

**JOINT PLANNING BOARD  
CITY HALL CONFERENCE ROOM  
APRIL 30, 2012  
11:00 A.M.**

**AGENDA**

- I. CALL TO ORDER
  
- II. CONSENT AGENDA
  - A. Minutes (page 1)
  
- III. NEW BUSINESS
  - A. Site Permit – Larry Kern
  
- IV. OLD BUSINESS
  - A. Define when the Board should meet regarding activities within the Joint Orderly Annexation area (page 4)
  - B. Annexation – Bruce Stang
  
- V. INFORMATIONAL
  
- VI. ADJOURN

**\*\*\*Please contact Renee Eckerly at 320-243-3714 ext. 227 or at [reneeE@paynesvillemn.com](mailto:reneeE@paynesvillemn.com) if you can't attend the meeting.\*\*\***

**Members: Township - Don Wiese, Don Pietsch, City – Jeff Thompson, Renee Eckerly, At Large – Jeff Bertram.**

This agenda has been prepared to provide information regarding an upcoming meeting of the Joint Planning Board. This document does not claim to be complete and is subject to change.

**BARRIER FREE:** All Joint Planning Board meetings are accessible to the handicapped. Attempts will be made to accommodate any other individual need for special services. Please contact City Hall (320) 243-3714 early, so necessary arrangements can be made.

## REQUEST FOR COMMITTEE/COUNCIL ACTION

**COMMITTEE/COUNCIL NAME:** Joint Planning Board

Committee/Council Meeting Date: April 30, 2012

Agenda Section: Consent

Originating Department:

Item Number: II - A

**ITEM DESCRIPTION:** Minutes

Prepared by: Staff

**COMMENTS:**

Please review the attached minutes from the February 13, 2012 Joint Planning Board meeting.

**ADMINISTRATOR COMMENTS:**

**COMMITTEE/COUNCIL ACTION:**

Motion to approve the minutes from the February 13, 2012 Joint Planning Board meeting.

**MINUTES  
JOINT PLANNING BOARD**

**FEBRUARY 13, 2012**

Chairperson Don Pietsch called the Joint Planning Board meeting to order at 12:05 p.m. Members present were Jeff Bertram, Jeff Thompson, Don Pietsch, Don Wiese, and Renee Eckerly. Also present was Bruce Stang.

**Motion was made by Bertram to approve the minutes of the April 18, 2011 Joint Planning Board meeting. Seconded by Thompson and unanimously carried.**

**APPOINTMENT OF AT LARGE MEMBER**

**Motion was made by Thompson to appoint Jeff Bertram to the at Large position of the Joint Planning Board. Seconded by Pietsch and unanimously carried. Bertram abstained.**

**ELECTION OF OFFICERS**

**Motion was made by Thompson to elect Don Pietsch as Chairperson; Bertram as Vice Chairperson, and Eckerly as Secretary. Seconded by Wiese and unanimously carried.**

**MEETING SCHEDULE**

The Board consented to keep the meetings on an as needed basis.

**BRUCE STANG – DISCUSS HIS LAND ON MINNIE STREET**

Stang reported that he has purchased the land on Minnie Street from David Voss to be utilized for an expansion of his current business. This land is currently in the Township. There is a 30 foot water retention easement behind his abutting property at 125 Industrial Loop West. He would like to add a 25,000 - 30,000 square foot building going to the West onto his existing building at 125 Industrial Loop West. The building already has sprinkling available. The City applied for a grant to build a regional water retention pond but was not successful. The pond area by Minnie Street is deep and dangerous. It is now slopped to get rid of the storm water. He is here to find out what his options are for his expansion. He would like to have gardens and animals on the North end of the property. Eckerly reported that she spoke to Jennifer Buckentine, Stearns County under Agriculture zoning; the animals would have to stay outside the Shoreland area. Eckerly stated that the City ordinance would allow for animals under Agriculture zoning, but Bill Spooner, City Attorney would like to review the PCA standards that are stated in the ordinance.

Eckerly also reported that Buckentine stated that if Stang is not covering all of the surface like in the previous preliminary plat the storm water retention pond requirement could be reviewed. The City would like to try again for the grant for the regional pond. Road access would need to allow for access to the North end of the property. Pietsch reported the land is currently zoned Industrial in the Township. Pietsch reported that the County enforces shoreland zoning 30 feet

from the river. There is a need to verify what the zoning is for the land that is brought into the City through annexation. It was asked does that land come in as agriculture or does it keep the zoning from the Township when annexed. This land is not currently in the Orderly Annexation agreement.

It was suggested that Stang compare the pros and cons of City and Township and see which best fits his needs now and in the future.

### **CAL DAVIDSON - GARAGE**

Pietsch reported that about 4 months ago the Township issued a permit for a garage. Then the Township was notified by Stearns County that per section 5 of the Joint Orderly Annexation agreement the Joint Planning Board must issue a letter allowing the permit for the garage.

**Motion was made by Thompson to approve the Cal Davidson site permit and recommend such to the City Council. Seconded by Bertram and unanimously carried.**

Eckerly was directed to email a letter to Dave Knafla, Stearns County.

### **DEFINE WHEN BOARD SHOULD MEET REGARDING ACTIVITIES WITHIN THE JOINT ORDERLY ANNEXATION AREA**

Pietsch is requesting that the Board define what items the Joint Planning Board needs to approve. Does the Board want to meet on items such as building or site permits or just items that require a public hearing such as variance or zoning?

**Motion was made by Bertram to direct Eckerly to contact Bill Spooner, City Attorney and find out how to accommodate the request if there is a public hearing and/or variance or/and zoning requests then the Joint Planning Board would need to review. Seconded by Thompson and unanimously carried.**

This does not need to come back to the Board and will be forwarded to the Township Board and City Council for action.

There being no further business, the meeting was adjourned at 12:50 p.m.

## Jennifer Welling

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**From:** Renee Eckerly  
**Sent:** Thursday, February 16, 2012 1:11 PM  
**To:** Don Wiese (dgwiese@lakedalelink.net); Don Pietsch; Jeff Bertram; Jeff Bertram; Jeff Thompson (jthompson@valleyind.com); Jeff Thompson (parrotheadmayor@mediacombb.net); jeffmarb@lakedalelink.net  
**Cc:** Jennifer Welling  
**Subject:** Regarding Requirements to have Meetings  
**Attachments:** Ltr from Spooner regarding meeting requirements 2-15-2012.pdf

The Board requested at the last meeting for me to contact Bill Spooner, City Attorney to have the Orderly Annexation agreement changed so that any building permit or site permit that did not require a Public Hearing or Variance or Conditional Use would be approved without the Joint Planning Board meeting and taking action.

I have attached the letter from Bill Spooner explaining that this change is not possible. Since the Board does not have a upcoming scheduled meeting I wanted to make you are all aware before the construction season beings.

I will put this on your next agenda and if desired I can have Bill present to discuss.

Renee Eckerly  
City Administrator  
City of Paynesville  
(320) 243-3714 ext. 227  
Fax (320) 243-3713

# FRAUENSHUH & SPOONER, P.A.

Attorneys at Law

William Spooner

Ronald R. Frauenshuh, Sr. (Retired)

113 Washburne Avenue  
Paynesville, MN 56362

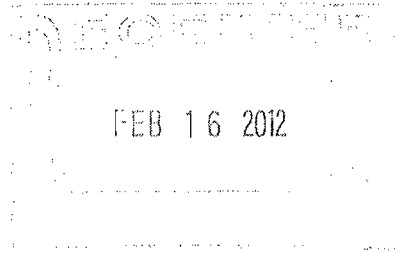
Telephone (320) 243-3748

Fax (320) 243-7084

Email: fs-law@clearwire.net

February 15, 2012

MS RENEE ECKERLY  
CITY ADMINISTRATOR  
221 WASHBURNE AVE  
PAYNESVILLE MN 56362



## RE: Joint Planning Board

Renee:

Unfortunately, my analysis of this situation regarding the Joint Planning Board I think fails to get the solution that the Planning Board was hoping for.

Minnesota Statute §414.0325 addresses planning in an orderly annexation area and it says that an orderly annexation agreement may provide for the establishment of a board to exercise planning and control. We elected that option. It wasn't required that we establish a Joint Board to exercise control of planning, but we did and once you make that election the statute goes on to say then that that board shall exercise all the powers under M.S.A. §462.351 and following related to planning, so once you make that election it is not optional whether you perform those duties or not and you cannot elect to perform some and not others.

The state statute goes on to say that if you don't provide for a Joint Planning Board then you have to delegate it to the municipality or establish some other process for planning. If you don't delegate it to one municipality, then the statute provides that the county and the township can agree to be excluded and the City does the zoning, but if they don't both agree to be excluded then you establish another governing board with representatives from the county, township and City that are responsible for doing the zoning, and they each have to appoint a member to the Board.

The bottom line is that although I understand the desire of the Joint Zoning Board to meet less often, it is kind of an all or nothing situation. They either

handle all the zoning or we modify the agreement to make a different election. One way or another there has to be an entity that is responsible for the zoning in full. As I read the statute, the job cannot be split into component parts and handled one part by one entity and other parts by a Joint Zoning Board.

I would be happy to talk to members of the Joint Board if they would like to discuss this further.

Sincerely,

FRAUENSHUHL & SPOONER, P.A.

A handwritten signature in black ink, appearing to read "William Spooner", written over the typed name.

William Spooner

WS:jmh