

**APPROVED MINUTES
PLANNING COMMISSION
REGULAR MEETING
CITY OF WYOMING, MINNESOTA
FEBRUARY 23, 2010
7:00 PM**

CALL TO ORDER:

Planning Commission Chairman Frank Storm called the Regular Meeting of the Wyoming Planning Commission meeting of February 23, 2010 to order at 7:00 P.M.

CALL OF ROLL:

On a Call of the Roll the following members of the Wyoming Planning Commission were present: Frank Storm, Sean Wagner, Mark Lobermeier, and Judy Coughlin

Members Absent: Ken Meyers.

Also Present: Zoning Administrator Fred Weck, Council Liaison Roger Elmore.

DETERMINATION OF A QUORUM:

Chairman Storm determined a quorum was present.

PLEDGE OF ALLEGIANCE:

OPEN FORUM:

“An opportunity for members of the public to address the Planning Commission on items not on the current Agenda. Items requiring Planning Commission action maybe deferred to staff for research and future Planning Commission Agendas if appropriate.”

No members of the public spoke.

APPROVAL OF MINUTES:

- 1 Consider approving the minutes of the Regular Meeting of the Wyoming, Minnesota Planning Commission for February 9, 2010.**

Commissioner Coughlin questioned page 3, Item 8, a – c, and if some other items from the Wyoming Ordinance were to be included, but chose to address it during the meeting.

A MOTION WAS MADE BY PLANNING COMMISSION MEMBER WAGNER, SECONDED BY PLANNING COMMISSION MEMBER LOBERMEIER, TO APPROVE THE “REGULAR MEETING” MINUTES OF THE WYOMING, MINNESOTA PLANNING COMMISSION FOR FEBRUARY 9, 2010.

Voting Aye: Coughlin, Wagner, Lobermeier, and Storm.

Voting Nay: None

Abstain: None

PUBLIC HEARINGS

2 VARIANCE

**Property line setback; septic system and retaining wall
25910 East Comfort Drive**

Gail Jelinek was present to request a variance for a replacement septic system for her, and her husband's home at 25910 East Comfort Drive. The replacement septic system is to be 4.5 feet from the side (south) property line and 2 feet from the front property line. A retaining wall will also be constructed at the side property line as a part of the mound systems construction.

Chairman Storm asked if staff had any further to add, Weck responded that he had received no public comments, and that after reviewing Township record that three properties in the vicinity had been granted variances by the Township for replacement septic system property line setbacks. At 7:10, Chairman Storm opened the public hearing, there being no members of the public present wishing to comment, the hearing was promptly closed.

Chairman Storm asked the Commissioners if there were any questions. Commissioner Lobermeier asked about the height of the retaining wall. Weck responded that the wall should be between 3 – 4 feet in height, and that it will get shorter as it reaches the toe of the mound. Commissioner Lobermeier asked about the walls construction, Weck responded that a design had not been submitted as of yet and that a building permit would be required if it was 4 or more feet in height, Weck added that the wall is outside of the effluent adsorption area and that no effluent should leak through it.

Commissioner Coughlin asked about the sizing of the system, Weck responded that because of the location of the homes well that there is no other location for the septic and that the system size had been reduced by the designer in order to make it fit on the lot. Weck added that the system's Certificate of Compliance will place restrictions on the number of water using devices that the home can have per the State Septic Rules.

A MOTION WAS MADE BY PLANNING COMMISSION MEMBER WAGNER, SECONDED BY PLANNING COMMISSION MEMBER COUGHLIN, TO RECOMMEND APPROVAL OF ROBERT & GAIL JELINEK'S VARIANCE REQUEST VARIANCE FROM MINNESOTA RULES CHAPTER 7080.0170, TABLE IV TO ALLOW THE INSTALLATION OF A SEPTIC SYSTEM 4.5 FEET FROM THE SIDE (SOUTH) PROPERTY LINE AND 2 FEET FROM THE FRONT PROPERTY LINE, AND A VARIANCE FROM CITY CODE Sec. 40 – 831, (4), (e), TO ALLOW THE INSTALLATION OF A RETAINING WALL ALONG THE SIDE (SOUTH) PROPERTY LINE BE APPROVED BASED ON THE FINDINGS THAT STANDARDS 1 - 8 FOR THE VARIANCE HAVE BEEN MET AND SUBJECT TO THE FOLLOWING CONDITION:

1. That the Mound system be installed in substantial conformance with the septic system design that was submitted with the variance application.

Voting Aye: Storm, Lobermeier, Coughlin, and Wagner

Voting Nay: None

Abstain: None

NEW BUSINESS

There was no New Business.

OLD BUSINESS

2 Ordinance Updates – Firearms and Nuisances.

The Planning Commission continued to review City Ordinances to be updated as a part of the Orderly Annexation Agreement between the City and the former Township, beginning with the Firearm Ordinance. Chairman Storm asked for comments from the Planning Commission.

After discussion the following revisions were made:

1. Change Sec. 22 – 2, title from "Shooting and carrying firearms regulated" to "Shooting and carrying of firearms and weapons regulated", so that weapons other than firearms are included.
2. Remove "Firearms, bows and arrows when arrows are pointed or tipped," from the definition of Dangerous Weapons.
3. Add to the second sentence of Sec. 22 – 4 "The shooting of firearms and controlled weapons is..."

A MOTION WAS MADE BY PLANNING COMMISSION MEMBER WAGNER, SECONDED BY PLANNING COMMISSION MEMBER LOBERMEIER, TO ACCEPT THE REVISIONS TO THE ORDINANCE AND TO SEND IT TO THE CITY ATTORNEY FOR FINAL REVIEW BEFORE ADOPTION.

Voting Aye: Coughlin, Wagner, Lobermeier, and Storm.

Voting Nay: None

Abstain: None

The Nuisance Ordinance was discussed next; Commissioner Coughlin began the review of the combined ordinance by asking about the different abatement sections contained within the ordinance. Weck explained that he had not had a chance to modify those sections before it was time to prepare the Commission books and that he would have it ready for the next meeting.

Commissioner Coughlin stated that she liked the addition to the ordinance regarding the mowing of lawns on smaller lots, but asked about lake lots that are also typically less than an acre and the Watershed District's campaign to encourage homeowners to create a buffer between the home and the lake. Weck told the Commission that he would ask the Watershed Administrator for direction and ordinance examples. Based on Commissioner Coughlin's comments and after discussion the following revisions were accepted:

1. Sec. 16 – 32, listed items, add from the draft combined city and township ordinance Sec. 16 – 32, item (9).
2. Sec. 16 – 32, listed items, add from the draft combined city and township ordinance Sec. 16 – 34, items (14, 15, and 16).
3. Sec. 16 – 52, (1), change the internal reference from 16 – 47, to 16 – 50.
4. Sec. 16 – 57, remove the words "preserve and preservation".
5. Sec. 16 – 70, (7), add scrap metal to the definition of Refuse.
6. 16 – 72, replace "rubbish, paper, paper waste, rags" with litter.
7. 16 – 73, change the title of the section to "Scattering litter".

8. 16 – 73, change the section to read: No person shall deposit in or upon, or scatter over or upon any of the streets, parks, or public grounds within the city any ~~paper, paper waste, rags~~ litter or waste material of any kind. No person who is the owner or lessee of any lot or land within the city shall deposit litter upon any such lot or land, or allow litter to be deposited thereon.
9. Sec. 16 – 75, remove "rubbish and refuse" from the last sentence of the section.
10. Sec. 16 – 91, (10), delete the item and add from the last sentence " without receiving a permit for the same, and notification of the city " to the end of Sec. 16 – 92.
11. Sec. 16 – 102, second paragraph, add more items to the limited list of items that can be assessed against a property's taxes if the City is forced to abate them.
12. Sec. 16 – 113, delete everything after "An exception would exist if a conditional permit is issued.
13. Sec. 16 – 115, change the first paragraph to read: " Whenever the building official, any member of his department, or any police officer finds or is notified that any ~~or~~-junked motor vehicle or motor vehicle accessories have been stored or permitted to remain on any private property within the city, he shall send by certified mail a notice to the owner of record of such vehicle or motor vehicle or accessories, if such owner can be ascertained by the exercise of reasonable diligence, or to the owner of the private property as shown on the tax assessment records of the city, on which the same is located, to remove the ~~vehicle or~~-junked motor vehicle or motor vehicle accessories within thirty (30) days. Such notice shall also contain the following additional information:"
14. Sec. 16 – 115, (2) change to read: " Description and location of the ~~vehicle or~~ junked motor vehicle or motor vehicle accessories in question;"
15. Sec. 16 – 124, ask the City Attorney if this section referencing the former township should be deleted, since with the adoption of the revised ordinance it will have effect over the entire merged city.

Chairman Storm directed staff to make the accepted changes to the ordinance.

A MOTION WAS MADE BY PLANNING COMMISSION MEMBER WAGNER, SECONDED BY PLANNING COMMISSION MEMBER COUGHLIN, TO ADJOURN THE REGULAR MEETING OF THE WYOMING, MINNESOTA PLANNING COMMISSION FOR FEBRUARY 23, 2010 AT 8:15 P.M.

Voting Aye: Storm, Lobermeier, Coughlin, and Wagner

Voting Nay: None

Abstain: None