

MINUTES OF PLANNING COMMISSION MEETING

September 14, 2015

Pursuant to due call and notice thereof, a regular Planning Commission meeting was held at City Hall on the 14th day of September, 2015 at 6:30 PM

THE FOLLOWING MEMBERS WERE PRESENT: Chairperson Dean, Commissioner Stafford, Commissioner Sannes, and Commissioner Ferris

THE FOLLOWING WERE ABSENT: Commissioner Borgstrom, Commissioner Torkelson and Commissioner Richette

THE FOLLOWING WERE ALSO PRESENT: Community Development Director Mike Martin and Admin Assistant Weigel, Councilmember Buck and City Engineer Brandon Theobald

CALL TO ORDER: Chairperson Dean called the meeting to order at 6:32 PM.

MINUTES OF PREVIOUS PLANNING COMMISSION MEETING: Commissioner Ferris made a motion to approve the minutes from May 11, 2015; Commissioner Sannes seconded with all voting aye.

RECOMMENDATION REGARDING PROPOSED EASEMENT PARTIAL VACATION: **Community Development Director Martin** stated that this does require a public hearing by the City Council, not the Planning and Zoning Commission but the City Council would like a recommendation from the Commission because they were involved in the original plat that established the original plat and 30' wide easement. The purpose of a wider easement in this case was to be able to loop a water main in this area for increased water pressure. It has always been the thought that we would install the water main through this subdivision and come out the east side through this 30' easement and connect with 10th Street NW and establish a loop to improve the water pressure in the area. That was a great plan until the school started to develop and kick their water mains to the north and to the east, turns out it was shorter to go from an area farther west in Kasson Meadows 6th Subdivision and loop back to the schools new water main on the northeast corner of their property so we abandoned our plan to install a larger water main through the easement, hence the reason for the being able to reduce the easement size. **City Engineer Brandon Theobald** stated that the construction should be starting in the next week or two to loop with the schools. **Community Development Director Martin** called attention to Lot 10 and the 50' gas line easement and stated that even adding 5' of useable space to this lot isn't much it may help a developer put a house here.

COMMISSIONER DISCUSSION –

Chairperson Dean questioned that this is not something that has been requested by a developer we are just doing this? **Community Development Director Martin** responded that no this has been requested by the developer. Giving up land is not something we should make a habit of, it's difficult to get back, but this was oversized to begin with and not something that we need. In the interest of fairness it's difficult to argue to keep it. **Commissioner Sannes** pointed out that it's been thought out and is for the good of the residents. If they want more water pressure that's all there is to it. **Chairperson Dean** responded with the water pressure concerns are being addressed so we shouldn't have continued complaints from other residents about low pressure, discolored or insufficient water. **Community Development Director Martin** stated that looping is the best way that he knows of to maintain solid water pressure. **City Engineer Brandon Theobald** approached the podium and advised the Commissioners that there is a water main in the easement currently that was recently constructed and we are creating a loop to the west or the high school but this loop to the east could still be looped and the more loops that we create is better for the

water system. Ultimately that water main may be used, with that said reducing that easement or shrinking it up from 30' to 20' we still would have room to own, maintain and operate that water main within that easement in my opinion from an engineering standpoint or constructability standpoint. That's the question is shrinking it from 30' to 20' adequate? If Charlie and the city guys were going to operate and excavate out that water main they would use a utility construction box. You would be able to have our construction activity within that 20' easement and that has been confirmed again with Charlie, the water operator today so with that said my ultimate opinion from an engineering standpoint is shrinking up that water main will be acceptable with Charlie and myself from an engineering stand point cause again we could excavate that water main to own and operate that water main. **Chairperson Dean** confirmed that we are talking about shrinking the easement not the water main. **City Engineer Theobald** corrected that yes we are talking about shrinking the easement not the water main that the water main is already in place and we could still own, operate, maintain and excavate it within the 20' easement that is being proposed. **Chairperson Dean** stated that his main concern of getting vehicles in there has been addressed. **Community Development Director Martin** pointed out that the standard easement at a minimum would be 10' so we are ending up with twice as much as we normally do. **Commissioner Stafford** agreed that it appears to be a reasonable request, doesn't see any issues and it seems fair to me actually. **Commissioner Ferris** indicated that he doesn't have a problem with the easement at all; his big concern is ultimately someone is going to buy this house and they are going to want to put on a deck and they are going to put up a shed and they aren't going to realize the reality is that their backyard is an easement. **Commissioner Ferris** realizes there isn't much that we can do about it but wishes there was something preemptive that we could do to avoid any surprises by whatever is built there and whoever buys it. **Community Development Director Martin** confirmed that one of the things we are going to do is find some excuse to mark the easement (Gopher State One Call) so that we have flags in there, how long they will stay I can't say at least someone may ask about that and we will also mark this lot in our system so when it comes through for an assessment search, which is common I will put a note on that saying there is a 50' easement running through this whether the closer decides to include that in the report I can't say. As I said this is all shown on the abstract although we have all heard them say the seller refused to give them the abstract until the check cleared the bank which to me says running away from this deal. That's what we can do. People don't have to come in here and ask permission to buy property, sometimes I wish they did but we will try to warn them as many ways as we can.

Motion: Commissioner Sannes made a motion to recommend approval of vacating the easements on Lot 10 Block 1 and Lot 9 Block 1 Kasson Meadows 6th subdivision as shown on the vacation exhibits, second by Commissioner Ferris. Ayes – Chairperson Dean, Commissioner Stafford, Commissioner Sannes and Commissioner Ferris. Nays – none

PROPOSED SUBDIVISION CODE AMENDMENT: **Community Development Director Martin** started out by stressing that this is only the first step in a very long dance. What is being proposed is much more complicated than it looks. The question to the Commission tonight is do you want to dance or not? Do you want to amend the way we do subdivisions or are you comfortable with the way we do it now? Tonight Councilperson Buck is here to explain what he would like to see as a subdivision code that defines how we get our streets and pipes constructed. **Councilperson Buck** started by explaining that in the Blaine's subdivisions everything is done through the city. The city is the head of the construction it's up to their codes and standards. Our engineers are in charge of it all as far of the inspections and everything. Councilperson Buck would like to see this same process for each developer/contractor so that we know in the end that we have someone we can talk to when we have settlement in subdivisions or something like that we have the guys that were working for us. We have some kind of insurance that we are going to have a good product in the end. Martin said a lot of it ends up now that the subdivision gets put in and it's handed to the city as is and that's about how much warranty we have because usually not much show up

in the first year or two. Buck would like to see that the same standards are the same from everyone and we are paying the watchdogs. **Community Development Director Martin** said we basically have that almost in place. We have standards in a subdivision code that shows how streets are supposed to be built we define in the planning process the collector streets, arterial streets, secondary streets. What we don't have in our subdivision code is a defined method for seeing that these standards are being met. The city assigns the city engineers to inspect each of the installations; however there is nothing defined in our code that allows us to do that. We do not have a defined schedule of inspections. At a preconstruction meeting about streets and infrastructure; we had to ask the contractors permission as to when the inspections would take place. We also do not have a mechanism in place that allows the city have a guarantee other than the contractors good will and verbal promise that yes I will do it right we have no mechanism to go back after them afterwards. That's what we are looking to develop. Basically we will have a schedule of inspection; we will have a surety bond, so if something goes wrong we will have cash in hand no promises, cash to fix the problem. It's going to take a fairly complicated ordinance to get this done. There will be disagreements by developers. I've been through this several times and I know who the push backs will likely come from. It's going to cost the developer more money to develop lots than it does now; bonds and letters of credit do not come free, they are not as expensive as developers would like to tell you but they do cost money. Inspections cost money and they take time especially when you fail inspections which happens that's why we have them. In the end we get a better product. Also have situations in town where developers are themselves, contractors or very close ties to contractors so putting infrastructure in themselves can be much cheaper and much more efficient. Developers are there to make money that's what developers do and that's what they are trying to do, make as much money as they can it's the American way. These are some of the arguments of doing it this way. On one end we have Blaine's and they do it with a petition and waiver process where they ask the city to install everything and send them a bill and on the other end we have South Fork where the developers installed everything; designed and installed their own system and then dedicated it to the city/public when it was all done, or tried to do it that way, it didn't work out the way they had hoped, it is still private. Somewhere along that continuum is where we want to get. This is where our process starts. Do you think it's necessary to create that much more expense for the developers and that much more work for city staff and engineers? **Commissioner Sannes** asked if this process had been in place when South Fork was assembled maybe they wouldn't have the whole water pressure problem they have now is that correct? **Community Development Director Martin** responded yes, or at least we would know why and we would know whose fault it was. We would be jumping all over the engineer who designed that system. **Councilperson Buck** interjected that we would know where all the sewer lines and everything were. We have to have some kind of comprehensive plan over there. **Chairperson Dean** recalled a meeting awhile back regarding angry citizens in attendance because the curb was falling apart. We don't have much of a mechanism to deal with these kinds of issues right now. **Community Development Director Martin** replied that if he thought those people were angry you should see our snow plow drivers come in after 8 hours of running into manhole covers and curb in order to get down to black top. **Chairperson Dean** commented that he didn't like the way the street was in front of his house with the concrete diamond thing around every manhole that sticks up a significant amount above the blacktop, they are cracked and broken. He would definitely like to see some uniformity so you can't go from neighborhood to neighborhood and tell who built it just by looking at the street. **Commissioner Ferris** inquired that this is largely a resident pursuit versus commercial pursuit? **Community Development Director Martin** responded yes because residential is done by developers in most cases, the city already handles the commercial development areas. **Commissioner Stafford** doesn't have an issue with prewritten standards that hold accountability to the developer or the contractor. Bid bonds and performance bonds are a cost of doing business for contractors. Chairperson Dean interjected that the upfront cost of a newly built home may go up slightly but potentially the cost of maintaining the streets may drop slightly because they were built to a certain standard which in turn may require less tax money. To me that's a selling point, I'd rather pay more up front than have to buy an insurance policy to have

problems later. **Councilperson Buck** shared that the premature money you're spending to adjust manholes or patching around them, replacing or raising curb; that all costs money. A lot of that can be prevented when it's done the right way the first time. **Community Development Director Martin** asked if it would be fair to say that the consensus of the Commission is to move ahead with the process and try to put something in place. **Commissioner Sannes** I agree. **Chairperson Dean** I think so. **Commissioner Ferris** no reason not to. **Commissioner Stafford** yes. **Chairperson Dean** pointed out that we sort of started several months ago when we had the conversation with the one particular developer he would probably find it fair that we hold other developers to the same standards that we are holding him to. **Community Development Director Martin** assured the Commission that they can plan on seeing this topic on the agenda through the rest of the year. This will go to the Council on September 23rd and get their approval and then we will get the attorney, engineers and developers involved.

OTHER BUSINESS: none

ADJOURN: Since the agenda had been met the meeting was adjourned at 7:01 pm.

ATTEST:

Krista Weigel
Administrative Assistant

Michael Martin
Community Development Director