

CITY OF EMILY
MEETING MINUTES (UNAPPROVED)
PLANNING AND ZONING COMMISSION

March 2nd, 2005 – 7:00 PM

1. Call to Order – 7:05
2. Roll Call
Commission: Marie Reineck, Tony Kile, Jim Nordvall (Chairman), John McConnell

Staff: James Lehnhoff (Planning and Zoning Administrator), Barb Hubbard (Zoning Clerk)
3. Public Hearings - none
4. Additions or Deletions to the Agenda

Administrator Lehnhoff requests that the December 2004 minutes be added to the “Approval Minutes” portion of the meeting agenda.
5. Open Forum - none
6. Approval of Minutes
 - a. December Minutes -
 - b. February Meeting –

Commissioner McConnell asks what the “methodology description” in the February minutes is referring to.

Administrator Lehnhoff explains that the Commission had asked the staff to prepare a statement explaining the methodology used to designate the placement of the new land use zones.

Chairman Nordvall directs Administrator Lehnhoff to clarify the methodology statement in the minutes.

Commissioner McConnell asks where the direction to the Staff was to ask the City Attorney about the land sale for the land locked piece of land.

Administrator Lehnhoff explains that that was in a previous set of minutes and that we will discuss that topic tonight.

Commissioner McConnell asks about setbacks for non-publicly owned roads in the setback. The staff was directed to write an Ordinance about this.

Administrator Lehnhoff states that he does not recall that direction but will ask Administrator Marohn about that direction.

Discussion by the commission over the setback and right of way on public and private roads.

Motion to approve February meeting minutes by Commissioner McConnell with the amendment to clarify the methodology statement in the February minutes... The motion is seconded by Commissioner Reineck. The motion passed unanimously.

Commissioner Reineck makes a motion to table the December minutes for further review at the April meeting since they were just presented at this meeting. Commissioner McConnell seconds the motion. The motion passed unanimously.

7. Planning and Zoning Administrator's Report
 - a. Permits

Administrator Lehnhoff states that there have been no permit applications.

- b. Correspondence

Administrator Lehnhoff explains that the City Attorney is working with James Gammello, attorney for Charlie and Harriet Smith, regarding their lot and a potential subdivision.

Commissioner Reineck inquired about the correspondence from Jack Gagnon

Administrator Lehnhoff briefly explained the situation that he claims to own property that the City claims to own. We will be working with him to clear up the situation.

Zoning Clerk Hubbard explains that the County parcel data says that the City owns the property. Mr. Gagnon says that the City only owns the right of way. Zoning Clerk Hubbard read the letter from Mr. Gagnon.

Zoning Clerk Hubbard stated that the Minnesota Department of Transportation sent a letter to LaVonne Thesing explaining that MnDOT could not support giving up right-of-way along the Thesing's property.

- c. Violations/ General Enforcement Actions

Chairman Nordvall asks if we are being too lenient on the Rex Stiner violation. We are coming up on the two year anniversary of this violation.

Administrator Lehnhoff stated that we may need to be more forceful.

Chairman Nordvall inquires about the mediation timeline for the Figi, Vagen-Anderson dispute.

Administrator Lehnhoff stated that he will ask Administrator Marohn about that.

- d. Feedback Surveys

Administrator Lehnhoff stated that there has been no feedback surveys received.

- e. Council Action

Administrator Lehnhoff stated that the Council tabled the rezoning action pending further review. It will be on their next agenda.

f. Cleanup Project –

Administrator Lehnhoff stated that there is nothing new regarding the cleanup project.

Zoning Clerk stated that a new complaint recently was sent to the City, but there is confusion over whether P&Z is in charge of sending letters requesting the clean up or if it is the City Council.

g. ISTS Compliance Testing –

Administrator Lehnhoff stated that now that we have updated parcel data, we can move forward with ISTS testing and with the rezoning process. We are working with the Zoning Clerk to determine which properties need to be tested next.

Commissioner McConnell states that we need to make sure the old ISTS compliances have been completed before we move forward with new ones.

Chairman Nordvall explains to Commissioner McConnell that we did have a list of the ISTS inspections to still be completed in a previous staff report.

Zoning Clerk Hubbard explains that almost all of the old ISTS inspection letters have been resolved. We are working on the last few.

h. Review of CUP and Variance Condition Compliance –

Administrator Lehnhoff stated that the compliance letters for 2003 and 2004 have been sent out. We will be contacting the Planning Commission to set up inspection times as needed.

8. New Business

Administrator Lehnhoff stated that there is no new business.

9. Old Business

a. Cost/Benefit analysis form

Administrator Lehnhoff explains the cost benefit analysis and how the data was put together.

Discussion on the cost benefit analysis.

Chairman Nordvall inquires if this will be presented to the City Council.

Administrator Lehnhoff explains that it can be if desired. The cost benefit analysis is part of implementing the comprehensive plan.

The Commission unanimously recommends that this Cost Benefit Analysis be used for all future subdivision evaluations.

b. Ordinance Revision Regarding Event Camping (discussion)

Chairman Nordvall says that there needs to be a provision requiring security.

Commissioner McConnell stated that he thought we were creating an ordinance for a broader assemblage of people, not just for camping. He suggests that we move the proposed ordinance addition to Section 11.6 under the conditional use permit section since this is a conditional use permit.

Administrator Lehnhoff states that the ordinance addition could stay in Section 8 even with a mass assemblage wording to include more than just camping. The ordinance was proposed for Section 8 because that is where camping is.

Commissioner Kile states that we may need to include more information for one day events. We could have a hundred person biker event and not require a permit, but we should require a permit.

Chairman Nordvall asks then should a church need a permit? Family reunions? How do we differentiate between activities?

Discussion on whether to have a permit required for one day group events.

Commissioner McConnell states that we should include a new number 4 and push the rest of the proposed Ordinance. The new section four should state that the event cannot last longer than 14 days.

Commissioner Kile states that the event should not last longer than four or five days at the most.

Chairman Nordvall agrees with Commissioner Kile.

Commissioner McConnell asks if we should include “any other restrictions the council deems necessary.”

Chairman Nordvall states that we need to have security provided by the applicant

Commissioner Kile states that security would need to be approved by the Emily police department.

Administrator Lehnhoff states that we will add security provisions and time restrictions to not allow the event to last longer than five days.

Commissioner McConnell states that we should remove “portable” from 4.3. Toilets do not have to be portable.

Commissioner Reineck states that we put in “appropriate.”

Administrator Lehnhoff states that we should use “adequate and appropriate.”

Commissioner McConnell states that we should remove part 8.

Chairman Nordvall agrees with Commissioner McConnell. He also states that the penalties are weak.

Commissioner Kile questions if the fees are part of state law.

Commissioner McConnell requests Administrator Lehnhoff to check state law.

Discussion over whether to change the ordinance from event camping to mass assemblage. If we change it to mass assemblage, how do we define the type of event to regulate? If it is not a camping event, then we don't need a permit right now.

Zoning Clerk Hubbard states that this addition was designed for camping and meets the original request.

Chairman Nordvall directs Administrator Lehnhoff to incorporate the changes from the discussion. We should develop language for mass assemblies.

Administrator Lehnhoff states that he will speak with Administrator Marohn and possibly the City Attorney to develop appropriate language for designating which type of events need a permit.

c. Ordinance Revision Regarding Payment of Assessments (discussion)

Administrator Lehnhoff explains the proposed Ordinance.

Chairman Nordvall states that the proposed ordinance fits the need.

Commissioner McConnell states that he liked the proposed ordinance.

Chairman Nordvall also states that he likes the proposed ordinance. We should go forward with it.

Administrator Lehnhoff states that we can hold the public hearing next month after the City Attorney has reviewed the proposal.

d. Comprehensive Plan Implementation

Administrator Lehnhoff explains the information provided in the staff report. Administrator Marohn wants to know what we should focus on next.

Chairman Nordvall expressed that he is happy with how much has been done.

Mayor Kile points out that the Emily Chamber of Commerce did the clean up, not the City of Emily.

Administrator Lehnhoff explains that it is a living document and we need to keep reviewing the Comprehensive Plan.

Chairman Nordvall says that much has been accomplished, just keep working on it.

e. Crow Wing County Land Sale

Administrator Lehnhoff explains what the City Attorney told us regarding the land locked property. The City Attorney stated that the property can be sold without public right of way without liability from the City. The property could not be subdivided, but it sellable and buildable as is.

Commissioner Reineck makes a motion to recommend the land sale to the City Council. Commissioner Kile seconds the motion. The motion passed unanimously.

10. Adjournment – 8:55