

**PLANNING COMMISSION SPECIAL MEETING
SEPTEMBER 24, 2014 AT 6:00 PM
LIBRARY MEETING ROOM
MINUTES**

1. CALL TO ORDER

Chairman *Tom Bailer* called the Planning Commission Special Meeting to order at 6:00 PM on September 24, 2014 in the Library Meeting Room.

2. ROLL CALL

Present for roll call were Chairman *Tom Bailer* and Commissioners *David Reggiani, John Greenwood, Tom McGann,* and *Allen Roemhildt*. Commissioners *Scott Pegau* and *John Baenen* were absent.

Also present were City Planner, *Samantha Greenwood*, and Assistant Planner, *Leif Stavig*.

2 people were in the audience.

3. APPROVAL OF AGENDA

M/Reggiani S/Greenwood to approve the Agenda.

Upon voice vote, motion passed 5-0.

Yea: *Bailer, Reggiani, Greenwood, McGann, Roemhildt*

Nay: None

Absent: *Pegau, Baenen*

4. DISCLOSURES OF CONFLICTS OF INTEREST

None.

5. COMMUNICATIONS BY AND PETITIONS FROM VISITORS

a. Audience comments regarding agenda items

Anne Winters, 925 Center Drive, thanked the Commission for the scheduling on short notice and for being there. They just sold their house and the last thing to come in was the as-built and they realized their garage was encroaching on City property on two sides. She said that they made the mistake; they built the garage on an existing gravel pad and they are trying to mitigate the problem. They agree with what the Planning Department laid out (in the packet). They request to purchase a minimal piece on the Northwest corner and another on the back side to meet all setback requirements.

6. NEW/MISCELLANEOUS BUSINESS

a. Resolution 14-05

M/Greenwood S/Reggiani to approve Resolution 14-05.

Greenwood said this was a housekeeping thing and the Commission needs to make it 'Available.' This is the first step in doing that. *McGann* said that his recommendation on the second item on the agenda makes him inclined to not make it Available.

Reggiani said that he went down to look at the lot and he is confused about the reference to a snow dump (the lot North of the Winters, lot 13). He can't see how it could be a snow dump from the cul-de-sac on Center Drive. He asked **Bill Howard**, Streets Superintendent, if there was another way it was used. **Howard** replied that they didn't find out it was a snow dump until recently. They have not had a chance to cut the brush back to utilize the lot. (There was discussion about where snow dumps were in the area.) **Reggiani** asked if the lot was a conforming lot. **S. Greenwood** said that it does not have the correct width. There is supposed to be a 40 ft. front lot line. **Reggiani** asked **Howard** if he needed both lots (the lot to the North and to the South of Winters) as snow dumps as they are on the hunt for developable land. **Howard** said that they did not. **Bailer** clarified with **Howard** that taking some of the snow dump lot away would not be an issue.

S. Greenwood said that she had talked to **Susie Herschleb**, Director of Parks and Recreation, about Tract A, and **Herschleb** told her that she didn't have any issues. **Greenwood** said that moving the back lot line out solves the problem. It's not ideal, but since it isn't a residential lot he isn't worried about it.

Bailer said that one option would be to move the garage, but there's not really room to move it and it is a taxable part of the piece of the property.

McGann said he did not understand the last sentence in the first 'Whereas' of the resolution: "It is important to maintain consistency with the land disposal process." **S. Greenwood** said she thought process was making it Available prior to selling the property since they are currently Unavailable.

Upon voice vote, motion passed 5-0.

Yea: **Bailer, Reggiani, Greenwood, McGann, Roemhildt**

Nay: None

Absent: **Pegau, Baenen**

b. Disposal of Lot 13, Block 5 and a Portion of Tract A, Odiak Park Subdivision

M/Greenwood S/McGann to recommend to City Council to disposal of a portion of Lot 13 Block 5 and a portion of Tract A, Odiak Subdivision which will meet all required setbacks of the medium residential zoning district by direct negotiate.

Bailer said that it's direct negotiation since it's of no use to anyone else but the property owner next to it.

McGann said that the third option in the memo (land trade with City) would be a win-win for everyone. (There was discussion about this option; the Commission decided to move forward with a land trade for the area needed of Lot 13.)

Reggiani asked what the other options were for the encroachment on Tract A. **S. Greenwood** said that they could have an easement. **Reggiani** asked about variances. **S. Greenwood** said that a variance is only for within a lot. **Bailer** said that there was a lot of fill over that line (the lot line next to Tract A). By adding land to the property, you are increasing the value. He doesn't see a reason why they wouldn't sell the property. **Winters** mentioned that the bank said that they must own the property; they can't have an easement.

Greenwood said they all seemed to be in agreement on the Northwest boundary. He asked if they wanted to do that through a trade or let the City Manager do it. **Bailer** said that looking at it with a builder's eye, you're crowding that area. It's a nice house and nice piece of property with a garage. It will create a family home. According to the Public Works Director, it's not going to interfere with the snow dump. He is in favor with the way it has been drawn (with enough space for the setbacks) without trading. He clarified with **Howard** that there wouldn't be a situation where the snow plowing has the potential to do damage to any of the building.

Reggiani said he was thinking about the precedence they would be setting. Looking at the neighborhood, there are a lot of other properties that could be encroaching on the City. He's concerned about the precedence that others could start encroaching and land would be made available. He was leaning more towards an easement or trading, rather than you can encroach and work with the City to move the lines around. **Bailer** agreed and knows that it's asking for forgiveness rather than permission. He looks at it if they were coming to the Commission now and looking to put in a garage, they would get good consideration and he thinks he would be for it. **McGann** said he agreed with **Reggiani** and that hopefully they will have a building inspector soon and he can keep an eye. The garage didn't have a Building Permit. He thinks they can nip it in the bud in the future when there is an inspector. **Greenwood** said he agreed, but it is in the interests of the City to get their tax base.

Upon voice vote, motion passed 5-0.

Yea: **Bailer, Reggiani, Greenwood, McGann, Roemhildt**

Nay: None

Absent: **Pegau, Baenen**

7. AUDIENCE PARTICIPATION

None.

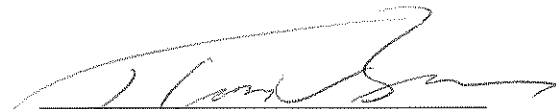
8. COMMISSION COMMENTS

None.

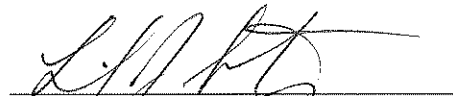
9. ADJOURNMENT

M/Greenwood S/McGann to adjourn the Special Meeting at 6:44 PM; with no objection, the meeting was adjourned.

Approved:



Tom Bailer, Chairman



Leif Stavig, Assistant Planner