

## MINUTES PLANNING BOARD

**JUNE 15, 2020**

Chairperson, Carly Brockner called the meeting to order at 6:00 p.m. Members present were Randy Christman, Bill Fuchs, Katy Westlund, and Shawn Reinke. Others present were Ron Mergen, Public Works Director/Acting City Administrator; Kristin Leither, Social Media Specialist; Jennifer Welling, Administrative Assistant/Zoning Administrator; and Brad Mehlhop, Building Official; and Bill Spooner, City Attorney.

**Motion was made by Reinke to approve the minutes from the March 2, 2020 Planning Board meeting. Seconded by Christman and unanimously carried.**

### **STORAGE BUILDINGS- ORDINANCE AMENDMENT TO C1 & C2 COMMERCIAL DISTRICTS**

Welling informed members as to how the Board got to this point. In March the Planning Board discussed a possible vacant building ordinance. Minutes from that meeting included:

Members reviewed the St. Cloud vacant building ordinance identifying several points:

- Most of Paynesville's buildings are not vacant, people are living in the upstairs or the building are being utilized for storage.
- The taxes are being paid on the property.
- The City has existing ordinances for nuisance issues including mowing grass, snow removal, etc.

It was questioned how the City would enforce this ordinance. Fuchs expressed his opinion being this would be infringing on private property rights and the City does not need to go to this degree. Government control over private property must be held to a high standard. He also thanked the Council for asking for the Planning Board's input. There was general discussion of downtown businesses using the buildings for storage and to possibly changing the C-1 Central Business District to not allow storage. In conclusion, members asked to research other communities and bring it back to the next meeting.

The City Council agreed that maybe the buildings are not vacant as taxes are still being paid, lawn and snow removal still completed and water/sewer fees still paid. On June 8, 2020 the City Council approved a moratorium on storage buildings, Ordinance No. 15, 3<sup>rd</sup>. Series. The Council wants the Planning Board to consider amending the C1 Central (Downtown) Business District to prohibit storage facilities, but allow them in C2 Highway Commercial District where most of them exist currently. As you will see in C2 it states all permitted uses in C1; therefore, the need to amend C2. In addition, since the ordinance codification staff has been meeting to amend the entire Chapter 36 Zoning Ordinance. Since these two zones are being considered for amendment it would make sense to make those suggested changes as well.

The existing C1 and C2 Ordinances, the passed moratorium, a proposed amendment to C1 and C1 with just the storage facility change and a proposed amendment to C1 and C2 that includes additional changes were presented.

If the Planning Board decides to proceed with one of the amendments a public hearing would need to be set for Monday, July 20, 2020 at 6:05 p.m. Notices will be posted and published of such proposed amendment.

Welling and Spooner also reviewed the proposed ordinance changes. Fuchs presented several photos of the downtown and comparative photos of the City shop area, both in C-1. The idea was to show the existing downtown buildings are in no worse condition than other area structures. Enforcement was questioned, it was then noted all buildings currently being utilized for storage would be grandfathered in. Fuchs also noted it looks like a government solution looking for a problem and he is not seeing a problem. This takes buildings that are hard to sell and makes them harder to sell and it take people's rights away. Further discussion included:

- Historical value and architectural preservation
- Business being used for storage rather than providing a service or being open for retail
- Maintenance of buildings
- Who is driving the proposed change
- Safety of downtown, a perception not a reality
- Businesses showing activity help in keeping downtown vital
- Enforcement
- Suggested changes to the proposed amended ordinance included:
  - o Add Information Technology to permitted uses
  - o Page 18 of the Planning Agenda - letter h. part not party
  - o Page 20 of the Planning Agenda - kk. remove Exterminators
  - o Page 20 of the Planning Agenda - ss. gift not git
  - o Page 24 of the Planning Agenda - b, 4. remove rental

**Motion was made by Reinke to amend the proposed ordinance with the noted changes and set the Ordinance No. 15, 3<sup>rd</sup>. Series Public Hearing for Monday, July 20, 2020 at 6:05 p.m. Seconded by Brockner.**

Options were reviewed:

1. Do nothing
2. Just amend the C1 district to not allow storage
3. Amend the C1 and C2 districts

It was also suggested to change page 24 of the Planning Agenda - b, 4. remove rental.

**Motion was made by Westland to amend the previous motion to remove rental on page 24. Seconded by Christman and passed 3:2 (Christman, yes; Westlund, yes; Brockner, yes; Fuchs, no; and Reinke, no).**

**The first motion passed 4:1 (Christman, yes; Westlund, yes; Brockner, yes; Fuchs, no; and Reinke, yes).**

## **WIND AND SOLAR FARM ORDINANCE AMENDMENT**

Welling explained that on March 23, 2020 the City Council passed a moratorium on the commercial solar and wind energy farms. This was done so that regulations could be drafted on these farms including, but not limited to, location (zone), size, definitions, decommission, clean up and fencing/screening. The existing solar and wind energy ordinances, passed Ordinance No. 10, 3<sup>rd</sup>. Series Moratorium on Commercial Solar & Wind Farms, and a proposed ordinance for the Planning Board to discuss was presented.

If the Planning Board decides to proceed with the amendment a public hearing would need to be set for Monday, July 20, 2020 at 6:15 p.m. Notices will be posted and published of such proposed amendment.

There was some general discussion on wind farms including:

- Height limit of 45 feet; most of these units would be much taller
- The area they would need per unit
- Bird kill and clean up
- Shadow flicker

Members all agreed the winds units do not belong in town. Solar farms were discussed

including the following:

- Possible increase in tax value
- It would fit into industrial areas
- The farm sizes are currently about 10 acres
- Permitting as a conditional use
- Plug and play

**Motion was made by Fuchs to set the Wind & Solar Ordinance amendment public hearing for Monday, July 20, 2020 at 6:15 p.m. to allow solar farms as a conditional use in industrial zones and allow no wind farms within the City limits. Seconded by Christman and passed 3:1 (Christman, yes; Westlund, abstained; Brockner, yes; Fuchs, yes; and Reinke, no).**

## **RENTAL ORDINANCE - INTERIM ORDINANCE ESTABLISHING A MORATORIUM ON RENTAL PROPERTIES IN R, R-1, C-1 AND C- 2**

Welling reviewed how the Board got to this point. The excerpt of minutes from the March 2, 2020 The Planning Commission meeting:

Mehlhop reviewed the Hutchinson Ordinance. The City has received complaints from tenants about code violations, but the City currently does not have the authority to inspect or enforce the code. Several other rental ordinances had been reviewed and this one appeared to float to the top:

- It was noted the ordinance would provide for an initial inspection and then once every three years.
- A large percentage of rentals would not meet this ordinance.
- Inspections would look for safety items i.e. health and welfare issues, smoke and

CO detector, railings, egress window violations, etc.

It was stated that people (tenants) need to take personal responsibility and note the condition of the property prior to renting. It was further noted that the City needs to look out for those who cannot look out for themselves.

**Motion was made by Reinke to send this ordinance to the City Council for discussion and direction. Seconded by Christman and passed 4:1 (Brockner, yes; Christman, yes; Reinke, yes; and Westlund, yes; and Fuchs, no).**

Excerpt of minutes from the March 9, 2020 City Council meeting:

Brad Mehlhop, Building Official presented a sample Rental Ordinance from the City of Hutchinson. A rental ordinance has been a subject of discussion for many years. This ordinance was brought to the Planning Board for their input. They suggested seeking the Council's input to see if the City would want to adopt an ordinance like this and if any necessary changes need to be made. Your feedback on this is appreciated. If the Council wishes to move forward on a Rental Ordinance an ordinance would be drafted and reviewed by the Policies and Procedures Board and the Planning Board before coming back for final review, posting, and approval.

If the Council decides to move forward all landlords within the City would be notified of such proposed ordinance before adoption.

Mehlhop explained that a rental ordinance is to alleviate safety issues. The Council discussed:

- Estimated time per inspection
- Inspection/license fee
- Staff time
- Forms
- Liability issues
- Tying in the number of police calls to a residence
- Sample ordinance being over the top
- Needing additional samples from cities the size of Paynesville
- Concern with already a shortage of housing; by enforcing a rental ordinance housing could be lost
- How being grandfathered-in works
- Penalty of a misdemeanor
- Finding rentals though utility billing
- Couple this with the Crime Free Multi Housing Program through the police department that deals with problem tenants
- This seems like too much government over reach and landlords should be responsible and maintain good safe living conditions
- If landlords were doing their job a rental ordinance would not be necessary
- Research for more samples
- Samples to be forwarded to Policies & Procedures, Planning and Public Safety Boards
- Include local landlords in the discussions
- City should not close their eyes to unsafe properties No action was taken.

On June 22, 2020 the Council will be considering a Moratorium on the Rental of Residential Properties in R-Single Family Residential District, R-1 Single & Two Family Residential District, C-1 Central Business District, and C-2 Highway Commercial District. This is being presented to the Planning Board for discussion and because it is different than what the Board had originally discussed as a proposed rental ordinance.

Fuchs noted a number of older buildings would not be able to meet the codes and not all members of the Planning Board are in favor of this ordinance. Enforcement was discussed noting no one is grandfathered in but are generally given a time period to comply, or other options i.e. add a sprinkler system if they can't install an egress window. Members discussed:

- Developers buying up homes to rent
- Rentals are needed
- Affordable housing is needed
- Home up keep by owners not renters After further discussion,

**Motion was made by Westlund to approve a moratorium to retain home ownership and not allow homes to be bought up by outside entities.**

The motion died for lack of a second.

### **INFORMATIONAL & NEXT MEETING**

Mehlhop stated that the total number of building permits are down this year to date due to the economics. Community Apartments have applied for a building permit for Phase 2 of the apartment complex. The senior housing project has not applied for any permits yet, but have conducted soil borings. Mehlhop is waiting for engineer/architect drawing for the apartments in the former funeral home on James Street. The next meeting will be Monday, July 20, 2020 at 6:00 p.m.

There being no further business the meeting was adjourned at 7:34 p.m.