

MINUTES
PEQUOT LAKES REGULAR PLANNING COMMISSION MEETING
JANUARY 16, 2003

PRESENT: Bill Habein, Marty Nelson, Joe Dotty, Cheri Seils, Karl Moon, Tom Woog, Craig Nagel, John Derksen and Barb Sjoblad. ABSENT: Mark Hallan.

ZONING ADMINISTRATOR: Charles Marohn.

The meeting was called to order by Craig Nagel, Commission Chairperson, at 6:35 p.m.

APPLICANT: Jon Nornberg.

Applicant requests a Conditional Use Permit to construct an auto body repair shop in the Light Industrial zone.

Mr. Marohn explained his Staff Report, adding that if additional Pollution Control Agency permits are required by the State, they would need to be added to the Conditions.

Applicant was present: Jon Nornberg, 2175 Quill Drive S.W., Brainerd, MN.

Mr. Nornberg did not have anything to add. Cheri Seils asked if he planned to have a paint booth. He said he did. She advised that he would need a hazardous waste permit. Discussion continued regarding inside/outside storage and extended periods of time.

A motion by Karl Moon, seconded by Joe Dotty, to approve the Conditional Use Permit, subject to the following conditions:

1. The applicant shall acquire MPCA and EPA permits for the storage and disposal of car batteries, oil, antifreeze, gasoline, solvents and other toxic wastes. Applicant shall also acquire the necessary Hazardous Waste permit. Current copies of these permits shall be filed with the City.
2. The site shall be kept clean and orderly, with no accumulation of debris or rubbish.
3. Within 60 days, the applicant shall submit to the Planning Commission for approval a screening plan showing existing and future vegetation. The plan should feature a dense vegetative buffer to the east (toward the Paul Bunyan Trail) and along all adjacent property borders. Vegetation shall be properly maintained and replanted with like species when necessary. The plan should also feature 100% screening of all stored vehicles from adjacent properties and public roads, preferably

with a wood or masonry fence or wall, or densely planted hedge that blends with the natural environment.

4. Vehicles parked outside the screened storage area shall be limited to employees and temporary customer parking. There shall be no vehicles in a state of disrepair parked outside the screened storage area. No damaged vehicles shall remain outside in the screened storage area for longer than thirty days.
5. The site sign should be constructed of materials that blend in with the natural environment and that meet the size requirements as stipulated in Sections 80.060 and 80.120 of the Ordinance.
6. The steel frame building and screened storage area should not be used for any use other than that identified in the Conditional Use Permit.
7. The applicant shall coordinate with the City Utility Department for evaluation and inspection of proposed internal drainage system, particularly floor drains.

All members voted "aye". Motion carried.

APPLICANT: NWT LP

Applicant requests Preliminary Plat of The Ridge (continuation).

Mr. Marohn explained that he had not prepared a Staff Report due to the continuing process of modifying the Ordinance and a future land use map. The applicant had requested previously that this matter be tabled pending completion of the Ordinance and map. Mr. Marohn recommended tabling of this matter as the Ordinance and map process is not complete.

Applicant was present: Joni Tulenchik, along with their attorney, Mr. Don Bye, 1775 County Road 17 S.W., Pequot Lakes, and also 609 West 2nd, Duluth, MN, with offices at 1000 Torrey Building, Duluth, MN 55802.

He stated that the 60 acres on the east side of Highway 371 had been purchased for commercial development. He also stated that he had been informed that someone had contacted the City Attorney, Tom Fitzpatrick, who then contacted the Attorney General and the League of Minnesota Cities.

Mr. Bye had compiled a handout for the Commission members outlining the timeline of the annexation. A copy of this handout is attached and made a part of these Minutes. Mr. Bye went on to discuss each item.

Tom Woog questioned the confusion in #3. He made a public apology to Joni Tulenchik, as he has no recollection of the 2-page Resolution. He also has no recollection of a public hearing on the rezoning. He also indicated that he received a blank copy of this Resolution by fax from the City Clerk's Office 4

weeks ago requesting him to sign it. He did not sign it. He did state that the copy of the 2-page Resolution included in #3 is his signature.

Mr. Bye believes that the applicant didn't make the mistake. They complied with all requests. The Notices make reference to annexation, not zoning. The Ordinance makes reference to zoning, not to Notices.

Mr. Bye does not believe or accept that the Attorney General gave an opinion to the Town of Sibley or the City of Pequot Lakes in the last 3 years.

Mr. Marohn pointed out to Mr. Bye that no one on the Commission is qualified to answer Mr. Bye except Mr. Fitzpatrick. Mr. Marohn recommended that by the next monthly meeting, the applicant and their representative meet with the City Attorney regarding the zoning issue. The other properties annexed at the same time as NWT LP would all have to be re-visited.

Mr. Bye claimed that no map exists showing the wooded residential and commercial property annexed. The map had been removed prior to a picture being taken. Mr. Bye also claimed that City Staff in the Clerk's Office kept stating that the property in question was still commercial.

There was discussion as to a date to meet with the City Attorney and Mr. Bye. If due process was adequate, the Commission could move forward with the Preliminary Plat at a Special Meeting.

A motion was made by Karl Moon, seconded by Cheri Seils, to hold a Special Meeting on February 10, 2003 at 6:30 p.m. to move forward with the Preliminary Plat. All members voted "aye". Motion carried.

A motion was made by Karl Moon, seconded by John Derksen, to table the Preliminary Plat request to the next meeting. All members voted "aye". Motion carried.

(10 minute break)

APPLICANT: Carl and Colleen Smith.

Applicant requests a Conditional Use Permit for a Planned Unit Development (continuation).

Mr. Marohn had not included this CUP in his Staff Report as he had not received the necessary documents requested at the December meeting. A copy of his letter to Mr. and Mrs. Smith is included in the Administrator's Report. Items 1, 2, & 4 have been delivered to the City Attorney for approval. Item 3 had been delivered to Planning & Zoning Staff. Item 5 was received January 15. Mr. Marohn recommended approval of the Final Plat of Trail View Townhomes.

A motion was made by Tom Woog, seconded by Cheri Seils, to accept the Final Plat of Trail View Townhomes. All members voted "aye". Motion carried.

ADDITIONS OR DELETIONS TO THE AGENDA:

Mr. Marohn requested adding:

- 9.e. Road Review.
- 9.f. Exposition Park.

MINUTES:

The Minutes of the Regular December Planning Commission and the Board of Adjustment were approved as read.

ADMINISTRATOR'S REPORT:

- A. There were no permits issued in December
- B. The 6 letters sent are included in the Staff Report.
- C. Violations/Enforcement Actions:
 - 1. Roger Langenbau: Our next office hours are scheduled for January 28 and we will try to have him meet with us then.
 - 2. DBA Wilderness Resort: This matter has been resolved, but we plan to contact Mr. Tom Beavers for evaluating and monitoring the location.
 - 3. Virgil Dahl: No response. We will try one more time before turning over to the City Attorney.
 - 4. Susan and Timothy Brawley: No response. Nothing can be done until spring.
 - 5. Walker Junk Yard: We have not as yet contacted him. Joe Dotty advised that Mr. Walker is looking for a peaceful resolution to this matter.
 - 6. Swenson: The name should be Dave. This matter must be taken care of by April.
 - 7. George Lugar: We have not had a written response from Mr. Lugar.
 - 8. Larry and Nancy Greden: Completion date of July 1, 2003.
 - 9. Elin Ohlsson: We had no response to first letter. We will contact her again.

OPEN FORUM: (none).

OLD BUSINESS:

- A. Oasis Sign Concept Plan: Mr. Marohn explained that he had written Mr. Lueck a letter requesting his appearance at this meeting, but the letter was returned. Mr. Lueck had dropped a letter off earlier in the day in the event he was unable to attend the meeting. Mr. Marohn read the unflattering letter to the Commission. The Commission recommended another letter be hand delivered to Mr. Lueck requesting his attendance at the next meeting. A few members who know him personally will also extend an invitation.
- B. Long Range Planning Commission: Discussion followed regarding trimming down the size of the Planning Commission. Mayor Malecha has appointed a Long Range Planning Advisory Committee.

A motion was made by John Derksen, seconded by Barb Sjoblad, that the Planning Commission members should be reduced to include 7 members and 1 chairperson. All members voted "aye". Motion carried.

NEW BUSINESS:

- A. Highway 371 Task Force: Skipped.
- B. Wetland Review: Mayor Malecha has asked that the Wetland Ordinance Technical Committee resume defining the wetlands in the City and updating the Wetland Ordinance.
- C. Tax Forfeit Land Sale: The tax forfeit lot on the west side of Sibley Lake was discussed.

A motion was made by Karl Moon, seconded by Bill Habein, to recommend to Crow Wing County that the lot be placed in conservation. All members voted "aye". Motion carried.

- D. Len Kargel Drainage Issues: Mr. Marohn explained what had transpired with Mr. Schaefer and Little Pine Plaza regarding Mr. Kargel, as well as the drainage problems of that entire portion of downtown.

A motion was made by Karl Moon, seconded by John Derksen, to recommend the City investigate storm water issues in the entire downtown area. All members voted "aye". Motion carried.

- E. Road Review: Staff reminded members that the City Council was holding a Road Review of the roads in the Rural Taxation District on Saturday, January 18 and all members were welcome to attend.
- F. Central Minnesota Exposition Park: A mailing had been received at City Hall regarding a community meeting to be held January 16 to receive community input regarding a potential arena/convention center

to be constructed on Tree Farm Road. Mayor Malecha and Councilman Sjoblad had attended the meeting and informed the Commission that it was very preliminary, to see if they should go ahead with a feasibility study.

NEW ZONING MAP:

Mr. Marohn showed the various maps to the members who had missed the January 9 Workshop and then explained the proposed zoning map. Everyone was very impressed with the new map, although it will need a little tweaking.

A motion was made by Karl Moon, seconded by John Derksen, to adjourn the meeting. All members voted "aye". Motion carried. The meeting was adjourned at 9:50 p.m.

Respectfully submitted,

Dawn Bittner
Planning & Zoning Staff