

MINUTES JOINT PLANNING BOARD

JULY 14, 2010

Chairperson Don Pietsch called the Joint Planning Board meeting to order at 7:10 a.m. Members present were Jeff Bertram, Renee Eckerly, Jeff Thompson, and Don Wiese. Also present was City Attorney, Bill Spooner.

Motion was made by Bertram to approve the minutes of the June 28, 2010 Joint Planning Board meeting. Seconded by Thompson and unanimously carried.

ORDERLY ANNEXATION

Eckerly reported on her research; it appears that each resolution except 2005-38 is specific to certain parcels being annexed. So she does not believe that 2005-38 was changed by 2007-45, but Spooner stated that the heading at the top of the Resolution 2007-45 states it does change 2005-38, which is different from all the other resolutions. Eckerly stated that resolutions that were past after 2007-45 were not consistent with the changes. They still had the 2 year and percentages so the resolutions are not consistent. Spooner reported that he believes Resolution 2007-45 paragraph 2 states changing 2005-38 Resolution. Paragraph 3 after #8 in 2007-45 should not completely remove paragraph 9 of 2005-38. In resolution 2005-38, the first and second section of paragraph 9 should remain; paragraph 3 has the 2 year wording that should be removed along with the percentages. Spooner believes the intent was services to be provided in a reasonable time. Spooner would revise Resolution 2007-45 with an amendment fixing the removal of paragraph 9. It was questioned to see if this process can be made simpler and cleaner to know which the main document is. Spooner will contact the Boundaries and Adjustments Board to research how to accomplish this to avoid future confusion. The Board discussed how to handle developers paying for some of the cost of utilities and this could be a requirement by the City to annex the land.

Motion was made by Bertram to have Spooner create one document to outline the annexation process. Seconded by Wiese and unanimously carried.

Spooner will change paragraph 9.

The Board discussed whether to allow people to annex "just because". Spooner stated there are three criteria to orderly annexation under State Statute:

1. Provide Service
2. Township can't provide health, safety, and welfare
3. It's in the best interest of the property

Pietsch stated that the Township will have a public hearing and will determine if it makes sense and then the City can decide.

Spooner cited what paragraph 9 could read:

9. The annexation of areas of land which are subject to this Resolution shall be triggered by a request from the owner of one of the parcels described, or if there is more than one property owner within a parcel described above, then 51% of the property owners within the area as of

the date of the request. Each person whose name appears as an owner of a fee interest in a parcel within one of the described areas on the date of the request shall be entitled to one vote regardless of the size of the parcel or the percentage of that person's ownership. When a request is received:

i) The request for annexation must contain a request to be served with municipal sanitary sewer and municipal water facilities from the City and first addressed to the Paynesville Township Board, which shall consider whether the request is from a sufficient number of property owners.

ii) If the request is from a sufficient number of property owners and the request has been triggered by a need for City services such as sanitary sewer or water, Paynesville Township shall approve the request for annexation, subject to approval by the City of Paynesville.

iii) The request will then be directed to the City of Paynesville where, if the City Council agrees that annexation is desirable, and that the City can provide services within a reasonable time upon request by the property owner, then the request for annexation will be approved by the City and submitted to the Office of Administrative Hearings, Municipal Boundary Adjustments, without further consideration.

Property owners can un-annex back to the Township.

The Board discussed that the "just because" being landowners and wanting to make money off the land should not be allowed. The request should come from the landowner and what is best for the community.

The annexation map update time line was discussed. Eckerly stated that to avoid additional cost; update the map along with the agreement. Pietsch stated that the Township was waiting for the zoning changes. The Board recommended putting the new Hwy. 23 on the map and then review, if there are changes to the map, they should be included in the new resolution.

There are Township properties in the City boundaries. Spooner stated that those properties should be in the City. The Board discussed other services.

Parcels inside the City – The Township will contact property owners because the City can't, according to the agreement, with reasons being; using City services, roads, and ordinances such as animals. Any additional reasons to propose to residents will be brought back to the next meeting.

NEXT MEETING

The next meeting was scheduled for August 23, 2010 at 7:00 a.m. with the agenda to include:

- A new orderly annexation map
- Draft Orderly Annexation Resolution
- Parcels inside the City limits

There being no further business, the meeting was adjourned at 12:35 p.m.