with what LaBelle had stated. Schroeder had mentioned that he would be ok with the variance also just as long as all the setbacks were adhered to. Stuvland had mentioned that she was ok with the variance and what we spoke about. Cossette was asked if the City had received any feedback from the public about the variance. Cossette had stated that he didn't get any public inquires or public comments about this project. Cossette had mentioned that in the packet was the information posted in the newspaper about the public hearing along with the individuals that were 350 feet from the residence that were notified.

05-01-2023-05 Motion by Harbin, second by Swenson to recommend to the City Council for the variances on accessory buildings which would exceed the square footage allowed and variance for appearance of structure. **Provided all setbacks are met** Motion approved.

c. Public Hearing: Textual Changes to Zoning Ordinance

A Public Hearing was published to consider textual changes to the zoning ordinance. The new language added to the areas of:

1. Laundromat Zoning additions

Definition of laundromat is to be added to the zoning ordinance along with a recommendation to allow this business type as a permitted use in zones C-1, C-2, I-1, I-2.

2. Exterior Building Materials

In this subd 2. Building Type and Construction- The commission recommended to remove the wordage of "except those specifically intended to have a corrosive designed finish." See below for the wordage of this subdivision:

No galvanized or unfinished steel, galvauium or unfished aluminum buildings walls or roofs, ~~except those specifically intended to have a corrosive designed finish~~ shall be permitted in any zoning district except in association with farming operations, or in industrial zones, or as permitted by conditional use permit.

3. Regulation on storage on undeveloped residential lots

There was an additional section added to the zoning regulation for undeveloped lots that were abutting to and have a common lot line with a property under the same fee ownership. Below is the recommended additional wordage for the storage on undeveloped residential lots:

i. Outdoor storage is allowed on vacant residential lots provided:

- a) No more than one vacant residential lot is used for storage; and
- b) Said vacant lot directly abuts, that is has a common lot line with, a property under the same fee ownership; and
- c) One of the lots contains an established dwelling.

4. Fencing Ordinance Change

There were minor changes within the fencing ordinance. The below are the minor changes made within this section of the ordinance:

Subd. 5. Residential District Fences.

- A. All residential fences shall be placed within the property being fenced.

Subd. 6. Commercial and Industrial District Fences.

- B. Fences shall be placed within the property where the fence is being built.

5. Geothermal Ordinance Change

The current City Geothermal ordinance was written prior to the State of Minnesota having stringent

rules and regulations on geothermal heating systems. With the State of Minnesota now having rules and regulations along with the permitting, the Geothermal Ordinance was rewritten to essentially remove the section and replaced with sections to only include state and local requirements along with City inspection and possible defective geothermal systems. All other aspects of the current ordinance are regulations that the State of Minnesota now regulates and is not needed.

05-01-2023-06 Motion by Swenson, second by Harbin to open the Public Hearing at 7:02 pm. Motion approved.

Cossette did an overview of the textual changes that were spoken in length during the past meeting and was gone over. Cossette and Lauer spoke about the “memo” that was given to the Commission about changes to “outside Storage” in the section of storage on an undeveloped lot. It was agreed upon to make a change. Below are the textual changes original amending ordinance that were spoken about:

ORDINANCE NUMBER _____
CITY OF BARNESVILLE, MINNESOTA
AN ORDINANCE AMENDING THE BARNESVILLE CITY CODE

The Council of the City of Barnesville, Minnesota does ordain:

1. Title VII, Chapter 7-01, Section 7-0104, Subd. 2 Definitions is hereby amended to add a new definition number 34, as follows:

34. “Laundromat” - A place of business where patrons wash, dry, or dry clean clothing or other fabrics in machines operated by the patron.

2. Title VII, Chapter 7-01, Section 7-0104, Subd. 2 Definitions is hereby amended renumber the definitions 34 through 65 by increasing each number by one, in order to add the new definition number 34.

3. Title VII, Chapter 7-02, Section 7-0206 Subd. 2, C-1 COMMERCIAL DISTRICT of the Barnesville City Code is hereby amended to add the following Permitted Use:

M. Laundromat.

4. Title VII, Chapter 7-02, Section 7-0207 Subd. 2, C-2 COMMERCIAL DISTRICT of the Barnesville City Code is hereby amended to add the following Permitted Use:

Q. Laundromat.

5. Title VII, Chapter 7-02, Section 7-0209 Subd. 2, I-1 LIGHT INDUSTRIAL DISTRICT of the Barnesville City Code is hereby amended to add the following Permitted Use:

Q. Laundromat.

6. Title VII, Chapter 7-02, Section 7-0210 Subd. 2, I-2 HIGHWAY INDUSTRIAL DISTRICT of the Barnesville City Code is hereby amended to add the following Permitted Use:

I. Laundromat.

7. Title VII, Chapter 7-06, Section 7-0601 Subd. 2, Building Type and Construction of the Barnesville City Code is hereby amended to read as follows:

Subd. 2. Building Type and Construction. No galvanized or unfinished steel, galvalum or unfinished aluminum buildings, walls or roofs shall be permitted in any zoning district except in association with farming operations, or in industrial zones, or as permitted by conditional use permit.

8. Title VII, Chapter 7-06, Section 7-0602 Subd. 10, Off-Street Residential Parking Restrictions, Subparagraph B of the Barnesville City Code is hereby amended to read as follows:

B. Utility trailers or equipment, recreational camping vehicles (as defined in Sec. 5-0303 of the City Code), converted buses, converted vans, off-road vehicles, and recreational equipment, including, but not limited to, boats, snowmobiles or jet skis shall be parked in accordance with the requirements in this subdivision. The aforementioned items must be well maintained and in an operable condition and validly licensed.

i. Outdoor storage is allowed on vacant residential lots provided:

- a) No more than one vacant residential lot is used for storage; and
- b) Said vacant lot directly abuts, that is has a common lot line with, a property under the same fee ownership; and
- c) One of the lots contains an established dwelling.

In those cases where a property owner owns a vacant lot immediately behind the lot on which their home sits and that vacant lot abuts upon another street, the owner is required to follow the standard "front yard setback" from that street with regard to utilizing that vacant lot for any outdoor storage. If the vacant lot is next to the lot on which the home sits, the standard side yard setbacks apply to utilizing that vacant lot for any outdoor storage.

ii. In a front yard or a street side yard the items listed above shall be parked on a paved surface consisting of concrete, asphalt or pavers. If the existing driveway is gravel, 6 inches of compacted class 5 may be used in a front yard or street side yard to meet the paved surface requirements. All paving must be continuous below the footprint of the vehicle and be constructed so that it drains away from all existing structures.

iii. In a rear yard or an interior side yard the items listed above shall be parked on a paved surface consisting of concrete, asphalt, pavers or 6 inches of compacted class 5. All paving must be continuous below the footprint of the vehicle and be constructed so that it drains away from all existing structures. Trailers whose total ground coverage is 85 square feet or less are exempt from the paved surface requirements in a rear yard or interior side yard.

9. Title VII, Chapter 7-08, Section 7-0801 Subd. 5, Residential District Fences of the Barnesville City Code is hereby amended to read as follows:

Subd. 5. Residential District Fences.

- A. All residential fences shall be placed within the property being fenced.
- B. Fences alongside property lines shall not be more than six (6) feet in height.
- C. Fences along any rear property line, which is also the rear property line of an abutting lot, shall not exceed six (6) feet in height.
- D. Fences along a rear property line, which line constitutes the side lot line of an abutting lot, shall not exceed six (6) feet in height.
- E. The screening provisions for residential districts shall supersede, where applicable, the provisions of this section.
- F. All posts or similar supporting instruments used in the construction of fences, shall be faced inward toward the property being fenced.
- G. All fences shall not obstruct drainage.
- H. Fences are not allowed within utility easements. Existing fences obstructing the use of utility easements shall be removed at the owner's expense when access is required by the utility. Existing fences are those that are existing as of October 1, 2010.

I. Fences in required front yards shall not exceed thirty-six inches (36") in height except that fences that are at least seventy-five percent (75%) open may be forty-eight inches (48") in height.

10. Title VII, Chapter 7-08, Section 7-0801 Subd. 6, Residential District Fences of the Barnesville City Code is hereby amended to read as follows:

Subd. 6. Commercial and Industrial District Fences.

- A. Commercial and Industrial District fences are those fences located within commercial or industrial zoned areas of the City.
- B. Fences shall be placed within the property where the fence is being built.
- C. Fences extending across a required front yard or a required side yard which abuts a street on a corner lot shall be at least seventy-five percent (75%) open for the passage of air and light and shall maintain the traffic visibility requirements of this Section.
- D. All commercial and industrial fences shall require a conditional use permit.
- E. Fences which are primarily erected as a security measure may have arms projecting into the applicant's property on which barbed wire can be fastened commencing at a point at least seven feet (7') above the ground.

11. Title VII, Chapter 7-11, Geothermal Heating Systems of the Barnesville City Code is hereby amended to read as follows:

GEOHERMAL HEATING SYSTEMS

SECTIONS:

- 7-1101. Purpose.
- 7-1102. State Requirements.
- 7-1103. City Requirements.
- 7-1104. City Inspection and Monitoring of Geothermal Facilities.
- 7-1105. Defective Geothermal Heating Systems.

SEC. 7-1101. PURPOSE. The purpose of this ordinance is to regulate the use of geothermal heating systems within the City of Barnesville.

SEC. 7-1102. STATE REQUIREMENTS. Residents may install Geothermal Heating systems in the City of Barnesville provided they follow all rules in Minnesota Rules Chapters 4725.7050-4725.3875 and obtain all required permits through the State of Minnesota.

SEC. 7-1103. CITY REQUIREMENTS. The City of Barnesville requires that all Geothermal Heating systems be registered.

A. Property owners are required to register their systems by providing the City Administrator with all State of Minnesota approved permits prior to installation.

B. Before installing Geothermal Heating system, residents are required to obtain a City of Barnesville Building Permit.

SEC. 7-1104. CITY INSPECTION AND MONITORING OF GEOTHERMAL FACILITIES. In connection with the principal functions and activities of the city resource management responsibility, City officials may, upon reasonable notice to the owner, enter upon any property within the city for purposes of inspecting geothermal facilities, or monitoring the operational characteristics of such facilities, when such inspection or monitoring is reasonably necessary to the assessment of other indices related to geothermal or ground water reservoir management, or protection of the public safety and welfare. The City shall provide affected property owners or occupants with reasonable prior notice, describing the nature, purpose, and duration of the necessary inspection or monitoring; such inspections or monitoring shall be conducted in accordance with applicable city and state procedures for inspections. If any person refuses to permit any officer or employee to enter and inspect, the City officer or employee shall not attempt to force entrance, but shall, with the assistance of the City Attorney, seek a search warrant or other appropriate court order.

SEC. 7-1105. DEFECTIVE GEOTHERMAL HEATING SYSTEMS. Whenever the City Administrator determines that any geothermal heating system within the City is by the nature of its construction, installation, or operation is adversely interfering with other geothermal heating systems, or is polluting groundwater or surface water, the City Administrator shall promptly notify the affected owner, by certified mail, of the wasteful or defective geothermal heating system and require said owner to repair or adjust the geothermal heating system within twenty- four (24) hours; the owner of a geothermal heating system continuing wasteful or defective operation after expiration of the twenty-four (24) hours may be prosecuted for being in violation of this ordinance.

This ordinance is adopted by affirmative vote of _____ of the six (6) Ward Representatives of the City Council, constituting a majority of the Ward Representatives.

Approved by Mayor this _____, 2023.

Jason Rick, Mayor
ATTEST:

Jeri Reep, City Clerk

First Reading : _____, 20____
Second Reading: _____, 20____

This ordinance is effective thirty (30) days after publication.

Published once in the official newspaper of the City of Barnesville on _____, 20____

The language change that will be added to the section of storage on undeveloped lots will be:

- i. Outdoor storage is allowed on vacant residential lots provided (as referenced above):

Berg asked that the definition of laundromat be changed to exclude “dry cleaning” with a revision of language below:

34. “Laundromat” - A place of business where patrons wash, and dry, ~~or dry clean~~ clothing or other fabrics in machines operated by the patron.

With these changes, the meeting was requested to close.

05-01-2023-07 Motion by Swenson, second by Schumann to close the Public Hearing at 7:15 pm. Motion approved.

d. Action: Textual Changes to Zoning Ordinance

After closing the public meeting, the Commission spoke about the change proposed and were all in agreement on the change. No further discussion was held.

05-01-2023-08 Motion with changes by Stuvland, second by Harbin to recommend to City Council for the textual changes to Zoning Ordinances

e. Discussion: Commercial Kennels

Discussion was held for commercial kennels. There was minor typo in the commercial kennel definition: Commercial Kennel: Any place where: a) more than four (4) dogs or cats over six (6) months of age are owned, kept, boarded, or bred for purposes of sale; or b) more than four (4) dogs or cats over six (6) months of age and owned by persons other than the kennel owner are kept of boarded for a fee or other remuneration. The “of” in the last section was changed to “or.” After the fix, everyone agreed that the definition was what the intent of a commercial kennel.

Next, the commission spoke about the different zones for commercial kennels. Lauer had mentioned that C-3 could have issues due to the C-3 is close to residential areas on the eastside of Barnesville. Lauer mentioned that having stringent conditional uses if that area was allowed. Schuman asked if you could just restrict dogs versus cats but may have to be a legal question later and doesn’t define it in the current definition.

It was decided to bring the definition of a commercial kennel along with allowing this type of business as a conditional use in C-2, C-3, I-1, and I-2 zones. Everyone agreed and was asked to wait for other textual changes in zoning ordinances to bring forward to the City Council.

f. Discuss: Vacancy on Barnesville Planning Commission Update

Cossette had spoken to the Commission about the two candidates that put in a request to be on the Planning Commission, however the second candidate was unable to attend this meeting due to a scheduling conflict. Berg had requested that the Commission do interviews of both candidates at the June 5, 2023 meeting to consider both members, which unanimously was decided to hold off until that meeting to finalize a new member on the Planning Commission.

g. Discuss: New Liquor ordinance and zoning of new types of businesses

Cossette provided a background of different zoning ordinances that were from the different areas within Minnesota on the liquor establishments of brew pubs, micro distilleries, and brewery taprooms.

Cossette spoke about the definitions of the different liquor ordinance businesses and that they were defined specifically in state law, so this isn’t something we would need to do. Discussion was held for

the different zones that these establishments should be allowed. Ultimately it was found that these “new liquor establishments” should be permitted in zone C-1, C-2 and as a conditional use in I-1, I-2, and C-3. A long discussion was held on the I-2 zone and to get a better map of that area. Next meeting, I-2 will be discussed to see the recommendation of the I-2 zone and if these new liquor ordinance businesses should be allowed.

NEW BUSINESS

a. Discuss: Ways to get agenda packets to PZ Commission Personnel

Cossette received information at the April 2023 meeting that commission personnel had requested that law enforcement not drop off their packets anymore, due to some issues that arose. A discussion was held, and it was a consensus that emailing the packet out 72 hours in advance and then having physical copies of the agenda available prior to the meeting. No other discussion was held and was agreed to by City staff to do it this way starting in the June 2023 meeting, and it was unanimously agreed upon.

b. Building Permits:

Permits were reviewed. Lauer had mentioned and wanted to look into the 75k BTU wood burning free-standing stove that Cassie Remple wants to install in their house at 1001 11th Ave SE. It was decided to meet up with City Inspector Sid Fossen and discuss making sure all ordinances are being adhered to. No other discrepancies were noted.

c. Other Zoning Concerns: None

Next meeting is scheduled for Monday, June 5, 2023.

05-01-23-09 Motion by Harbin, second by Swenson to adjourn the meeting at 8:08 pm.

Minutes prepared by Jeremy Cossette, 05-02-23