

ZONING AND PLANNING MEETING
Regular Meeting
January 9, 2012
6:00 PM

Roll call: Merritt, Cowell, Beiser, and Olson.

Absent: None.

Also in attendance: Amber Kniefel

Regular meeting called to order by Pat Merritt at 6:00 p.m.

Discussion of appointments for the 2012 Zoning Board.

Motion by Olson, seconded by Beiser to appoint all the officers the same as 2011, Merritt-Chairperson, Cowell-Vice Chairperson, and Beiser-Secretary. Carried unanimously.

Minutes from the November 21, 2011 regular meeting minutes were read.

Motion by Beiser, seconded by Olson to accept the November 21, 2011 regular meeting minutes as read. Carried

No concerns from the public.

Chairperson Merritt informed the zoning board of the previous council meeting.

Old Business

Zoning Board would like information from other cities as to what zoning designation churches are allowed. Kniefel will present this information at the next zoning board meeting.

New Business

None.

Additional concerns from zoning board members.

None.

Next regular meeting will be February 13, 2012 at 7:00 PM

Motion by Olson, seconded by Beiser to adjourn the regular meeting at 6:15 p.m. Carried.

ZONING AND PLANNING MEETING
Public Hearing
January 9, 2012
6:15 PM

Roll call: Merritt, Cowell, Beiser, and Olson

Absent: None

Also in attendance: Amber Kniefel

Public hearing called to order by Pat Merritt at 6:15 p.m.

The purpose of the public hearing is for the citizens of Medford to voice their concerns and ask questions regarding amendments to Section 4.10 Interim Use Definition.

Public in Attendance: None.

Staff Presentation – Kniefel presented the proposed amendment to Section 4.10.

Applicants Presentation – None.

Statements from the public – None.

Chairperson Merritt concluded the public hearing at 6:18 p.m.

Questions from Zoning Board: None.

Motion by Olson, seconded by Cowell to recommend to the city council to approve the amendments to Section 4.10 relating to the definition of interim use as presented. Carried.

Motion by Beiser, seconded by Cowell to adjourn the meeting at 6:20 p.m.

ZONING AND PLANNING MEETING
Regular Meeting
April 16, 2012
7:00 PM

Roll call: Merritt, Cowell, Beiser, and Olson.

Absent: None.

Also in attendance: Heather McCallum, Amber Kniefel, and Robert Barbeau

Regular meeting called to order by Pat Merritt at 7:00 p.m.

Motion by Cowell, seconded by Beiser to approve the agenda as presented. Carried unanimously.

Minutes from the January 9, 2012 public hearing were read.

Motion by Beiser, seconded by Cowell to accept the January 9, 2012 public hearing minutes as read. Carried unanimously.

Minutes from the January 9, 2012 regular meeting were read.

Motion by Olson, seconded by Beiser to accept the January 9, 2012 regular meeting minutes as read. Carried unanimously.

Concerns from the public.

Robert Barbeau is observing the Zoning meeting and may possibly want to be appointed to the open seat on the board.

Chairperson Merritt informed the zoning board of the previous council meeting.

Old Business

Kniefel presented information related to zoning designations for churches. An article from the Star Tribune addressed an issue in the city of Wayzata and a church that wanted to build. After reading the article and having conversations with the city attorney, the Planning & Zoning Board consensus is to leave the code as it is written.

New Business

Kniefel presented the City of Owatonna ordinance for recreational vehicles. The city has studied concerns about placement of recreational vehicles in yards for a few years. City Administrator, McCallum, responded that since the city has gone back and forth with these requirements, her suggestion would be to leave the ordinance alone for a while. McCallum will continue to enforce the code and report back if there is a noticeable problem. Zoning Board consensus was in agreement with the Administrator's suggestion.

Kniefel presented the City of Owatonna ordinance for dangerous/dilapidated buildings. The Zoning Board is interested in more research on a possible dangerous/dilapidated building ordinance.

Motion by Cowell, seconded by Beiser to recommend to city council to allow city staff to research the possibility of incorporating a dangerous/dilapidated ordinance into the city code and present at the next zoning meeting. Carried unanimously.

Woodpiles – Administrator McCallum spoke with the city attorney on the possibility of regulating woodpiles located on private property. The attorney felt that regulating woodpiles would be difficult. The Zoning Board is concerned with rodents living in woodpiles. McCallum is the administrator of the code and feels if there is reason to believe a public nuisance and/or health concern exists, the issue can be addressed with that section of the code. Zoning consensus is to not write a separate section regulating woodpiles, but continue having McCallum administer the code as it is currently written.

Additional concerns from zoning board members.

McCallum presented the citizen complaint form to the board. The forms will be used for tracking and record keeping of complaints/concerns that get reported to City Hall.

Next regular meeting will be May 21, 2012 at 7:00 PM

Motion by Beiser, seconded by Cowell to adjourn the regular meeting at 7:27 p.m. Carried.

ZONING AND PLANNING MEETING
Regular Meeting
May 21, 2012
7:00 PM

Roll call: Merritt, Cowell, Beiser, Barbeau, and Olson.

Absent: None.

Also in attendance: Heather McCallum, Amber Kniefel, Danny Thomas, Craig Schlaak, and Cathi Gasner

Regular meeting called to order by Pat Merritt at 7:00 p.m.

Motion by Olson, seconded by Cowell to approve the agenda as presented. Carried unanimously.

Minutes from the April 16, 2012 regular meeting were read.

Motion by Cowell, seconded by Barbeau to accept the April 16, 2012 regular meeting minutes as read. Carried unanimously.

Chairperson Merritt informed the zoning board of the previous council meeting.

Concerns from the public.

Craig Schlaak is in attendance to ask the Zoning Board to consider changing the fence ordinance in the City Code. Mr. Schlaak feels that a fence should be allowed to be built on a property line if both neighbors agree to the placement and type of fence. The City Code states that fences need to be set back by two feet from the property line.

Chairperson Merritt asked Mr. Schlaak if he knew about needing a zoning permit before installing his fence. Mr. Schlaak answered that he found out about the permit requirement after the fence was installed and he apologized for installing a fence without the required permit.

Chairperson Merritt asked Mr. Schlaak if he knew about the two foot setback requirement. Mr. Schlaak answered that he did know about the requirement, but installed the fence anyways because his neighbor was fine with the fence placement.

Merritt gave an example of previous issues before the fence ordinance was approved. Neighbors may not always get along. One neighbor could decide that they don't want the fence on the line and move the fence. This causes negativity between neighbors and unneeded stress on the neighborhood.

Mr. Schlaak asked about fences previously installed around town. McCallum explained that the majority of the fences are grandfathered in. McCallum explained the definition of grandfathering. Kniefel added that previously installed fences will not be researched or made to come into compliance with the current city code.

Chairperson Merritt thanked Mr. Schlaak for his input at tonight's meeting.

Merritt asked each zoning board member their stance on changing the fence ordinance to allow fences to be built on property lines.

Zoning Board consensus agrees with the current two foot requirement in the fence ordinance and every zoning board member agrees to leave the code the way it states.

Merritt stated that Mr. Schlaak can ask for a variance. McCallum stated that the variance fee is \$125.00 and the hearing would be held on June 18, 2012.

Old Business

Unlicensed vehicles – City Attorney sent an answer about McCallum's questions on unlicensed vehicles located on public and private properties. All vehicles without current tabs are not in compliance with city code.

Dilapidated buildings – McCallum met with Mike Nelson, Steele County Building Inspector, about dilapidated/dangerous buildings. Nelson can inspect buildings to check for structural integrity and dangers to the public. The City can start with a letter to the property owner explaining the concern and asking for resolution. After the initial letter, if there is not contact, the building inspector can be called for an opinion on the property. If the building inspector does not get resolution, the situation can be forwarded to the city attorney.

A new ordinance for dilapidated buildings is not needed at this time. Enforcement can be handled between city staff, the building inspector, and the attorney, if needed.

New Business

Entering private property – City Attorney sent an answer about McCallum’s questions on city staff entering private property. City staff cannot enter private property without permission from the property owner. Staff could get permission from the neighbor to examine a property in question. Basically, staff needs to enforce the code based on what they can see in plain view.

Additional concerns from zoning board members.

None.

Next regular meeting will be June 18, 2012 at 7:00 PM

Motion by Beiser, seconded by Cowell to adjourn the regular meeting at 7:35 p.m. Carried.

ZONING AND PLANNING MEETING
Regular Meeting
June 12, 2012
7:00 PM

Roll call: Merritt, Cowell, Beiser, Barbeau, and Olson.

Absent: None.

Also in attendance: Heather McCallum and Amber Kniefel,

Regular meeting called to order by Pat Merritt at 7:00 p.m.

Motion by Cowell, seconded by Beiser to approve the agenda as presented. Carried unanimously.

Minutes from the May 21, 2012 regular meeting were read.

Motion by Beiser, seconded by Cowell to accept the May 21, 2012 regular meeting minutes as read. Carried unanimously.

Chairperson Merritt informed the zoning board of the previous council meeting.

Concerns from the public. None.

Old Business

None.

New Business

City Fee for Public Hearing Request – Currently, the fee for a public hearing is \$125.00.

Administrator McCallum suggested possibly raising the fee due to costs of a public hearing. The Zoning Board feels the fee should be raised and would need to go into effect for the rest of this year.

Motion by Cowell, seconded by Barbeau to recommend to the City Council to raise the public hearing fee to \$250.00 effective this year. Carried unanimously.

Administrative Fine Amount – The Zoning Board reviewed the current administrative citation list and agreed with the amounts. No change will be recommended.

Fence Type – The Zoning Board discussed the option to add additional information to the fence ordinance concerning the materials a fence can be made out of. The board would like to add that snow fence, orange construction fence, chicken wire, or any woven fencing not be allowed in city limits as permitted fence materials.

Fence Position – The Zoning Board discussed the position of a fence when it is installed. Many cities require that the finished side of the fence be facing the neighbors. The board would like this added to the ordinance.

Use of the Two Feet when a Fence is Installed – The Zoning Board would like to add that a property owner may utilize their two feet on the other side of their fence with decorative landscaping. The decorative landscaping must stay within the two feet at all times and the property owner must be sure where their property lines are.

City staff will draft the fence ordinance including these changes and present at the next Zoning Board meeting.

Additional concerns from zoning board members.

None.

Next regular meeting will be July 16, 2012 at 7:00 PM

Motion by Olson, seconded by Cowell to adjourn the regular meeting at 7:34 p.m. Carried.

ZONING AND PLANNING MEETING
Public Hearing/Regular Meeting
August 20, 2012
7:00 PM

Roll call: Merritt, Cowell, Beiser, Barbeau, and Olson.

Absent: None.

Also in attendance: Heather McCallum and Amber Kniefel,

Chairperson Merritt opened the public hearing at 7:00 p.m.

The purpose of this public hearing is for the citizens of Medford to voice their concerns and ask questions regarding the proposed amendment to City Code Section 2.22 Subdivision 5 Scheduling Public Hearings and amendments to Resolution 2012-02 City Fees for Public Hearings.

City Clerk, Kniefel, presented proposed ordinance amendment 2012-03 amending section 2.22 relating to the scheduling of public hearings. The amendment states that the City Council may establish a greater fee for a public hearing that is requested to be scheduled during a special meeting.

Kniefel presented the amendment to the city resolution of fees that was first approved in January 2012. Resolution 2012-36 amends the public hearing fees to read that if the public hearing is scheduled on the same evening as a regular zoning board meeting the fee will continue to be \$125.00. If the public hearing is requesting the Zoning Board to call a special meeting, the fee will increase to \$250.00. This fee is relative to the expenses incurred by the city to hold a special meeting.

There was no public in attendance.

Motion by Olson, seconded by Cowell to conclude the public hearing. Carried unanimously.

Zoning Board discussed the new proposed fee for special meeting public hearings.

Motion by Cowell, seconded by Beiser to make a recommendation to City Council to approve Ordinance 2012-03 an ordinance amending section 2.22 of the city code relating to the scheduling of public hearings. Carried unanimously.

Motion by Beiser, seconded by Cowell to make a recommendation to City Council to approve resolution 2012-36 amending the 2012 city fees relating to the fee for public hearings. Carried unanimously.

Regular Meeting

Motion by Cowell, seconded by Olson to approve the agenda as presented. Carried unanimously.

Minutes from the June 12, 2012 regular meeting were read.

Motion by Cowell, seconded by Barbeau to accept the June 12, 2012 regular meeting minutes as read. Carried unanimously.

Chairperson Merritt informed the zoning board of the previous council meeting.

Concerns from the public. None.

Old Business

Kniefel presented the fence ordinance amendments that the Zoning Board requested from the June meeting. Administrator McCallum drafted proposed amendments addressing the types of fencing that would not be allowed, a regulation that the finished side of a fence must face the neighbor, and an

option to allow property owners to use the two feet on the back side of a fence for landscaping, with the strict knowledge of not being able to go over property lines at any time. Concrete would not be allowed in the two feet.

Motion by Beiser, seconded by Olson to recommend to City Council to approve the proposed amendments to the fence ordinance with the addition of language that concrete would not be allowed in the fence two foot setback area. Carried unanimously.

New Business

Lot Coverage Discussion – Currently, the Code only uses buildings when calculating lot coverage regulations. The Zoning Board discussed whether impervious surfaces should also be included. City staff did not feel that lot coverage was an immediate critical situation at this time.

Zoning Board consensus is to leave the lot coverage code as stated.

Driveway regulations – Currently, City Code states that the driveway width measured at the point adjacent to the street shall not exceed 30 feet. City staff addressed the issue of roll over curbs and unimproved streets. Zoning Board consensus was to leave the driveway code at a 30 foot maximum and to require a permit for all projects involving impervious surfaces.

Kniefel stated that we do require a permit, but many property owners are not aware of the requirement. Staff will advertisement in the CAST, the website and possibly the Times about the need for prior approval of work done on properties.

Private Sidewalk Discussion – There are very few property owners that have sidewalks that extend to the street. Zoning Board felt that a sidewalk request could be handled with a permit and discussed at a Zoning Meeting due to possible work in a city boulevard.

Use of Private Property for the Sale of Vehicles – There are many factors that have to be looked at when talking about selling vehicles on private property. City Code can enforce compliance if the vehicles do not have current tabs or if they are inoperable. Also, if the property is being used as a business for selling vehicles, City Code states that selling vehicles in a residential district is not allowed.

The question comes when property owners are trying to sell their own personal vehicles on a one-time basis and the situation will be done. The Zoning Board felt it is possible for property owners to try and sell a car, boat, and a truck at the same time and they did not feel it is right to limit that.

Zoning Board consensus is to enforce the Code when a situation arises that many vehicles are for sale on a property and not try and limit the number of vehicles at this time.

Additional concerns from zoning board members.

None.

Next regular meeting will be September 17, 2012 at 7:00 PM

Motion by Olson, seconded by Beiser to adjourn the regular meeting at 7:52 p.m. Carried.

ZONING AND PLANNING MEETING
Public Hearing
September 17, 2012
7:00 PM

Roll call: Merritt, Cowell, Beiser, Barbeau, and Olson.

Absent: None.

Also in attendance: Heather McCallum, Amber Kniefel, and Lynn Hager

Chairperson Merritt opened the public hearing at 7:00 p.m.

The purpose of this public hearing is for the citizens of Medford to voice their concerns and ask questions regarding the proposed amendment to City Code Section 4.25, Subd. 5 J and Section 4.26, Subd. 5. J fence regulations.

City Administrator McCallum, presented proposed ordinance amendment 2012-04 amending sections 4.25 and 4.26 of the City Code. The amendments are that permanent fences shall not be constructed with snow fencing or any similar type of material; woven wire, including but limited to chicken wire; or constructed out of any other type of temporary fencing material, fences need to be constructed with the finished side of the fence being placed facing the outside towards the street and or adjacent properties, and use of the two feet along the property line, for instances only involving fence placement – following city inspection of the exact location of property pins/markers, property owners may utilize the area with landscaping materials. In the instance that the actual property pins/markers cannot be located, the City has the authority to request a survey before approving any alterations that will run to a property line. Surfaces including, but not limited to, asphalt and concrete will not be considered landscaping materials and must follow the two foot setback requirement.

Lynn Hager inquired about the two foot setback requirement. The Zoning Board explained that a fence will continue to be required to be two foot off the property line.

Motion by Cowell, seconded by Beiser to conclude the public hearing. Carried unanimously.

Zoning Board had no further questions about the fence amendments.

Motion by Cowell, seconded by Olson to make a recommendation to City Council to approve Ordinance 2012-04 an ordinance amending sections 4.25 and 4.26 Subd 5 J of the city code relating to fence regulations as presented. Carried unanimously.

Public Hearing
September 17, 2012
7:07 PM

Roll call: Merritt, Cowell, Beiser, Barbeau, and Olson.

Absent: None.

Also in attendance: Heather McCallum, Amber Kniefel, Lynn Hager, and Stan Frank

Chairperson Merritt opened the public hearing at 7:07 p.m.

The purpose of this public hearing is for the citizens of Medford to voice their concerns and ask questions regarding the variance requests for the property located at 220 1st St SE.

City Clerk Kniefel, presented a drawing that explains the property and the variances needed for a deck.

The applicant, Lynn Hager, explained that his deck was rotten and he wanted to build a new one. The new deck has already been installed without a permit. Mr. Hager asked for variances and a deck permit about a year ago. The City did not approve the variance requests at that time based on the strict interpretation of the statute. Since then, the statute has been changed.

Mr. Hager has built a smaller deck than what was presented before and is asking for a 6 foot variance on the east side of the property and a 5 foot variance on the south side of the property.

Cowell asked Mr. Hager why the deck was built without a permit. Mr. Hager felt he could build the deck.

Cowell asked about stairs to the deck. Mr. Hager answered that the stairs will be installed on the west side and will meet the 25 foot front setback requirement.

Beiser reiterated that the deck would be a second exit from the house in case of a fire.

Barbeau asked about the poles set up on the east side and if the deck used to wrap around. Mr. Hager said the deck was going to be there, but will not be built there now.

Statements from the public – Stan Frank made a comment that many of the lots in the “old” part of town are not in compliance with current city code. The property needing a variance is also located on an old junk yard.

Motion by Olson, seconded by Beiser to conclude the public hearing. Carried.

Zoning Board has no further questions on the variance requests.

Motion by Olson, seconded by Barbeau to make a recommendation to the City Council to approve the five foot variance on the south side and the six foot variance on the east as presented. Nay: Cowell Yea: Merritt, Olson, Barbeau, Beiser. Motion Carried.

Regular Meeting

Motion by Cowell, seconded by Olson to approve the agenda as presented. Carried unanimously.

Minutes from the August 20, 2012 regular meeting were read.

Motion by Olson, seconded by Cowell to accept the August 20, 2012 regular meeting minutes as read. Carried unanimously.

Chairperson Merritt informed the zoning board of the previous council meeting.

Concerns from the public. None.

Old Business

None.

New Business

October Planning & Zoning Board Meeting – The Zoning Board will be holding a public hearing on the one year review of the interim use permit approved for BBMM, LLC. The interim use permit is for the use of Elevation North Church in the building.

Additional concerns from zoning board members.

Olson asked about all the cars parked at a property on Main Street. Administrator McCallum has spoke with the owner and was assured the vehicles would be taken care of. The Zoning Board felt there is a need to speak with the owner again.

Merritt spoke about the possibility of a sidewalk being installed on Central Avenue with all the renovations in 2014. McCallum explained that the ideas for Central Avenue are very preliminary and that the Council will begin holding public forums to get feedback from the citizens.

Merritt asked to explore an option to install pedestrian walking paths instead of sidewalks.

Next regular meeting will be October 15, 2012 at 7:00 PM

Motion by Olson, seconded by Barbeau to adjourn the regular meeting at 7:34 p.m. Carried.

ZONING AND PLANNING MEETING

**Public Hearing
October 15, 2012
7:00 PM**

Roll call: Cowell, Beiser, and Barbeau

Absent: Merritt and Olson

Also in attendance: Amber Kniefel, Doug Jones, Wayne Jones, and Joe Erler

Vice Chairperson Cowell opened the public hearing at 7:07 p.m.

The purpose of this public hearing is for the citizens of Medford to voice their concerns and ask questions regarding the annual review of the interim use permit at 217 N Main St for Elevation North Church, requested by the property owner, BBMM, LLP.

Staff Presentation: Kniefel presented the language of the approved interim use permit from October 2011. The permit currently has one special condition requiring an annual review. Kniefel had a request to possibly add another special condition stating that use of the Post Office parking lot is prohibited.

Applicant Presentation: Doug Jones and Joe Erler did not present different information and would like to renew the interim use permit. Mr. Jones is also fine with adding the special condition of not parking in the Post Office back parking lot.

Public Comment: There was no public in attendance.

Mr. Erler asked the Zoning Board about the possibility of Elevation North Church purchasing the building and then asking for a Conditional Use Permit for a more long term agreement.

Zoning Board could not answer without a public hearing or without making a recommendation to the Council, but they did not perceive any future problems with the request.

Motion by Beiser, seconded by Barbeau to conclude the public hearing at 7:11 p.m. Carried unanimously.

Zoning Board had no further questions regarding the interim use permit renewal.

Motion by Beiser, seconded by Barbeau to make a recommendation to the City Council to approve the renewal of the interim use permit to BBMM, LLP for Elevation North Church at 217 N Main with the added special condition of parking in the Post Office back parking lot is prohibited. Carried unanimously.

ZONING AND PLANNING MEETING
Regular Meeting
October 15, 2012
7:15 PM

Vice Chairperson, Ivan Cowell called the regular meeting to order.

Motion by Beiser, seconded by Barbeau to approve the agenda as presented. Carried unanimously.

Minutes from the September 17, 2012 regular meeting were read.

Motion by Beiser, seconded by Barbeau to accept the September 17, 2012 regular meeting minutes as read. Carried unanimously.

Kniefel gave the Zoning Board an update from the last council meeting.

Concerns from the public. None.

Old Business

None.

New Business

December Planning & Zoning Board Meeting – The Zoning Board December regular meeting will be moved to Monday, December 10, 2012 if needed.

Additional concerns from zoning board members.

None.

Next regular meeting will be November 19, 2012 at 7:00 PM

Motion by Barbeau, seconded by Beiser to adjourn the regular meeting at 7:18 p.m. Carried.

ZONING AND PLANNING MEETING
Public Hearing
December 10, 2012
7:00 PM

Roll call: Merritt, Olson, Cowell, Beiser, and Barbeau

Absent: None.

Also in attendance: Heather McCallum and Amber Kniefel

Chairperson Merritt opened the public hearing at 7:00 p.m.

The purpose of this public hearing is for the citizens of Medford to voice their concerns and ask questions regarding a request from Medford Furniture Outlet for an easement vacation.

Staff Presentation: Kniefel presented a response from MnDOT saying the easement vacation has no significant impact on MnDOT roadways. The Zoning Board studied a map showing the property lines and the building that was built across the property line. The easement needs to be vacated so the Furniture Outlet can proceed with a refinance.

Applicant Presentation: There was no applicant in attendance.

Public Comment: There was no public in attendance.

Motion by Olson, seconded by Beiser to conclude the public hearing at 7:03 p.m. Carried unanimously.

Barbeau wanted to make sure that both the parcels were owned by the Furniture Outlet.

Motion by Beiser, seconded by Cowell to make a recommendation to the City Council to approve the easement vacation request from the Medford Furniture Outlet. Carried unanimously.

ZONING AND PLANNING MEETING
Regular Meeting
December 10, 2012
7:04 PM

Chairperson Merritt proceeded with the regular Zoning Board meeting.

Motion by Beiser, seconded by Cowell to approve the agenda as presented. Carried unanimously.

Minutes from the October 15, 2012 public hearing and regular meeting were read.

Motion by Barbeau, seconded by Beiser to accept the October 15, 2012 public hearing minutes and the regular meeting minutes as read. Carried unanimously.

Merritt gave the Zoning Board an update from the last council meeting. The Council approved the Zoning Board recommendation for the interim use permit for Elevation North Church. Kniefel reported that about a week after approval, the City Hall was notified that Elevation North Church was no longer going to be using the building.

The interim use permit will be discussed at the December council meeting.

Concerns from the public. None.

Old Business

None.

New Business

None.

Additional concerns from zoning board members.

The comprehensive plan will need to be updated moving forward.

The work started on vacating alleys throughout the City will need to continue.

Administrator McCallum announced to the Zoning Board that Mayor-elect, Lois Nelson, will be contacting each member hopefully before Christmas to discuss the future of the Zoning Board.

Next regular meeting will be January 14, 2012 at 7:00 PM

Motion by Beiser, seconded by Olson to adjourn the regular meeting at 7:11 p.m. Carried.