

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 2nd and October 3rd, 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
49
50
51
52
53
54
55
56
57
58
59
60
61
62
63
64
65
66
67
68
69
70
71
72
73
74
75
76
77
78
79
80
81
82
83
84
85
86
87
88
89
90
91
92
93
94

5. PUBLIC HEARINGS

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

§ 152.152 PLANNING AND ZONING COMMISSION.

(A) *Organization of the Planning Commission.*

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

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

Opened for public comments. NONE

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

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

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

(X) *Compliance inspection program.*

- (1) Compliance inspections shall be required when any of the following conditions occur:
 - (a) When applying for a land use permit, shoreline alteration permit, minor subdivision, plat, land use map amendment, conditional use permit or variance and the certificate of installation is more than five years old, or the certificate of compliance is more than three years old.
 - (b) Within 90 days of conveyance of any real property and the certificate of installation is more than five years old or the certificate of compliance is more than three years old.
 - (c) Any time there is a change in use of the property being served by an existing SSTS, which may impact the performance of the system.
 - (d) At any time as required by this section or the Zoning Administrator deems appropriate, such as, upon receipt of a complaint or other notice of a system malfunction.

- (e) All owners of sewage treatment systems shall have the system inspected, consistent with state guidelines, once each ~~five~~ three years by a certified sewage system inspector.
1. The person inspecting the system shall determine if the system meets the compliance criteria contained in Minn. Rules, Part 7080.1500.
 2. The person inspecting the system shall provide the city with a statement that the system is in good working order, or specifying any defects discovered and the date such defects were/will be corrected. The form shall also indicate if and when the septic tank was pumped. 2
 - ~~3. The Zoning Administrator shall maintain a file by legal description and shall notify any delinquent property owner when six months have elapsed beyond the required five-year period.~~
 3. The Zoning Administrator, or assistant, shall have the authority to verify the inspections and/or conduct inspections on behalf of the city.

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

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

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

Open for public comments.

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

Public Comment closed.

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

MINUTES

Emily Planning Commission
February 7, 2023

144
145
146
147
148
149
150
151
152
153
154
155
156
157
158
159
160
161
162
163
164
165
166
167
168
169
170
171
172
173
174
175
176
177
178
179
180
181
182
183
184
185
186
187
188
189
190
191
192
193

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

6. OPEN FORUM

none

7. APPROVAL OF MINUTES

a. December 6, 2022, regular meeting

MOTION BY COMMISSIONER SPIESS TO APPROVE MINUTES AS PRESENTED. SECONDED BY COMMISSIONER VUKELICH. JOHNSON, VUKELICH, AND SPIESS VOTED IN FAVOR-MOTION PASSED.

8. NEW BUSINESS

a. 2023 Planning Commission Regular Meeting Dates.

MOTION BY COMMISSIONER SPIESS TO APPROVE 2023 PLANNING COMMISSION REGULAR MEETING DATES WITH CORRECTIONS AS NOTED-MAY 2ND & OCTOBER 3RD- SECONDED BY COMMISSIONER VUKELICH. ALL VOTED IN FAVOR 5-0 MOTION CARRIED.

b. Subcommittee Discussion

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

9. OLD BUSINESS

a. None

10. P & Z ADMINISTRATOR'S REPORT

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

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

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

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

MINUTES

Emily Planning Commission
February 7, 2023

194
195
196
197
198
199
200
201
202
203
204
205
206
207

11. ADJOURN

**MOTION BY COMMISSIONER SPIESS SECONDED BY COMMISSIONER VUKELICH TO
ADJOURN THE MEETING. ALL VOTED IN FAVOR 5-0. MOTION CARRIED**

Meeting adjourned at 6:48 pm.

Respectfully submitted,

Sue Fahrendorff,
Planning & Zoning Clerk

DRAFT