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# CITY OF EMILY

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## PLANNING COMMISSION/BOARD OF ADJUSTMENT

### AGENDA

Tuesday, April 4, 2023, 6:00 pm

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1. Call to Order
2. Pledge of Allegiance
3. Roll Call
4. Election of Vice-Chairperson
5. Additions or Deletions to Agenda
6. Open Forum
7. Public Hearings
8. Approval of Minutes
  - a. February 7, 2022, regular meeting
9. New Business
  - a. Permit application 23-10 for an outdoor market on the subject property 40141 State Highway 6 (PID 21270656). Owner: Iowa Minnesota District of the Wesleyan Church  
Applicant: Kris Balvin
10. Old Business
11. P&Z Administrator's Report
12. Adjourn

This agenda is not exclusive. Other business may be discussed as deemed necessary.

1 **MINUTES**

2 **EMILY PLANNING COMMISSION/BOARD OF ADJUSTMENT**

3 **REGULAR MEETING**

4 **February 7, 2022**

5

6 **1. CALL TO ORDER**

7 The meeting was called to order by Commissioner Johnson at 6 pm.

8 Pledge of allegiance was recited.

9

10 Commissioner Johnson introduced and welcomed new Planning Commissioners Patrick  
11 Rheume and Lynn Bartel ( Alternative) to the Planning Commission. He also stated Greg Koch  
12 will now be the Council Liaison and thanked Greg for his years of service on the Planning  
13 Commission.

14

15 **2. ROLL CALL**

16 **PRESENT:** Dave Johnson (Vice Chairperson), Bill Spiess, Denise Vukelich, Patrick Rheume  
17 and Lynn Bartel. **NOT PRESENT:** Donna Jones.

18 **Council:** Greg Koch (Liaison)

19 **Staff:** Brittney Cotner, Zoning Administrator (Sourcewell) and Sue Fahrendorff, Planning &  
20 Zoning Clerk

21

22 **3. ELECTION OF CHAIRPERSON AND VICE-CHAIRPERSON**

23

24 **MOTION BY COMMISSIONER SPIESS TO NOMINATE COMMISSIONER**  
25 **JOHNSON AS CHAIRPERSON, SECONDED BY COMMISSIONER VUKELICH.**

26 **MOTION BY COMMISSIONER SPIESS TO CLOSE NOMINATION FOR CHAIR,**  
27 **SECONDED BY COMMISSIONER RHEAUME.**

28 **ALL VOTED IN FAVOR OF COMMISSIONER JOHNSON TO BE NOMINATED AS**  
29 **CHAIRPERSON 5-0 MOTION CARRIED.**

30

31 **MOTION BY COMMISSIONER JOHNSON TO NOMINATE COMMISSIONER**  
32 **SPIESS AS VICE-CHAIRPERSON, SECONDED BY COMMISSIONER VUKELICH.**  
33 **MOTION FAILED-NO VOTE.**

34

35 **4. ADDITIONS OR DELETIONS TO AGENDA**

36

37 Cotner stated the agenda will be modified to correct the day from Wednesday to Tuesday.  
38 Commissioner Rheume asked for clarification regarding the dates listed on 2023 Planning  
39 Commission Regular meeting under New Business. Commissioner Rheume stated the May  
40 and October meetings listed fall on a Monday and our Planning Commission meetings are on  
41 Tuesdays. Cotner stated there was an error on the dates listed and she will correct the dates to  
42 May 2<sup>nd</sup> and October 3<sup>rd</sup>, 2023.

43

44 **MOTION BY COMMISSIONER RHEAUME TO APPROVE AMENDED AGENDA,**  
45 **SECONDED BY COMMISSIONER SPIESS. ALL VOTED IN FAVOR 5-0. MOTION**  
46 **CARRIED**

MINUTES

Emily Planning Commission

February 7, 2023

47  
48 **5. PUBLIC HEARINGS**  
49

- 50 a. Ordinance Amendment 23-01 modifying Section 152.152 “Planning and Zoning  
51 Commission”. Applicant: City of Emily.  
52

53 **§ 152.152 PLANNING AND ZONING COMMISSION.**

54 (A) *Organization of the Planning Commission.*  
55

56 (3) The Commission shall meet the first Tuesday of each month ~~a minimum of 11 times a~~  
57 ~~year, once each month except January,~~ at a regular meeting unless the docket is empty in which  
58 case the ~~mayor and/or~~ Zoning Administrator or Chairperson can approve suspension of  
59 a meeting. Special meetings shall be advertised in the official newspaper and posted in  
60 the City Hall at least ten days in advance of the meeting.  
61

62 Cotner stated there is specific language in the ordinance that doesn’t allow for a January  
63 meeting. Cotner stated in her opinion having the opportunity to have a meeting in  
64 January should be allowed rather than waiting until February. In addition, Cotner stated  
65 the decision to suspend or cancel a meeting should be left up to the Zoning  
66 Administrator since the Administrator would have more knowledge of the Planning  
67 Commission agenda or lack of docket items.  
68

69 Opened for public comments. NONE  
70

71 **MOTION BY COMMISSIONER SPIESS TO APPROVE ORDINANCE**  
72 **AMENDMENT 23-01 MODIFYING SECTION 152.152 AS PRESENTED AND**  
73 **TO PRESENT TO COUNCIL. SECONDED BY COMMISSIONER VUKELICH.**  
74 **ALL VOTED IN FAVOR 5-0. MOTION CARRIED.**  
75

- 76 b. Ordinance Amendment Application 23-02 to amend section 152.075 “Sanitary and  
77 Subsurface Sewage Treatment Systems- Technical Standards and Criteria” Applicant:  
78 City of Emily  
79

80 **152.075 SANITARY AND SUBSURFACE SEWAGE TREATMENT SYSTEMS -**  
81 **TECHNICAL STANDARDS AND CRITERIA.**

82 (X) *Compliance inspection program.*

83 (1) Compliance inspections shall be required when any of the following conditions occur:

84 (a) When applying for a land use permit, shoreline alteration permit, minor subdivision,  
85 plat, land use map amendment, conditional use permit or variance and the certificate of  
86 installation is more than five years old, or the certificate of compliance is more than  
87 three years old.

88 (b) Within 90 days of conveyance of any real property and the certificate of installation is  
89 more than five years old or the certificate of compliance is more than three years old.

90 (c) Any time there is a change in use of the property being served by an existing SSTS,  
91 which may impact the performance of the system.

92 (d) At any time as required by this section or the Zoning Administrator deems  
93 appropriate, such as, upon receipt of a complaint or other notice of a system  
94 malfunction.

95 (e) All owners of sewage treatment systems shall have the system inspected, consistent  
 96 with state guidelines, once each ~~five~~ three years by a certified sewage system inspector.

97 1. The person inspecting the system shall determine if the system meets the compliance  
 98 criteria contained in Minn. Rules, Part 7080.1500.

99 2. The person inspecting the system shall provide the city with a statement that the  
 100 system is in good working order, or specifying any defects discovered and the date such  
 101 defects were/will be corrected. The form shall also indicate if and when the septic tank  
 102 was pumped. 2

103 ~~3. The Zoning Administrator shall maintain a file by legal description and shall notify~~  
 104 ~~any delinquent property owner when six months have elapsed beyond the required five-~~  
 105 ~~year period.~~

106 3. The Zoning Administrator, or assistant, shall **have** the authority to verify the  
 107 inspections and/or conduct inspections on behalf of the city.  
 108

109 Cotner stated per MPCA, septic systems are required to be inspected every three years. Our  
 110 ordinance stated five years, which is not within the guidelines of the MPCA. Cotner stated a new  
 111 septic installation is good for five years and after that, it's every three years. Planning  
 112 Commission discussed the trigger points on when a SSTS inspection would be required by the  
 113 city-Permit application, Long-Short term rental licensing and property transfers. Commissioner  
 114 Johnson stated Planning and Zoning should monitor for trends regarding valid or non-  
 115 compliant septic system and at that time decide if the program should be reinstated.

116 Commissioner Johnson asked for clarification regarding #3 *The Zoning Administrator shall maintain a*  
 117 *file by legal description and shall notify any delinquent property owner when six months have elapsed beyond the*  
 118 *required five-year period.* Cotner recommended striking the whole section from the ordinance  
 119 because it's no longer applicable.

120 Commissioner Spiess stated the county requires a valid SSTS inspection every three years.  
 121 Fahrendorff asked how the city would enforce that requirement since the SSTS program has  
 122 been discontinued. Commissioner Johnson stated that at this time we are not able to enforce  
 123 that requirement, and Planning and Zoning would rely upon the triggers ( permit application,  
 124 rental licensing & property transfers) to monitor properties. Planning Commission discussed  
 125 sending notices to property owners advising them the program has been discontinued.  
 126 Fahrendorff stated that a few notices were sent, however there was confusion on the  
 127 interpretation, therefore no additional notices have been mailed. Fahrendorff stated that  
 128 notices have been posted on social media and our city's website.  
 129

130 Open for public comments.  
 131

132 Council Liaison Koch asked why Planning and Zoning is not tracking SSTS inspections. He  
 133 stated that without monitoring SSTS inspections, within a few years a great number of septic  
 134 systems would be out of compliance. Cotner and Fahrendorff both stated that it would be a  
 135 large undertaking for Planning and Zoning to take on this additional workload. Currently,  
 136 Planning and Zoning does not have the resources to be able to handle that amount of work.  
 137 Cotner suggested the SSTS inspection program be discussed at a later date.  
 138 Public Comment closed.  
 139

140 **MOTION BY COMMISSIONER SPIESS TO APPROVE ORDINANCE AMENDMENT**  
 141 **23-02 AMENDING SECTION 152.075 AS PRESENTED WITH THE DELETION OF**  
 142 **#3 TO PRESENT TO COUNCIL. SECONDED BY COMMISSIONER RHEAUME. ALL**  
 143 **VOTED IN FAVOR 5-0 MOTION CARRIED.**

MINUTES

Emily Planning Commission  
 February 7, 2023

144  
 145 Cotner asked the Planning Commission if, going forward, they had any objections to OPEN FORUM  
 146 being listed before any public hearing on the agenda. There were no objections.  
 147

148 **6. OPEN FORUM**

149 none  
 150

151 **7. APPROVAL OF MINUTES**

152 a. December 6, 2022, regular meeting  
 153

154 **MOTION BY COMISSIONER SPIESS TO APPROVE MINUTES AS PRESENTED.**  
 155 **SECONDED BY COMMISSIONER VUKELICH. JOHNSON, VUKELICH, AND SPIESS**  
 156 **VOTED IN FAVOR-MOTION PASSED.**  
 157

158 **8. NEW BUSINESS**

159 a. 2023 Planning Commission Regular Meeting Dates.  
 160

161 **MOTION BY COMMISSIONER SPIESS TO APPROVE 2023 PLANNING COMMISSION**  
 162 **REGULAR MEETING DATES WITH CORRECTIONS AS NOTED-MAY 2<sup>ND</sup> & OCTOBER**  
 163 **3<sup>RD</sup>- SECONDED BY COMMISSIONER VUKELICH. ALL VOTED IN FAVOR 5-0**  
 164 **MOTION CARRIED.**  
 165

166 b. Subcommittee Discussion  
 167

168 Cotner stated there has been discussions regarding a need for the Planning Commission to form a  
 169 Subcommittee to focus on topics that may need more research, additional discussion and time rather  
 170 than having discussions during regular meetings. Subcommittees have already been established on  
 171 the council level and there needs to be two Planning Commissioners appointed to join this  
 172 subcommittee. Cotner stated any discussion from the Planning Commission subcommittee meeting  
 173 would be presented during a regular Planning Commission meeting for approval prior to going  
 174 before the City Council. Commissioner Johnson and Commissioner Spiess agreed to be on the  
 175 Planning Committee Subcommittee.  
 176

177 **9. OLD BUSINESS**

178 a. None  
 179

180 **10. P & Z ADMINISTRATOR'S REPORT**  
 181

182 Cotner stated two permit violations that were reported to the City Council- Todd Proctor \$750.00 and  
 183 Jason Quilling \$2,500.00 have been resolved. All After-The-Fact permit violation fees have been paid  
 184 in full.

185 There have been 3 permit applications-approvals so far this year ( 2 Land Use Permits and 1 After-The-  
 186 Fact Permit)

187 Cotner discussed possible application for townhomes, but stressed the applicant is still in the early  
 188 stages of discussion and no application has been received.

189 Cotner stated the Downtown Mixed Use (DMU) ordinance needs to address parking standards within  
 190 the DMU area. The City of Emily parking ordinance allows for 2 parking spaces, however the DMU is  
 191 exempt from that requirement. She recommends this topic be part of the Planning Commission  
 192 Subcommittee discussion.  
 193

MINUTES

Emily Planning Commission

February 7, 2023

194  
195       **11. ADJOURN**  
196  
197       **MOTION BY COMMISSIONER SPIESS SECONDED BY COMMISSIONER VUKELICH TO**  
198       **ADJOURN THE MEETING. ALL VOTED IN FAVOR 5-0. MOTION CARRIED**  
199  
200       Meeting adjourned at 6:48 pm.  
201  
202       Respectfully submitted,  
203  
204  
205  
206       Sue Fahrendorff,  
207       Planning & Zoning Clerk

(\* will need new septic tank 2024)

septic ok

**CITY OF EMILY  
OUTDOOR MARKET PERMIT APPLICATION**

APP # 23-10  
Date 3-13-23  
Fee 75.00  
Check # 24606  
(For office use only)

Name of Applicant Kris Balvin for the Emily Market

Phone 612-760-1861

Event Location Emily Wesleyan Church

Mailing Address PO Box 153 Emily, MN 56447

Email: emilychurchsec@gmail.com

Applicant is

Legal Owner ( )

Representative of organization hosting event location

Other \_\_\_\_\_

Title Holder of Property: (if not applicant)

Iowa Minnesota District of the Wesleyan Church  
(Name)

913 S Main St  
(Address)

Charles City, IA 50616  
(City, State, Zip)

Property Parcel ID (8 Digit # on Tax Statement) 21270656

Zoning District DMU

State nature of request in detail: (What are you proposing to host at the Outdoor Market, hours, terms etc. Be as specific as possible.) If necessary, include separate sheet.

please see attachment & site plan.

Signature of Owner, authorizing application (required): [Signature]  
(By signing the owner is certifying that they have read and understood the instructions accompanying this application.)

Signature of Applicant (if different than owner): Kristen Balvin  
(By signing the applicant is certifying that they have read and understood the instructions accompanying this application.)

Approved by the Zoning Administrator: \_\_\_\_\_ Date: \_\_\_\_\_

CITY OF EMILY PLANNING AND ZONING OFFICE

OPEN MARKET PERMIT CHECKLIST

\_\_\_\_\_ Completed application, site plan, and signature of property owner and applicant (if different from owner)

\_\_\_\_\_ Fee

\_\_\_\_\_ All current City charges paid

\_\_\_\_\_ No outstanding Violations

CONTACT INFORMATION

Planning and Zoning Administrator: Brittney Cotner  
P. O. Box 68  
Emily, MN 56447

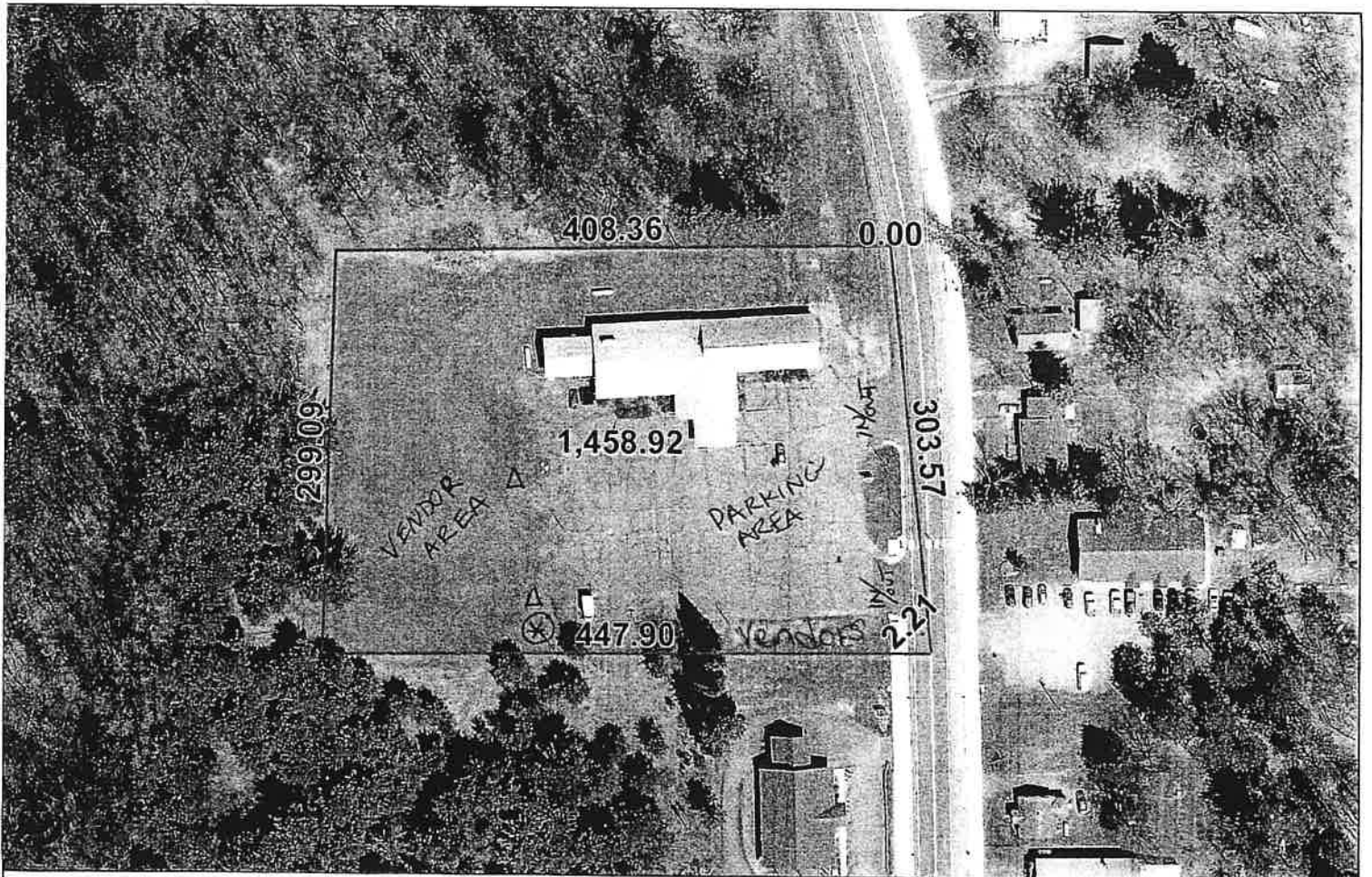
Phone: (218) 763-2480 (Emily Office)  
(218) 541-5294 (cell)

Fax: (218) 763-2481

Email: [zoning@emily.net](mailto:zoning@emily.net)  
[brittney.cotner@sourcewell-mn.gov](mailto:brittney.cotner@sourcewell-mn.gov)



The purpose of the Emily Community Market is to serve the community by providing a space where people can come together to sell and buy homegrown produce, homemade goods and merchandise. The market will be held outdoors at the Emily Wesleyan Church. Our projected dates are the third Saturday in June, and every Saturday starting July 23 through the end of September. The market will be open from 9 a.m.– 2 p.m. Vendors can check in and set up from 7:30 – 8:30 a.m. Vendors will set up on the grass on the south side of the parking lot and the west side (if needed.) Vendors are expected to remove all displays and products from the market no later than 3:00 p.m. Each vendor space will be a maximum of 12' x 12' and will cost \$10 per Saturday. Each vendor will be given a packet containing rules and policies, vendor application, and pertinent information. We plan to have up to 20 vendors. We will provide a portable restroom and ample garbage bins on site. All litter will be properly disposed of in the church dumpster after each market. Signage will be posted on church property. Additional signage will be posted the Thursday before each market day and these signs will be taken down after each market.



These data are provided on an "AS-IS" basis, without warranty of any type, expressed or implied, including but not limited to any warranty as to their performance, merchantability, or fitness for any particular purpose.

- ⊗ PORTA POTTI LOCATION
- DUMPSTER
- △ GARBAGE BINS

Date: 10/19/2021 Time: 11:56:11 AM



## 2023 Permits--Emily Planning and Zoning

NUMBER	Recd	Appvrd	RE CODE	LAST	FIRST	ADDRESS	TYPE	DESCRIPTION	FEES	DISTRICT	Project Completed Y/N
23-01	1/3/2023	1/3/2023	21040581	Wea Hanson Builders/Kosiak	Rhonda Kosiak	20048 Roosevelt Ridge	Land Use	42'X28' (1,176 SqFt) Addition to existing accessory structure pole shed	\$250.00	RP	
23-02	1/30/2023	1/31/2022	21030518	Proctor	Todd	21438 Evening Star Lane	After-The-Fact Land Use	Construct 10'X16' (160 SqFt) Accessory Structure shed	\$750.00	RP	1/31/2022
23-03	2/2/2023	2/7/2022	21280820	Rheaume	Patrick & Jacqueline	40900 Yellow Birch Lane	Land Use	36" wide stairs from existing deck to ground level for access	\$80.00	SR	NA
23-04	2/22/2023		21170518	Krumwiede	Kevin & Valetta	42865 Minnie Lake Drive	SSTS	Installing a new holding tank in existing septic system	\$250.00	NR	Winter Agreement-Needs septic design
23-05	2/22/2023	3/7/2023	21170518	Krumwiede	Kevin & Valatta	42865 Minnie Lake Drive	Land Use	Construct New 28'X64' (1,792 SqFt) Modular home and 24'X30' (720 sqft) Accessory Structure garage	\$700.00	NR	
23-06	2/27/2023	3/7/2023	21080521	Real Solar		18573 Blue Lake Rd	Land Use-Solar Panels	Install 14.85 KW DC solar system on flush mount roof racking	\$75.00	SR	
23-07	2/27/2023	2/28/2023	21080517	Angell	Stacey	43878 Roosevelt Dr	Land Use	Construct a 60'X104' (6,240 SqFt) pole shed	\$400.00	SR	
23-08	2/27/2023	2/28/2023	21030518	Proctor	Todd	21438 Evening Star Lane	Land Use	Construct a 11'X24' (264 SqFt) shed	\$150.00	RP	
23-09	2/27/2023	2/28/2023	21030518	Proctor	Todd	21438 Evening Star Lane	Land Use-Camper Permit	Annual Camper Permit	\$25.00	RP	
23-10	3/13/2023		21270656	Emily Wesleyan Church	Kris Belvin	40141 State HWY 8	Outdoor Market Permit	Outdoor Market Permit	\$75.00	DM	Planning Commission approval needed
23-11	3/15/2023	3/22/2023	21090870	Gonsuch	Beverly	20529 Clearwater Dr	Land Use	Construct a 10'X16' (160 SqFt) deck to existing home	\$75.00	NR	
23-12	3/20/2023	3/22/2023	21250526	Adamaheck	Jeff	23252 South Shore Dr	Land Use	Construct a 45'X48' (2,160 SqFt) Accessory Structure	\$400.00	SR	