

P&Z Administrator's Report

A. Permits: The following permits were issued by the Planning and Zoning office since the last meeting:

None.

B. Correspondence

1. January 5 letter to Charles Marohn from James Gammello re: Lots 83-90 Kavli's Wood Lake Shores
2. January 31 letter to Kenneth Sykes and LaVonne Thesing from Jamie Hukriede re: Inquiry of Excess Highway Right-of-Way
3. January 31 e-mail to J.R. Doerr from Chuck Marohn re: camping question
4. February 1 e-mail to J.R. Doerr from Chuck Marohn re: camping question
5. February 2 e-mail to Kathryn and Dale Malm re: Building Requirements
6. February 2 letter to Alvin and Patricia Jensen re: Subdivision of St. Moritz
7. February 7 e-mail from J.R. Doerr to Chuck Marohn re: camper on property
8. February 7 e-mail from Chuck Marohn to Leah Heggerston re: question from Leah at Kuepers
9. February 7 e-mail from Chuck Marohn to Jack Gagnon re: Clarification of Property Ownership
10. February 28 letter to Matt James following up on his after-the-fact permit.

C. Potential Violations/Enforcement Action:

1. Rex Stiner: There has been no progress on cleaning up this site since our last meeting. We have not taken any additional action.
2. Dave Figi, Vagen-Anderson: This item was resolved during mediation in December. This violation will remain on the violation list pending implementation of the agreement.
3. Steven and Debra Cash: The Cash's have installed a sewage treatment system, and had it properly inspected, without first obtaining a permit. They have been contacted and we are working with them to issue them the proper after-the-fact permits.
4. Matt James: We sent Mr. James another letter. He has responded to our previous request, but still has not paid his permit fee. We will continue to work with him to have the fee paid.

D. Feedback Surveys

No surveys have been sent out or received since our last meeting.

E. Council Action

The Council tabled action on the recommended rezonings so that they could have more time to review them.

F. Cleanup Project

There is nothing new to report on the cleanup project.

G. ISTS Compliance Testing

We are waiting for new parcel information, which was ordered from the County in early February, to arrive. Having the latest data will help us from sending out letters to incorrect addresses or property owners.

H. Review of CUP and Variance Condition Compliance

We have nothing new to report on this item at this time. A round of letters will be sent out in the next week to verify compliance with conditions applied at the time of approval. We still have conditions for the following applications that have not yet been verified:

2004:

1. Lucille Adams
2. Brian Rettke
3. Ben Kuehnel
4. Norma Dalluhn
5. Dave Tutch
6. Doug Covington
7. Robert Pawelski
8. Keith Yarborough
9. John McKeon
10. Dan Sexton
11. Laura Leckband
12. Brian Lueck

2003:

1. Don Arkell variance
2. Terrance Bray variance
3. Bob Bussler variance

4. Properties Etc. variance
5. Daniel Springman
6. Dave Tutch (RV park)

9. Old Business

a. Cost Benefit Analysis Form

Cost-Benefit Analysis of Proposed Development

In order to develop in an efficient and responsible manner, it is important for the tax revenue collected from new developments be able to pay for the roads that the City must maintain once the development is completed.

The cost benefit analysis (also called the benefit cost ratio) is an easy way to determine if the revenues from a development will cover any new City road maintenance costs for a development. If the CB ratio is greater than one, then the tax revenues from the project exceed the costs. If the CB ratio is less than one, then the tax revenues from the project are less than the costs. The cost benefit analysis looks at costs and benefits twenty years into the future. This worksheet outlines the information and methodology used to calculate the benefit cost ratio. Two examples, Bemis County First Addition & Minnie Lake Shores, are attached to guide you through this process.

$$CB = \frac{\text{City Costs}}{\text{Property Tax Revenue}}$$

***For approval, the cost-benefit for a development must be less than 1.**

Road & Maintenance Costs:

These estimates are based on the assumption that all roads will deteriorate at the same rate and require essentially the same level of maintenance service each year over the next twenty years. Since that is an assumption, the estimates should be viewed as being moderate to conservative in most cases. Weather and changes in traffic patterns can affect the long-term projection of these costs.

There are two primary types of roads in the City: bituminous paved roads and aggregate surface roads. Bituminous roads tend to cost the developer more to install; however, bituminous roads tend to create less long-term costs for the City. The cost of plowing can vary greatly from year to year depending on the weather.

The average costs for maintenance for each type of road are as follows:

- Bituminous Paved Roads (Averaging 20 feet in width):
 - Crack Sealing (Annual); \$ 0.075/lineal foot of roadway
 - Seal Coating (Each 5 years); \$1.53/lineal foot of roadway (chip seal)
 - Overlying (20 years); \$7.25/lineal foot of roadway (1.5" thick overlay course)
 - Plowing (average cost each year); \$0.12/lineal foot of roadway

Aggregate (Class 5) Surfaced Roads (Averaging 20 feet in width):
Grading (Twice per month for about 5 months); \$0.25 - 0.27/lineal foot of roadway
Graveling (Each 5 years); \$2.17/lineal feet of roadway
Calcium Chloride (Each 2 years); \$1.68/lineal feet of roadway depending upon quantity ordered
Plowing (average cost each year); \$0.12/lineal foot of roadway

Property Tax Revenue (Benefits):

Calculate the tax capacity for each parcel to get the total tax capacity for the new development. The tax capacity of a parcel is its assessed market value times its class rate. The assessed market value for a non-lakeshore home is around \$150,000, and the assessed market value for a lakeshore home is around \$250,000. If the developer has more specific data, that should be used. The class rate is determined from the Local Taxes Payable 2002 column in the attached chart. For example, the class rate on a \$150,000 home is 1 percent, so the tax capacity is \$1,500 ($150,000 * .01$).

Once you've added all the parcel tax capacities, then multiply the total tax capacity of the new property by the local city tax rate (Emily's was 49.87% in 2002) to get an estimate of how much the new development would pay in property taxes if the city raised its levy proportionately to the amount of new tax base. Approximately half of the revenue Emily receives in property tax revenues is used for road maintenance.

Benefit Cost Ratio: Bemis County & Minnie Lake

While this may seem like a complicated process, we have put together a spreadsheet that quickly calculates the benefit cost ratio once the development value and length of the new roadway to be maintained are known. Once those two pieces of data are entered into the spreadsheet, the spreadsheet calculates the benefit cost ratio for each year over the next twenty years.

The spreadsheet also calculates the net present value. The net present value discounts future costs and revenues from the future to the present. The net present value allows us to calculate a total benefit cost ratio for the next twenty years rather than a ratio for each year.

Property class rates 1997 to 2002

Property Class	Taxes Payable 1997	Taxes Payable 1998	Taxes Payable 1999	Taxes Payable 2000 and 2001	Local Taxes Payable 2002	State Tax Payable 2002
Residential Homestead: <\$76,000 ¹ \$76,000-\$500,000 >\$500,000	1.0% 2.0 2.0	1.0% 1.85 1.85	1.0% 1.7 1.7	1.0% 1.65 1.65	1.0% 1.0 1.25	No state tax
Residential Non-homestead: Single unit: <\$76,000 ¹ \$76,000-\$500,000 >\$500,000 2-3 unit buildings	2.3 2.3 2.3 2.3	1.9 2.1 2.1 2.1	1.25 1.7 1.7 1.7	1.2 1.65 1.65 1.65	1.0 1.0 1.25 1.5	No state tax
Market-rate Apartments: Regular Small Cities	3.4 2.3	2.9 2.3	2.5 2.15	2.4 2.15	1.8 1.8	No state tax
Commercial/Industrial: <\$100,000 ² \$100,000 - \$150,000 >\$150,000	3.0 4.6 4.6	2.7 2.7 4.0	2.45 2.45 3.5	2.4 2.4 3.4	1.5 1.5 2.0	1.5 1.5 2.0
Seasonal Recreational Residential: <\$76,000 ¹ \$76,000-\$500,000 >\$500,000	1.75 2.5 2.5	1.4 2.5 2.5	1.25 2.2 2.2	1.2 1.65 1.65	1.0 1.0 1.25	0.4 1.0 1.25

1. First tier limit was \$72,000 for 1997, \$75,000 for 1998 and 1999.

2. First tier limit was \$100,000 for 1997, \$150,000 thereafter.

b. Ordinance Revision Regarding Event Camping (discussion)

SECTION VIII

SPECIAL PROVISIONS

8.4 Campgrounds/Campsites

5. Event Camping

1. Application.

- i. Any person applying for an event camping license shall complete a conditional use application approved by the City Council.
- ii. An application for a conditional use permit shall be in writing, addressed to the City Council and filed with the City Clerk at least sixty (60) days prior to the date upon which the camping event shall occur. The City Council shall act upon the application within thirty (30) days after its submission.
- iii. Application shall be made by the owner of record of real estate situate in the City of Emily upon which the event camping is to take place or lessee thereof or duly authorized agent or attorney of the owner or lessee.
- iv. Such application shall include the following information:
 - a. A statement of the name, age and residence address of the applicant.
 - b. If the applicant is a corporation, the name of the corporation and the names and addresses of its directors.
 - c. A statement containing the name, address and record owner(s) of the property(ies) where the event camping shall occur and the nature and interest of the applicant therein.
 - d. The proposed dates and hours of such public camping event.
 - e. The expected minimum number of persons intended to use the property(ies) at one (1) time and collectively.
 - f. The number of automobiles, motorcycles and other vehicles intended to use the property(ies) at one (1) time and collectively.
 - g. The estimated number of campsites.
 - h. A general explanation of the activity to be carried on and the admission fee to be charged, if any.

2. Notice to abutting owners. The City Council shall send special notice by mail to all owners of abutting property within two hundred (200) feet of the site of the event and the parking area of the time and place of the public hearing regarding said special entertainment. The applicant shall bear the cost of the mail.
3. Payment of due taxes; zoning requirements met. Any person applying for a conditional use permit shall show that all taxes due to date have been paid and all zoning requirements met for the premises on which the entertainment is to be held and for the property to be used as associated parking facilities.
4. Additional provisions applicable to all permits. Any person holding a permit under this chapter and every place of event camping shall comply with the following provisions. Violation of any of these provisions shall be unlawful.

- i. No light on any part of premises licensed hereunder or on any place of the event shall be permitted to shine beyond the property line of the premises with an intensity sufficient to disturb the peace, health, safety or comfort of any adjacent residents or the general public.
 - ii. No soot, cinders, smoke, fumes, gases or disagreeable or unusual odors shall be permitted to emanate from the premises so as to be detrimental to any person or to the public or which either annoys, disturbs, injures, endangers or which may disturb, injure or endanger the health, safety and welfare of any person or the public.
 - iii. The applicant shall supply portable toilets at both the site of the event that meet the requirements of the Minnesota Department of Health.
 - iv. All trash and rubbish shall be collected and removed from both public and private property within twenty-four (24) hours after the conclusion of the event.
 - v. At no time shall music be played by mechanical device or live performance which annoys, disturbs, injures, endangers or which might annoy, disturb or endanger any person or the public in their health, comfort, safety, repose and peace.
 - vi. No loud, unnecessary or unusual noise shall be permitted to be made or caused to be made or continued at any time which either annoys, disturbs, injures or endangers the comfort, repose, health, peace and safety of other persons or the public.
 - vii. The applicant shall supply a bond satisfactory to the Council at the time the license is issued to provide protection for possible damage to other owner's property or public property in the vicinity of the entertainment or the parking area. Said bond shall not be released until ten (10) days after the event.
 - viii. The applicant shall provide insurance satisfactory to the Council at the time of the license is issued for all police officers assigned to the event to cover medical care, any future loss of pay due to injury related to the event and protection against any court suit or liability for false arrest or other civil or criminal action related to the event.
 - ix. The applicant shall be responsible for compliance with all state, federal, and local laws relating to health, safety, and welfare of the public at the event.
5. Notice of denial. If the City Council of the City of Emily shall deny an application for a permit under this chapter, it or the City Clerk of the City of Emily shall notify said applicant of the disapproval of said application and shall include therewith a statement for the reasons for disapproval. The notice of denial shall be sent by first-class mail.
 6. Permits not transferable. No permit issued under the provisions of this chapter shall be transferred or assigned to any person or used by any person other than the person to whom it was issued, nor shall such permit be used on any location other than the location stated in such permit.
 7. Revocation of permit. If, after the permit is issued, the City Council determines that any of the items set forth in this section is not adhered to and accomplished within a reasonable time prior to the date or dates of the event or if the City Council determines that any of the provisions of any section of this chapter has been or is being violated, then the permit shall become null and void.

8. Waivers. The City Council may, in its discretion, waive the requirement of this Article for any special entertainment that is being conducted on behalf of a charitable, civic or fraternal organization.
9. Penalties for offenses. Any person who shall violate any provision of this Ordinance shall, upon conviction thereof, be punished, for each violation, by a fine of not more than five hundred dollars (\$500.) or by imprisonment or not more than thirty (30) days. The continuation of a violation of any provision of this Article shall constitute, for each day the violation is continued, a separate and distinct violation hereunder.

b. Ordinance Revision Regarding Payment of Assessments (discussion)

The City Clerk has requested that we consider an amendment to the ordinance that would require payment of assessments at the time of property transfer. This is commonly done in other cities, mostly because it is immensely less complicated than recomputing an assessment schedule.

We submit the following Ordinance addition to Section 9.3 of the Land Use & Subdivision Ordinance:

9.3 Final Plat or Final Condominium Plat

9. All unpaid assessments shall be paid at the time the final plat or the final condominium plat is filed.

We will submit the proposed addition to the City attorney for review.

c. Comprehensive Plan Implementation