

MINUTES OF PLANNING COMMISSION MEETING
September 10, 2018

Pursuant to due call and notice thereof, a regular Planning Commission meeting was held at City Hall on the 10th day of September, 2018 at 6:30 PM

THE FOLLOWING MEMBERS WERE PRESENT: Commissioner Ferris, Commissioner Fitch, Commission Torkelson, Commissioner Tinsley, Commissioner Zelinske, Commissioner Burton and Commissioner Borgstrom.

THE FOLLOWING WERE ABSENT: None

THE FOLLOWING WERE ALSO PRESENT: Administrator Theresa Coleman, City Clerk Rappe, Doug Buck, Jerry Struthers, Phil Johnson, Jon Schuette, Lyle and Ruth Smith, Tim O'Morro, Gary Spath, Justin Zea, Troy Andrist, Matt Voogd, Julie Moss, Jason Wilker, Julie Nagorski, Don Marti, Mike Marti, Mark Torkelson, Chuck Emanuel, Ron Carlsen, Wendell Engelstad

CALL TO ORDER: Commissioner Ferris called the meeting to order at 6:34 PM.

MINUTES OF PREVIOUS PLANNING COMMISSION MEETING: Motion to Approve the August 6, 2018 minutes made by Commissioner Zelinske, second by Commissioner Burton with all Voting Aye.

PUBLIC HEARING FOR PRELIMINARY PLAT FOR CASEY'S GENERAL STORE –

Administrator Coleman stated that the Commissions have seen the general development plan and have a copy of the conditional use permit that the Council approved. The updated site plan reflects the comments in the CUP resolution. Mr. Schuette has received additional comments from staff and the City Engineer. Mr. Schuette stated that the 5 foot sidewalk easement will be a 5 foot utility easement since the sidewalk is already there.

Public hearing opened
No comments
Public Hearing closed

Discussion: Commissioner Burton stated that everything is in accordance with CUP process and addressing the driveway on the south side and the recommendations from the city engineer that any movement will be against MnDOT's recommendations to maintain safety the drive will have to stay where it is.

Motion to Recommend Approval of the Preliminary Plat made by Commissioner Burton, second by Commissioner Zelinske with All Voting Aye.

PUBLIC HEARING FOR FINAL PLAT FOR CASEY'S GENERAL STORE - No additional comments from staff except it will not be possible to combine lots in the Casey's block since they are in two different plats.

Public Hearing opened
No comments
Public Hearing Closed

Motion to Recommend Approval of the Final Plat of the noted 5 foot utility easement addition made by Commissioner Burton, second by Commissioner Zelinske with All Voting Aye.

PUBLIC HEARING – REVOCATION OF CONDITIONAL USE PERMIT FOR JASON WILKER – Administrator Coleman stated that the conditions from the CUP are not being met.

Public Hearing Opened

Troy Andrist 64739 270th Ave - former address 202 8th Ave NW, Kasson –Mr. Andrist believes we should be working with Wilker and questions Kasson’s motives.

Julie Moss - 502 1st Ave NE - Ms. Moss supports Jason Wilker and supports what he is trying to do to comply with the conditional use permit.

Gary Smith – 1508 16th Ave NE –Mr. Smith works for Wilker. Mr. Smith read through the conditions.

Wendel Engelstad – owns adjacent property to the north of Wilker’s –He is in favor of working with Jason and renegotiating the conditional use permit so he can continue doing business.

Don Marti 63797 250th Ave – Mr. Marti owns property east of Wilker’s. He would like to see them work together to work it out.

Steve Arick – 25145 750th St., Hayfield – Mr. Arick helped Wilker start his business and believes that the more businesses you have in town makes your town stronger.

Matthew Voogd - 101 ½ West Main St. – Mr. Voogd is a part time employee of Wilker Landscaping and knows that Wilker works hard. He asked that the Commission reconsider some of their decisions.

Tim O’Morro - 19 N Mant Ave – Mr. O’Morro doesn’t know what is going on at Wilker’s but he believes the city should do whatever they need to help him and keep him.

Julie Nagorski – Attorney for Jason Wilker – Ms. Nagorski stated that we heard testimony from public and he has been in business for 20 years and came in 2009 and started renting this property and the property was a mess and he has cleaned it up. Mr. Wilker has improved the property steadily year after year and he is a small business and when he has funds he invests in his business. At the time the 2010 CUP was granted he was operating a business that was primarily retaining walls and pavers and landscaping was on the side.

Ms. Nagorski addressed each of the conditions:

1. This is subject to litigation and a court decision.
2. There is no certification from the City Forester.
3. The buffer on the south side of trees and north side of trees; with a berm and fence on the west side.
4. Mr. Wilker has not changed the lighting since he has been there.
5. Mr. Wilker is trying to expand the building so that there is no outside storage of equipment.
6. No one has stated that there is a violation of the hours of operation.
7. There are bunkers on the property that were put in with the consent of the City.
8. Mr. Wilker did have the valid Nursery license, but the City did not require that he maintain a valid nursery license.

Ms. Nagorski asked the Commission not revoke the CUP.

Lyle Smith – 803 10th St NW – Mr. Smith believes that the City needs to give Jason time to comply.

Commissioner Zelinske stated that he has known Jason for a long time and that we are not here to drive him out. There is nothing proposed to put a street through his property and the Comprehensive Plan is a general guide. Mr. Wilker agreed to the conditions in 2010 and he has told us that he was in compliance. Mr. Wilker needs to meet the conditions of his Conditional Use Permit. The City is trying to work with him and he is not following through.

Matt Voogd – 101 ½ W Main St – a law is a law and applies to everyone. He does not believe the Commission.

Troy Andrist - 64739 270th Ave - former address 202 8th Ave NW, Kasson – Mr. Andrist feels that the City hasn’t pulled their weight if they are going to say that Jason isn’t pulling his weight.

Public Hearing Closed

Discussion – Commissioner Burton agrees with Zelinske and there is no unintended purposes only to hold Mr. Wilker in compliance with the 2010 CUP and has had 8 years to comply. To his knowledge Mr. Wilker has not come in to ask to update the CUP. But it has been 8 years that there has not been an ongoing dialogue about the CUP. The City is faced with enforcing the CUP due to a complaint. We are willing to work with Mr. Wilker but he needs to meet the City halfway.

Commissioner Fitch – agrees with the fact that Mr. Wilker hasn't had time to come in and to keep up on the conditions and the bigger question is the fact that there is no follow up on CUPs. And it is our job to police these conditions. Commissioner Fitch doesn't agree with revoking the CUP. Commissioner Fitch agrees with Commissioner Burton the thing to do is work together and he doesn't want the business to go away.

Commissioner Torkelson – agrees with both Commissioners Fitch and Burton and we haven't had anyone to go around and make sure that everyone's CUP conditions are being met. We need to get together and work on this.

Chairman Ferris - what are the mechanisms in place to communicate and to do an amendment.

Administrator Coleman stated that Mr. Wilker was offered two opportunities and both times his attorney cancelled them. Because he has an attorney, his attorney would have to contact the City Attorney.

Chairman Ferris was told he was trespassing on Mr. Wilker's land.

Commissioner Zelinske – have your attorney talk to our attorney and we need to work together.

Commissioner Tinsley – agrees with what has already been said and we need dialogue.

Commissioner Borgstrom – stated that a small business doesn't remember what they agreed to 8 years ago. Borgstrom doesn't believe there has been a legitimate complaint. Borgstrom stated that you find landscape businesses in the residential area. We need to move forward and work together.

Chairman Ferris asked who starts the conversation – Administrator Coleman stated that his attorney should contact the City Attorney.

No action was taken.

CASEY'S 04 HIP ROOF GENERAL STORE – Administrator Coleman stated that Casey's has agreed to the hip roof and canopies as pictured in the packet. She is asking if the hip roof and canopy meet with the Commission's approval, and do you prefer beige over red. Commissioner Burton likes this and believes this meets the small town character. The Commissioners agree. Commissioner Tinsley is concerned with the screening of the roof top apparatus. Administrator Coleman will ask Casey's about screening. **The Commission gave consensus for a hip roof.**

CARLSON SITE PLAN REVIEW - The map handed out has 5 notes from the staff planning review. Administrator Coleman noted that the parcels cannot be combined because they are in two separate plats. If these items are agreeable, then staff will move forward with the parking in front of the buildings. David Martin reported that, in lieu of item #3, they will have to work with MnDOT on storm water management. **The Planning Commission and Ron Carlson were in agreement acknowledging the vegetative buffer, making a connection to the sidewalk, the storm water will have to go to Mantorville Ave since they can't get an easement from Shopko, and Carlson will apply for a conditional use permit for a planned unit development to build two buildings on that property.**

HOME FEDERAL ADDITION – Administrator Coleman stated that the Planning Commission did an amendment to the final plan to expand the home federal and she is just letting them know that the footprint is not expanding from the amendment but Home Federal is planning to add two stories. **Commission indicated approval for a two story addition.**

ENVIRONMENTAL TRAIL CORRIDOR – Administrator Coleman stated that Mike Marti is planning on doing some building on lot 3 in East Creek. Staff asked for an environmental trail corridor along Masten Creek on the north end of the lot. The creek will act as the buffer between residential and commercial development. Commissioner Burton stated that we don't have anything designated on the south side of the creek. Commissioner Borgstrom stated that we need to get a plan of action and once we have a plan, then we will have to get the land. Mr. Marti would prefer not to give a trail corridor and doesn't want to put a trail there since there hasn't been a trail there before. **The Commission consensus was to not require a trail corridor.**

EXPIRED BUILDING PERMITS

There are open building permits with no final inspections. The permit holders have received letters from CMS regarding their permit expiration and there are buildings potentially being occupied without final inspections. Administrator Coleman will get a list of open permits and permits that have been expired to talk about an amnesty period.

Farnsworth Request for extension of building permit – This permit has expired, has not been finalized and they need to move a building that was moved to provide space for the house addition. The homeowners have requested an extension of one year to the reinstated building permit. **Motion to Recommend Approval of the extension for one year made by Commissioner Borgstrom, second by Commissioner Zelinske with All Voting Aye.**

ZONING ORDINANCE PROPOSAL - At the last meeting the Planning Commission recommended approval of the HKGi proposal which the Council declined. Hoisington-Koegler Group revised their proposal. Chairman Ferris asked why it was turned down. Commissioner Borgstrom stated that it is budget time and the Council felt that the Commission could do more of the legwork.

OTHER BUSINESS – Chairman Ferris asked if there is a mechanism to remind us that Farnsworth permit will be expiring; CMS will do the expiration. Chairman Ferris asked what topics we need to recuse ourselves from as Commissioners. Administrator Coleman stated that if there is financial gain you would recuse yourself. Commissioner Borgstrom stated that because this is planning commission and a recommending body; you don't have a direct financial gain. The Council would have to recuse themselves and state the reason why. Borgstrom stated it is only direct not indirect financial gain and if you are a subcontractor that is not direct.

Chairman Ferris then asked Doug Buck if he had to recuse himself since he is doing work for the street project for the City and Mr. Buck stated that he did and is a subcontractor.

ADJOURN 8:13PM

Respectfully Submitted,

Linda Rappe, City Clerk