

**MINUTES  
PLANNING COMMISSION**

**JANUARY 3, 2012**

Chairman Dan Roberts called the meeting to order at 6:34 p.m. Members present were Darlene Loven, Donovan Mayer, and Bob McDaniel. Jeff Bertram was absent. Also present were Renee Eckerly, City Administrator, Stephanie Hormann, Cable Coordinator, Tom Lutgen & Roger Stradal from the DNR, Joel & Delane Burr, Inez & Neal Jones, Darrel Voorhees, Lloyd & Jan Eggert, Tom & Doris Wendlandt, Neil Fischer, and Tammy Nichols.

**Motion was made by McDaniel to approve the minutes of the December 5, 2011 Planning Commission Meeting. Seconded by Mayer and unanimously carried.**

**OPPORTUNITY PARK PLAT – PRELIMINARY PLAT**

Roberts recessed the regular meeting and opened the Opportunity Park Preliminary Plat Public hearing at 6:35 p.m.

Eckerly reported on the background of the project and the reasoning for only platting 1 lot and leaving the rest as an outlot. Mayer expressed concerns that he would like to see the entire plat done at one time. He is concerned that the City is setting a precedent to the platting process of only platting sections. Eckerly reported on the Jeff Bertram reported Mayer's concerns to the City Council.

Roberts suggested that having outlots is common in developments, especially residential properties. Eckerly stated that there are outlots in both the Heatherwood and Ferche developments. Jones also asked about the Area Center's involvement and if there would be any assessments on current properties. Eckerly explained that there would only be assessments to new property owners.

There being no further comments or questions Roberts closed the public hearing and re-opened the regular meeting at 6:41 p.m.

**Motion was made by Mayer to approve the Report and Recommendation of Planning Commission Regarding Application for Approval of Preliminary Plat of Opportunity Park and recommend such to the City Council. Seconded by McDaniel and unanimously carried.**

**ELECTION OF OFFICERS/TERMS**

The Commission had questions about Loven's term and if it ends in 2011 or 2012; this was tabled until the next meeting to get further information.

**FLOOD PLAIN ORDINANCE NO 140, 2<sup>ND</sup> SERIES**

Roberts recessed the regular meeting and opened the Flood Plain Ordinance Public Hearing at 6:45 p.m.

Lutgen, DNR reported that FEMA is asking the City to amend its flood plain ordinance to update some regulatory provisions and adopt the new map panels so it can keep participating in the National Flood Insurance Program. The DNR is working with the City directly to get this

done instead of FEMA. Eckerly reported that this ordinance is as close as she and the City Attorney could get to what is already in place.

Eckerly also reported that existing buildings are grandfathered into the properties in the flood plain, but there can be no new permits. If a natural disaster happens, the building can be rebuilt to the exact specifications that it was before. Roberts brought up financing in a flood plain and if people need mandatory insurance. Lutgen replied that flood insurance can be bought by anyone because the City participates in the National Flood Insurance Program, and that a lender will typically require a homeowner in the flood plain to purchase flood insurance. Lutgen also stated that a homeowner in the flood plain can appeal and try to get out of the flood plain, but that is a different process.

There being no further comments or questions the public hearing was closed and the regular meeting was re-opened at 6:58 p.m.

**Motion was made by Mayer to approve the Flood Plain Ordinance No. 140, 2<sup>nd</sup> Series, Maps, and Insurance Study and recommend such to the City Council. Seconded by McDaniel and unanimously carried.**

### **MEETING SCHEDULE**

**Motion was made by Loven to set the Planning Commission meetings for the first Monday of each month (Oct. – April) and the first and third Monday of each month (May – Sept.) at 6:30 p.m. Seconded by Mayer and unanimously carried.**

### **TEMPORARY USE ORDINANCE NO. 139, 2<sup>ND</sup> SERIES**

This item was sent back to the Planning Commission from the City Council and tabled at the Commission's December meeting. Eckerly reported that Police Chief Kent Kortlever had concerns about this when he initially met with Eckerly, Roberts, and Wendlandt about the ordinance, but was not opposed to it. He then became opposed to it because of safety issues and would like to explain them to the Commission. The Commission tabled this until their next meeting so Kortlever could be in attendance.

### **ALLEY VACATION PETITION**

Doris Wendlandt reported that she wants to put an attached outdoor patio onto her business and be able to have food and other entertainment activities to stimulate the downtown area before the Hwy. 23 bypass opens. She stated that many downtown businesses are concerned with what will happen when the new Hwy. 23 goes around town and wants to get as many people to come downtown and keep it alive and vital after the bypass is open. She suggested EDAP purchase the parking lot behind her business and make an exit there for the public. She also tallied the count of traffic last week on James Street, Hwy. 23, and Augusta Avenue, and there was zero traffic; the only vehicles she saw were people going to the laundry mat or business owners. She also stated that very few alleys in Paynesville have multiple directions to enter and exit. She reminded the Commission that she is not there to create issues, she just wants to expand her business. Wendlandt stated that if the City is looking at doing a lot of studies about traffic, they should have been done before the Hwy. 23 bypass. She would also put a fence on the alley that could be opened for emergency vehicles.

Mayer spoke about a possible revitalization project for the whole downtown and stated that the downtown area is one of the most important parts of the community and he is concerned about

closing the alley. McDaniel stated that he feels the City needs to have a broader and more expanded vision for growth and to look at the circumstances as they are right now. Mayer asked if the activities Wendlandt suggested are allowed in the Commercial District. Eckerly answered that she hasn't looked into the specifics, but since these activities would be on private property, there shouldn't be any issues. She also stated that the Public Safety Committee recommends having a traffic count, and the Public Works Committee has concerns about the alley being dead-ended.

Joel Burr, who owns 3 lots close to the property, expressed his concerns about his laundromat and that he is pro business and wants the downtown to grow. He also has concerns about the alley on James Street being 16 feet wide and that Corner Drugs trucks will block it and shut it down. The same thing would happen during Town & Country Days off James Street. He set up a fence around his parking lot behind Wendlandt's business and it has been knocked down 3 times in the past week. He stated that it would be premature to close the alley before knowing if the alley behind Jimmy's Pizza could go both ways.

Eckerly stated that she didn't know how quickly the traffic count could get done. McDaniel would not like this process to be drawn out and would like to get them done soon. McDaniel recommended that the counts be done within 60 days and to confirm the alley width. This was tabled so further information could be gathered.

### **EXIT MARKERS**

McDaniel distributed a list of exit markers he would like to see on the new Hwy 23. Eckerly stated that there is a grant from MNDOT for welcome and landscape signs, but the City would have to apply for this and there are certain things MNDOT won't sign.

### **BUILDING PERMIT REPORT**

Eckerly reported that the City had just received the reports from Inspectron through the end of December and updated billing. She also stated that the City will put out RFP's this week and will have more information on them at the next meeting.

Mayer spoke about the open permits on Inspectron's report going back to 2008 and Eckerly stated that Inspectron got paid for those permits, but the full inspection haven't been done. City staff had drafted a letter to be sent to contractors who had many open permits and that they couldn't get new permits until they were closed, but Inspectron didn't send it. In the past, City staff would call the open permit holders to set up a time for inspections, but the City Council didn't want staff to be that involved with the building permits. When McDaniel asked about the urgency of the problem, Eckerly stated that the property owners aren't getting the service they paid for, the City can't close the books on the years with open permits, and there isn't an updated list of what has been done to a house if someone tries to sell it. Roberts also explained that when doing background checks on contractors, he found a contractor that was fined when they had too many open permits.

There being no further business the meeting was adjourned at 8:07 p.m.