



Minutes
Planning & Zoning Commission
33155 Hemingway Ave., Stacy, MN 55079
April 10, 2019

CALL MEETING TO ORDER

M. Willcoxon called the meeting to order at 7:02 pm

Members Present: Chair M. Willcoxon, Vice Chair P. Carlson, J. Johnson, D. Milles, S. Brooks, B. Schule

Members Absent: None

Others Present: Supervisor B. Seekon, Planner E. Maass, Clerk K. Wood, 1 member of public signed in.

PUBLIC COMMENTS *(ITEMS NOT ON THE AGENDA)*

None

ADOPT THE AGENDA

D. Milles made a motion to adopt the agenda. Second by P. Carlson. All in favor, motion carried.

APPROVE THE MINUTES OF THE MARCH 13, 2019 PLANNING COMMISSION MEETING

D. Milles made a motion to approve the minutes of the March 13, 2019 Planning Commission meeting. Second by J. Johnson. All in favor, motion carried.

E. Maass went over Robert's Rules of Order. He explained that the Chair guides the meeting and calls for a 1st, 2nd and then the vote. If someone wants to speak, they should look to the Chair. People should not speak when someone is speaking. M. Willcoxon is going to have the floor. E. Maass told everyone to look to M. Willcoxon when they would like to speak. E. Maass brought a small ball and said that in order to speak, you have to be holding the ball. He would like to do a Planning 101 at the next meeting.



OLD BUSINESS

Elk Lane Complaint

E. Maass said the Planning Commission has been working on this and they received the third notice. The property owner came in and said he was going to call him but has yet to do so. He has nine people living in his home. E. Maass recommends a fourth notice and an admin fine of \$200. They received new photos from someone because there is an outside storage issue.

J. Johnson clarified that the fine is for every 30 days and not per day. E. Maass said there is no way to be certain that this is a home occupation. E. Maass said license plate numbers can be obtained and ran to see what the registered address is. E. Maass stated if they are licensed to be at that address, they can stay there. D. Milles said he has driven by and saw them working on the cars. He said that the new complaint implies they are running the business and they can come to the Township and tell us they are not. E. Maass said they cannot be fined based on assumption.

E. Maass said the fine is for the vehicles in disrepair. J. Johnson said it has to be clear as to what the fine is for. E. Maass said they have been invited to the meeting and the letters have been clear. P. Carlson said they have other outdoor storage/junk and asked if that can be mentioned. E. Maass said that would be a separate issue and they would have to start fresh. E. Maass expects that the property owner will make contact with the Township to solve the issue. M. Willcoxon stated that E. Maass made a recommendation that we send another letter with a \$200 fine.

D. Milles made a motion to send a 4th notice with a \$200 fine to 32050 Elk Lane. Second by P. Carlson. All in favor, motion carried.

337th Complaint

E. Maass said a second letter has been sent to 6260 337th Street. He read what was included in the letter. M. Willcoxon said he made contact with the property owner who is going through a personal matter at this time. The property owner made it clear he is willing to clean it up and M. Willcoxon offered to give him a hand with the cleanup.

P. Carlson said the guy can clean this up over a weekend. D. Milles suggested giving him until the Spring Cleanup Day. P. Carlson asked E. Maass to notify these people that the Township is going to have the cleanup day on May 22. J. Johnson clarified that the 3rd notice will say that the cleanup day is coming. His church has a group of volunteers to help people in situations like this. He said he is trying to protect the neighbors as well. M. Willcoxon said we could get the Boy Scouts to help too. B. Seekon said that this garbage has been piling up for years. We gave him a date and we should stick to the date.

M. Willcoxon said that one more month is not going to matter and that every case is not black and white. B. Seekon asked where you stop with letting people off with excuses. P. Carlson said



this one is not a big deal compared to the one with cars and boats all over. There is some junk, but not that much. M. Willcoxon said they need to be reasonable. J. Johnson said they will stick with the April 30th deadline and say that the Township realizes they have a hardship, but this needs to get taken care of. The Scouts and Trinity will help him out so that the neighbors see we did something about it. As a Township, we have an unbiased approach to the community. J. Johnson said none of us are comfortable going after someone going through hard times. We need to take this over for the property owner and let him know it won't cost him anything. We can clean up the community for the community. M. Willcoxon said before the letter is sent, he will call him and say we can help out and if he turns down the help, then the letter will be sent. E. Maass told M. Willcoxon to let him know what he says.

D. Milles made a motion to wait until June to see if the property owner has gained compliance before taking any action. They will assist in the cleanup and let him know about the Spring Cleanup day in May. P. Carlson seconds. All in favor, motion carried.

J. Johnson said he will talk to his church group.

Lindgren Property

E. Maass said that we need inspection dates, photos, etc. M. Willcoxon said M. Lindgren was supposed to contact the Township by February 5. E. Maass said he never contacted the Township. E. Maass asked if they would like to get an administrative search warrant.

E. Maass said the County Sheriff Deputy would accompany them and they would have legal authority to enter the property. B. Seekon said as it stands, we are assuming he has not complied with the ordinance or judges' orders and asked if he can be fined. E. Maass said prior to fining him, we should get the photos because there is a lot of distance between the road and the property.

D. Milles made a motion for E. Maass to contact P. Tiede to get an administrative search warrant and go with them to get the property to get the proper documentation. B. Seekon asked if it can be assumed that he is still running a business on the property. E. Maass said if they see boats that are shrink wrapped and not registered to the property owner, yes. **P. Carlson seconds.** J. Johnson confirmed that the property owner does not have to be present if there is a search warrant. There was discussion regarding whether or not to notify the property owner prior to inspection. D. Milles noted that this property has been an issue for years, even with the previous owner. P. Carlson said M. Willcoxon can call M. Lindgren and ask if the Planning Commission can come over and look at the property.

All in favor, motion carried.

E. Maass said he will be contacting P. Tiede to get an administrative warrant. M. Willcoxon is going to contact M. Lindgren to see if they can get access to his property.



Karmel Fines

E. Maass said the 6th letter was sent March 13 along with the second fine of \$500. E. Maass said more photos should be taken and that they should be turned over to the Clerk.

D. Milles made a motion to accept E. Maass' recommendation that they take more photos once the snow melts. J. Johnson seconds.

The fine amount can be determined by the Township and the County can get involved too. E. Maass said the photos are needed now. J. Johnson suggested repeating the \$500 fine every 30 days. He said it should be a monthly assessment until the property is corrected. D. Milles said failure to pay the fines are placed on the property taxes. If they do not pay the property taxes it is a tax forfeit.

E. Maass said an inspection should be done prior to the letters being sent so it is documented.

Monthly photos are to be sent to K. Wood. J. Johnson suggested taking the same photo each time from the same location. M. Willcoxon said they move the items around on the property.

All in favor, motion carried.

B. Seekon suggested that the monthly road tour person look at the complaint property and is going to talk to him. J. Johnson said it adds another unbiased layer.

An ordinance repealing and replacing in its entirety Chapter 2, Section 4.18, of the Township ordinance regarding Zoning Solar Energy Systems – Ordinance 2019-1 *Public Hearing*

E. Maass said the Planning Commission has been working on the Solar Ordinance and they recommended the changes the previous month. There are no changes this evening.

M. Willcoxon opened the public hearing at 8:02 pm

No public comment

J. Johnson made a motion to close the public hearing at 8:03 pm. Second by D. Milles. All in favor, motion carried.

D. Milles made a motion to recommend ordinance 2019-01 to the Town Board for their approval. J. Johnson seconds. All in favor, motion carried.



**An ordinance amending Chapter 2 of the Zoning Ordinance Section 3.0 Definitions -
Ordinance 2019-2
Public Hearing**

E. Maass said that this ordinance is to simplify the definitions and make them consistent with Chisago County.

M. Willcoxon opened the public hearing at 8:05 pm

No public comment

D. Milles made a motion to close the public hearing at 8:06 pm. J. Johnson seconds. All in favor, motion carried.

D. Milles made a motion to recommend ordinance 2019-02 to the Town Board for their approval. Second by J. Johnson. All in favor, motion carried.

**Proposed Text Amendment to Chapter 2 Section 5.10 Dimensional Standards Regarding
Residential District Densities
Public Hearing**

E. Maass said in the ordinance under maximum density allowed there was a typographical error. This was brought up at the previous meeting. E. Maass explained the correction. The Planning Commission discussed cluster developments.

M. Willcoxon opened the public hearing at 8:14 pm.

No public comment

D. Milles made a motion to close the public hearing at 8:15 pm. Second by P. Carlson. All in favor, motion carried.

E. Maass said on the backside of first page, the word *minimum* is not needed.

D. Milles made a motion to recommend Ordinance 2019-03 to the Town Board. J. Johnson seconds. All in favor, motion carried.



NEW BUSINESS

Proposed Text Amendment to Chapter 2 Section 4.07 Building Requirements Regarding Architectural Requirements

Public Hearing

E. Maass said that this topic was brought up at the last meeting. The requirements said it has to be wood or masonry. He reached out to the County and as long as the material has the appearance of wood it is okay. Metal and vinyl can have the appearance of wood. He provided language for consideration and read it.

D. Milles said it is too restrictive in his opinion. Most of the material used now is not real brick or stone. He felt they should leave item d. the way it is.

E. Maass stated that he drafted it for conversation.

E. Maass said the people who attended the last meeting could potentially have their building approved because the material looks like wood. D. Milles said the intent is accomplished by the second paragraph.

M. Willcoxon explained how post and beam construction is done because of the discussion at the previous meeting concerning new construction using pole barn construction techniques. He explained the difference between a pole building home and post and beam construction.

M. Willcoxon opened the public hearing at 8:33 pm.

No public comment

D. Milles made a motion to close the public hearing at 8:34 pm. J. Johnson seconds. All in favor, motion carried.

D. Milles made a motion to retain the current language in chapter 2 4.07 with the exception of typo of *flood area* and change it to *floor area*. B. Schule questioned #4a: total lot coverage: not to exceed 50% of the lot. M. Willcoxon explained that you can cover so much of the impervious surface. This may pertain more to commercial. S. Brooks seconds. All in favor, motion carried.

P. Wagner asked about height requirements because he would like to know how high he can build. He knows that he cannot put up a pole building first although he would like to. The maximum height is 35'. If it is in the rear it may be taller than the home with the max height of 35'. That is within the RRA only. He said his house is not going to be very tall.



COMMISSIONER/TOWN BOARD REPORT

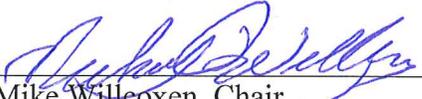
B. Seekon said the County has been discussing the radios and they talked about it with them at CCATO. They are questioning who should be paying for them and how the system should be handled. There is an interim agreement they would like signed. There is a commission they put together and we will see how it proceeds in the future. He discussed the charge per radio and what was discussed at the CCATO meeting regarding the radios. B. Seekon said the Township has also been discussing the 2019 road project and explained that there are no plans to borrow money this year. Some of the roads are going to be double chip sealed by Fahrner. Township Maintenance is going to do the road prep and the plan is to start road construction May 15th. Spring Cleanup Day is May 22nd.

NEXT REGULAR PLANNING COMMISSION MEETING IS MAY 8, 2019 AT 7:00 PM.

ADJOURN

P. Carlson said they need to look at the definition for single family. He asked if it is anyone who is related by blood or marriage. He questioned why they even call it single family and said we need a better definition. E. Maass said he will look into it with P. Tiede because he needs to find out what is lawful. D. Milles said there is concern with a group home. E. Maass suggested holding off on this conversation because this topic was not on the agenda.

D. Milles made a motion to adjourn the meeting at 9:03 pm. Second by P. Carlson. All in favor, motion carried.


Mike Willcoxon, Chair


Kelly Wood, Clerk

