

**BELLE PLAINE PLANNING & ZONING COMMISSION
REGULAR MEETING
DECEMBER 14, 2020**

PLEDGE OF ALLEGIANCE

Chair Cauley led those present in the Pledge of Allegiance.

1. CALL TO ORDER. 1.1. Roll Call.

The Planning and Zoning Commission met in Regular Session on Monday, December 14, 2020 at City Hall 218 North Meridian Street, Belle Plaine, MN. Chair Cauley called the meeting to order at 6:31 PM with Commissioners Petersen, Kiecker, Herrmann and Pankonin present.

Also present was Community Development Director Smith Strack and Council Liaison Chard.

2. APPROVAL OF AGENDA.

MOTION by Commissioner Kiecker, second by Commissioner Herrmann, to approve the agenda as presented. ALL VOTED AYE. MOTION CARRIED.

3. APPROVAL OF MINUTES. 3.1. Regular Session Minutes of November 9, 2020.

MOTION by Commissioner Petersen, second by Commissioner Kiecker, to approve the Regular Session Minutes of November 9, 2020 as presented. ALL VOTED AYE. MOTION CARRIED.

4. RECOGNITION OF INVOLVED CITIZENS.

*Persons may make statements to the Planning Commission pertaining to items **not** on the agenda. Maximum of three (3) minutes per speaker. No official action will be taken.*

Commissioner Cauley introduced the Recognition of Involved Citizens.

No one stepped forward.

5. PUBLIC HEARINGS.

5.1. Ordinance 20-11 Floodplain Amendment. The Planning Commission will consider public comment Ordinance 20-11 An Ordinance Repealing and Replacing Section 1105.16 of the City Code Pertaining to Floodplains. If approved, the proposed Ordinance will adopt revised floodplain maps issued by the Federal Emergency Management Agency and provide for the floodway and flood fringe districts along with allowable uses and performance standards.

Community Development Director Smith Strack explained the Planning Commission will hold a public hearing on Ordinance 20-11, a mandated update by FEMA and Managed by the DNR. Smith Strack presented a brief slideshow and highlighted changes which includes floodplains as standalone districts with no habitable structures allowed and non-habitable structures allowed on the flood fringe. Smith Strack explained no comments for or against have been received.

Commissioner Cauley opened the public hearing at 6:36 and asked for public comment.

No one stepped forward.

MOTION by Commissioner Pankonin, second by Commissioner Kiecker, to close the public hearing at 6:36 PM. ALL VOTED AYE. MOTION CARRIED.

Commissioner Kiecker explained Ordinance 20-11 has been discussed at length and the commission understands the need for compliance.

5.1.1. Ordinance 20-11 An Ordinance Repealing and Replacing Section 1105.16 of the City Code Pertaining to Floodplains.

Resolution 20-014 Resolution Recommending the City Council approve Ordinance 20-11.

MOTION by Commissioner Kiecker, second by Commissioner Pankonin, to approve Resolution 20-014 Resolution Recommending the City Council approve Ordinance 20-11. ALL VOTED AYE. MOTION CARRIED.

5.2. Ordinance 20-14 General Amendment to Belle Plaine Zoning Map. The Planning Commission will consider public comment on a general update to the City Zoning Map as contained in Chapter 1105.04, Subd. 2 of the City Code. The purpose of the amendment is to ensure the official map is consistent with planned land uses in the 2040 Comprehensive Plan.

Community Development Director Smith Strack explained the Commission is to hold a public hearing on Ordinance 20-14 amending the Belle Plaine Zoning map to be consistent with planned land uses in the 2040 Comprehensive Plan. Smith Strack explained staff reached out by phone and mailing to affected property owners. Smith Strack noted Dan Zilverberg has no objections and no desire to develop the land at this time. Smith Strack also noted Kim Devine-Johnson has submitted a letter for the minutes, which was included in the packet voicing her objections.

Commissioner Herrmann inquired on the tax forfeiture land west of Robert Creek being zoned parkland. Community Development Director Smith Strack explained a public hearing will be held at the City Council meeting and staff will look into making the change.

Commissioner Cauley opened the public hearing at 6:41 PM and asked for public comment.

No one stepped forward.

MOTION by Commissioner Pankonin, second by Commissioner Petersen, to close the public hearing at 6:41 PM. ALL VOTED AYE. MOTION CARRIED.

5.2.1 Ordinance 20-14 An Ordinance Amending the Belle Plaine Zoning Map to be Consistent with Planned Land Uses in the 2040 Comprehensive Plan.

Resolution 20-015 Resolution Recommending the City Council approve Ordinance 20-14.

MOTION by Commissioner Herrmann, second by Commissioner Pankonin, to approve Resolution 20-015 Resolution Recommending the City Council approve Ordinance 20-14 with the change of Robert Creek forfeiture property zoned parkland from residential. ALL VOTED AYE. MOTION CARRIED.

6. BUSINESS.

6.1. Discussion Fence Standards.

Community Development Director Smith Strack explained the Planning Commission occasionally reviews existing code language to ensure validity, applicability, and clarity. Smith Strack explained staff requests direction of a potential update to fence standards to clarify acceptable fence types and fence location requirements. Smith Strack noted the minor amendment would help solve some of the many questions received.

Commissioner Petersen inquired if wording could be added to not allow for pallet fencing. Commissioner Kiecker inquired on language noting language on what is allowed is better than stating what is not allowed. Commissioner Cauley inquired if snow fencing is allowed. Smith Strack explained snow fencing is not allowed. Commissioner Pankonin suggested leaving language up to legal.

Community Development Director Smith Strack explained the Public Works Committee is reviewing the definition of what an alley is noting currently an open alley is used by the general public and a unopened alley is not used by the general public. Commissioner Herrmann inquired on how an unopened alley works. Smith Strack reviewed the City classifications on allies and petitions for improvement.

It was the consensus of the Committee to move forward with updates by having the City Attorney review and then holding a public hearing.

6.2. Discussion Amendment to Rental Housing Code.

Community Development Director Smith Strack explained staff have been challenged on several occasions to stop work without a permit and renting of dwellings without a valid license. Smith Strack noted the problem is especially difficult when the rental property is a foreclosure and explained a recently mailed violation notice was mailed to five different entities in four different states. Smith Strack explained staff suggests adding language requiring the name of the owner of the property or delegate person, local owner or management person.

Commissioner Kiecker inquired if it is legal to add such language and suggested using "agent". Kiecker also noted 50 miles might not cover enough. Commissioner Petersen suggested instead of setting someone in charge within 50 miles set the standard as living within Minnesota. Commissioner Pankonin explained he personally owns properties he lives further than 50 miles from. Pankonin stated he understands staffs frustration and wants to see the properties taken care of.

7. ADMINISTRATIVE REPORTS.

7.1. Commissioner Comments.

Commissioner Kiecker highlighted the communities excitement of the Santa parade.

Commissioner Petersen highlighted the snowflakes in downtown.

7.2. Director's Report.

Community Development Director Smith Strack highlighted the Directors Report.

7.3. Upcoming Meetings.

1. Regular Meeting, 6:30 p.m., Monday January 11, 2021.

The Committee was reminded of the next upcoming meeting as listed.

8. ADJOURNMENT.

MOTION by Commissioner Kiecker, second by Commissioner Petersen, to adjourn the meeting at 7:12 PM.
ALL VOTED AYE. MOTION CARRIED.

Respectfully Submitted,

Renee Eyrich
Recording Secretary