



MINUTES

REGULAR MEETING OF THE CITY OF NISSWA
PLANNING COMMISSION/BOARD OF ADJUSTMENT
TUESDAY, SEPTEMBER 3, 2019, 4:00 PM

Members Present: Don Jacobson, Anne Laufman, Josh Young, Gary Harris, Bob Fier

Members Absent:

Others Present: Mark Hallan

Staff Present: Brittney Cotner, Maggi Wentler

1. Call To Order

2. Meeting Roll Call

3. Onsite Visits

- a. Grand View Lodge Tour –

4. Additions & Deletions from the agenda

5. Approve Minutes:

- a. August 6, 2019 Regular Scheduled Meeting Minutes

6. Open Forum:

- a. Julie Johnson
- b. Dick Frieler
- c. Babinski Properties

7. Public Hearings:

- a. Ordinance Amendment - Signs 027-19 – City of Nisssa– Recommend to City Council
- b. Ordinance Amendment – Conditional Use Permits 028-19 – City of Nisssa– Recommend to City Council
- c. Ordinance Amendment - Buffers on Riparian Property 029-19 – City of Nisssa– Recommend to City Council

8. New Business:

- a. Sketch Plan Review Process Updated
- b. Enforcement Discussion
- c. Moxy Salon Tree Discussion

9. Old Business:

- a. Edna Lane Violation Discussion

10. Planning & Zoning Administrator’s Report

- a. Permits Approved
- b. Violations List

11. Commissioners Questions/Comments

12. Adjourn

47 **MEETING MINUTES FROM SEPTEMBER 3, 2019**

48
49 1. **Call to Order:** Young calls the meeting to order 4:00 pm.

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51 2. **Meeting Roll Call: 4:00 pm**

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53 3. **Onsite Visits:**

54 a. Grand View Lodge Tour

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56
57 4. **Additions & Deletions from the agenda**

58
59 Cotner would like to add item 8b: Enforcement Discussion; 8c: Moxy Salon Tree
60 Discussion; 9a Edna Lane Violation Discussion

61
62 **MOTION:** Jacobson approved the agenda as amended, seconded by Harris. All
63 members voting “Aye”, motion carries.

64
65
66 5. **Approval of Minutes:**

67 a. **August 6, 2019 Regular Scheduled Meeting Minutes:**

68
69 Cotner noted that item 9b heading needed to be changed to Pine Trail Home
70 Plat Extension.

71
72
73 **MOTION:** Jacobson motioned to approve the August 6, 2019 minutes as
74 amended, Young seconded. All members voting “Aye”, motion carries.

75
76
77 6. **Open Forum:**

78
79 **Julie Johnson** – represents many property owners around the Birch Ave. &
80 Poplar Ave. area. They are asking to have the road vacated that runs through their
81 backyards. She believes this was platted about 100 years ago. The property
82 owners are concerned about the wetlands and wildlife that live in this area if the
83 road was to be actually built. She would like to know what the process is. Cotner
84 stated road vacations go through the Public Works Committee. Cotner will work
85 with Johnson to get forms and deadlines for her.

86
87 **Dick Frieler** – represents the Nisswa American Legion. They would like to get
88 permission from the Planning Commission to allow them to put a sandwich board
89 sign on the corner of City Hall Street & Main Street, next to the Welcome Center.
90 They would like to see the city make an exception to the rules to allow them to do
91 this. This sandwich board lets tourist know they are in town. In the past the
92 Chamber has agreed to allow the sign on the property. Cotner stated that staff has
93 been talking internally about adding a directional sign to this area. They think this
94 could be a better option for this location. Frieler believes a directional sign would
95 be great, but he would still like approval to place their sandwich board on the
96 cities property until the directional sign has been put up. Laufman stated we need

97 to figure out a way to do it legally. Jacobson suggested we put something together
98 and present to the city council.
99

100 **Babinski Properties** – William Doerr, Doerr Architecture and Bob Erickson,
101 owner of Babinski Properties, present.
102

103 Doerr provided some draft layout documents and would like to get a feel from the
104 Planning Commission on their thoughts before proceeding. They are looking at
105 building a 60 unit apartment building with a fitness center and party room.
106 Erickson stated he manages over 1000 units in multiple states and owns the
107 animal shelter in Pequot Lakes. Fier asked what the targeted group will be for
108 these units. Erickson stated workforce housing. People making \$15-\$18 per hour
109 will be able to afford. They are not looking to have subsidized housing. This will
110 be for the working class. Young questioned what the height of the building will
111 be. Doerr stated it will be 40 ft. Harris stated that this height will require a
112 variance. Doerr stated they understand that. Harris questioned who owns the
113 property. Erickson stated he currently doesn't own this property, but is working
114 with the current property owner, Roger Saazter. Fier questioned if they would be
115 profitable with a 2-story building. Doerr stated their vision is for a 3-story
116 building. Harris believes it will be tough to get approval on a 3-story building.
117 Jacobson stated at first look he has concerns with the extra traffic going onto the
118 highway, that the building is 3-story (he would prefer to see a 2-story building),
119 the impervious coverage, and that he believes all the trees will be removed from
120 this property. Doerr stated they are pushing the building back to save some trees
121 on the road side. Laufman questioned what the property is currently zoned. Cotner
122 stated Urban Residential. Cotner also noted that she spoke with the Niswaw Fire
123 Chief, Shawn Bailey about a 3-story building and Bailey said that they have
124 access to a ladder truck from our local communities if there was a fire. Fier would
125 like to see affordable housing in Niswaw, but would like to see a 2-story building.
126 Laufman would like to keep trees to be able to screen the structure from Highway
127 371, especially if it is a 3-story building. Hallan noted that the impervious
128 coverage looks to be around 50% and questioned if the zoning allows for this.
129 There is also the topography of the land to be considered. Jacobson noted that a
130 traffic study many need to be done. Young questioned who would be managing
131 this site, onsite? Erickson stated they would have someone onsite 24/7 to manage
132 the property.
133
134

135 **7. Public Hearings:**
136

137 **MOTION:** Jacobson motioned to open the public hearing at 6:35 pm, Young
138 seconded. All members voting "Aye", motion carries.
139

- 140 **a. Ordinance Amendment - Signs application 027-19: Amending section**
141 **4.9.1 "Signs" regarding landscaping standards.**
142 **Applicant/Property Owner: City of Niswaw**
143

144 Cotner read her staff report in for the record.
145

146 Jacobson questioned what if it is a wall sign. Cotner stated this would be for
147 permanent free standing signs, and will make that change. Laufman would
148 like to change the order of 4 & 5 to be switched around.

149
150 **Motion:** Jacobson motioned to recommend to the City Council approval of
151 this Ordinance Amendment – Signs application 027-19 amending section
152 4.9.1 “Signs” regarding landscaping standards as amended, seconded by
153 Laufman.

154
155 FURTHER DISCUSSION:
156 Harris questioned if it needed to be a landscape plan by a certified landscaper.
157 Cotner stated it can just be a hand drawn plan.

158
159 All members voting “Aye”, motion carries.

160
161 **b. Ordinance Amendment – Conditional Use Permit application 028-19:**
162 **Amending section 4.13.5 regarding access after conditional use permit**
163 **approval.**
164 **Applicant/Property Owner: City of Nisswa**

165
166 Cotner read her staff report in for the record.

167
168 Laufman questioned if the city attorney has reviewed. Cotner stated she can
169 certainly run it past the city attorney. Jacobson would like to remove “at any
170 time” for the added paragraph.

171
172 **Motion:** Laufman motioned to recommend to the City Council approval of
173 this Ordinance Amendment – Conditional Use Permit application 028-19
174 Amending section 4.13.5 regarding access after conditional use permit as
175 amended, seconded by Harris. All members voting “Aye”, motion carries.

176
177 **c. Ordinance Amendment – Buffers and Riparian Property application 029-**
178 **19: Amending section 4.9.10 regarding sand blanket applications.**
179 **Applicant/Property Owner: City of Nisswa**

180
181 Cotner read her staff report in for the record.

182
183 Cotner noted that we would be adopting what the DNR policy states. She also
184 noted that she had a Hydrologist review it and it meets all state requirements
185 as well. Fier stated that in bullet point 5 it should state “prior to” instead of
186 “from”. Harris noted to correct the spelling of installation in the same bullet
187 point. Young questioned if there is any permit process for erosion repairs.
188 Cotner stated the DNR allows two sand blankets per property.

189
190 **Motion:** Laufman motioned to recommend to the City Council approval of
191 this Ordinance Amendment – Buffers and Riparian Property application 029-
192 19 Amending section 4.9.10 regarding sand blanket applications approval as
193 amended, seconded by Harris. All members voting “Aye”, motion carries.

194

195 **MOTION:** Jacobson motioned to close the public hearing at 6:46 pm, Young
196 seconded. All members voting “Aye”, motion carries.
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198

199 **8. New Business**

200

201 **a. Sketch Review Process Update**

202

203 Cotner stated she looked at what other cities do for sketch plan review process
204 and many of them charge \$150 for a sketch plan fee and this acts as a deposit
205 for their plat application fee if they move forward. Jacobson would like to see
206 a 2 meeting limit for sketch plans. He is not in favor of charging for a sketch
207 plan. Wentler noted if we charge for sketch plans this may increase our “Open
208 Forum”. Commission agrees they would like to see a maximum of 2 sketch
209 plan meetings, after that they would need to submit a formal application.
210 Cotner stated she would work on some verbiage to present at the next
211 meeting.
212

213

214 **b. Enforcement Discussion**

215

216 Cotner talked with the City Administrator/Clerk to see if we can get some
217 enforcement steps in writing. They would like to get some feedback from the
218 commission. They have hopes to make this a common standard between all
219 departments within the city to follow.

220

221 Cotner also spoke with Justin Burslie to see how he has been handling on
222 enforcing violations. He stated it sends out a letter that they need to talk about
223 a complaint that came in. Second letter is sent certified mail that states that
224 they will receive \$100 per day that the violation is unmanaged. Third step is to
225 get the city attorney involved.

226

227 Cotner stated currently enforces on complaint bases. We do have the option to
228 change to an offensive based if we want. This is where we would go out
229 looking for violations. Fier stated he likes complaint based. Cotner would like
230 the commission to think about it and send comments to her.

231

232 **c. Moxy Salon Tree Discussion**

233

234 Cotner stated she has sent two letters to Moxy Salon with no response in
235 regards to a tree they planted next to the stop sign. Young questioned if it is in
236 the right of way can't the city just take it down. Harris suggests sending a
237 letter giving them 15 days to remove the tree and state the city will remove
238 and charge an hourly rate.
239

240

241 **7. Old Business**

242

243 **a. Edna Lane Violation Update**

244

244 Cotner stated she sent certified letters out last week to the business that the
245 property owner works at and has not heard anything back yet. Cotner stated
246 our options are to wait until next month for a response, let it go, or send it to
247 council for approval to go through the abatement process. Cotner noted that
248 the complaint was filed May 14, 2019. Jacobson suggested submitting
249 documentation to the attorney to review and get his feedback on how to move
250 forward.

251
252

253 **8. Planning & Zoning Administrator's Report**

254

255 **a. Permits Approved**

256

257 **b. Violations List**

258

259 Honer/Roy Lake Tire, Cotner stated she spoke with the owner and said that
260 they needed to apply for an Interim Use Permit to complete the legal route.
261 Currently there are two businesses operating on this property an excavating
262 company and a tire company. Harris stated there has been a ton of dirt being
263 brought in and put in the ravine in the back of the building. Hallan stated once
264 he fills in the ravine it will be hard to remove. Cotner stated the owner will be
265 removing it. Laufman stated he will need a Conditional Use Permit for all the
266 dirt he has been bringing in. Cotner also stated there may be a need to install a
267 grease trap as they are working on vehicles in the garage. Fier suggested
268 giving them a deadline. Jacobson stated that one of these businesses is not
269 allowed in this zoning district. Cotner will give them a deadline to get back to
270 her to submit permits and take care of the violations. She will invite the owner
271 to the next meeting to resolve all issues.

272

273 Holdahl, Cotner stated she spoke with the Holdahl and he didn't want to
274 comment during their conversation and has not heard back. She will send a
275 letter next week if she hasn't heard back from him.

276

277 Fasttrax, Laufman stated there are a ton of cars, boats and signs out front
278 again. We approved two spots for vehicles to be parked on display. Cotner
279 stated she will look into this.

280

281 Laufman questioned if the sculptures on the property of the old furniture store
282 down the road has a permit for outside display or storage. Cotner stated she
283 would look into this.

284

285 Jacobson would like Cotner to check on the conditions set forth on the storage
286 units next to Wendy's as he believes the driveway should be blacktop, and it
287 is still sand. Cotner will look into this.

288

289

290 **9. Commissioners Questions/Comments**

291

292 Cotner wanted to inform all commission members that there is a meeting
293 scheduled for October 10. This meeting is for the Chamber, City and businesses
294 to discuss all needs and concerns.

295
296 Laufman would like to discuss Food Trucks yet this fall. Cotner stated she has
297 mixed opinions in all directions. She stated she has a draft written up if the
298 commission would like to see. The commission had mixed reviews on whether to
299 create an ordinance or not. Cotner will include in a future months agenda.

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301

302 **10. Adjourn**

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304 **Motion:** Jacobson motioned to adjourn the August 3, 2019 meeting at 7:28 pm,
305 seconded by Fier. All members voting “Aye”, motion carries

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307

308

309 Respectfully submitted,

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311

312 _____
Maggi Wentler, Deputy City Clerk