

**UNAPPROVED MINUTES
PLANNING COMMISSION
REGULAR MEETING
CITY OF WYOMING, MINNESOTA
OCTOBER 28 2008
7:00 PM**

CALL TO ORDER:

Michael Thomas called the Regular Meeting of the Wyoming Planning Commission to order for October 28, 2008 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: Michael Thomas, PJ Richardson, Commission Members, Frank Salava, Ken Meyers, Richard Gleason, Frank Storm, Buck Schott, Judy Coughlin, Mark Loebermeier, Theresa Sarff, Russ Goudge and Sean Wagner
Absent: PJ Richardson, Rich Gleason,
Also Present: City Administrator Craig Mattson, City Staff Member Robb Linwood, Building Official Fred Weck, City Engineer Mark Erichson, and Planning Commission Liaison Tom LaBarre*

DETERMINATION OF A QUORUM:

The Planning Commission Chairman 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."

APPROVAL OF MINUTES:

1. Consider approving the minutes of the "Regular Meeting" of the Wyoming, Minnesota Planning Commission for October 14, 2008.

A MOTION WAS MADE BY PLANNING COMMISSION MEMBER MEYERS, SECONDED BY PLANNING COMMISSION MEMBER WAGNER , TO APPROVE THE "REGULAR MEETING" MINUTES OF THE WYOMING TOWNSHIP, MINNESOTA PLANNING COMMISSION FOR October 14, 2008. WITH THE FOLLOWING CHANGES:

PC Member Russ Goudge would like the following changes to the minutes:

- *The 1st motion for approval on Peterson estates should be Storm and not Salava*

- *The 1st motion to adjourn the meeting should be Goudge*
- *Item number 3, Larry Rabel, in the last paragraph of please strike two sentences, the first sentence begins with “The Planning Commission believes” and the last sentence that begins “The PC thanked” The Planning Commission asks to add the sentence that the Planning Commission will take the request under advisement and consider it in the future.*

Voting Aye: Thomas, Salava, Meyers, Wagner, Sarff, Lobermeier, Schott, Goudge, Storm, and Coughlin
Voting Nay: None
Abstain: None

SCHEDULED PUBLIC HEARINGS

2. Xccent, LLP Conditional Use Permit and Site Plan Review

Staff went over background for Xccent. The memo of understanding between the City of Wyoming and Former Township was referenced as the criteria for much of the site plan and conditional use permit. John Mathiesen was present to discuss his project. The company is currently located in Osceola, Wisconsin; he purchased the company in 2006. Mr. Mathiesen feels the building that Xccent is proposing to build is an extremely nice building. The biggest issue that Xccent is facing is the construction of 257th street. If Xccent needs to use 250th street for construction traffic Mr. Mathiesen will make sure that it is done in a respectable manner, possibly even using off-duty police to regulate traffic. They constructed the building so it was the required 1000ft setback from Heims Lake, they took pride in a nice building, having no variances, and met the concerns of the Former Township and City. The Planning Commission questioned Mr. Mathiesen if the building will be sprinkled. Mr. Mathiesen responded that Yes is will be, and he has worked with the Fire Chief for emergency accesses and fire hydrant placement.

City Engineer Mark Erichson began his review. He wanted to make sure that his report was included in any motions with this project. Xccent needs to have 257th street constructed to move forward with this project. Mr. Erichson is hopeful that 257th will be constructed this spring. The planning Commission questioned what the status on 257th is and will it move forward. Staff responded that they are quite sure that 257th street will be moving forward. The thought is the project will begin this spring and that 250th may be used for some construction access. The planning commission asked if Fairview Ave and 257th street will have any future connections, staff responded it is not allowed or planned. Mr. Erichson stated that the WAC/SAC fees for the Xccent building would be approximately \$114,101. Planning and Zoning questioned whether the road that runs parallel to the freeway will ever be used by Xccent. The road will only be used for construction purposes and for an emergency access. It was questioned by the PC if there will be curb and gutter around the property. The plans show no Curb and Gutter and Engineering does not believe that is necessary that the for stormwater management.

Mr. Mathiesen was asked when he would like to begin construction, he had hoped for late spring and that construction would go on Monday – Friday, with little weekend work. The applicant suggested again if 250th was necessary as a construction access he would be pro-active

in trying not to disturb the people on the road. Xccent is open a shift and half right now and employs 73 people. The Planning Commission and staff noted that the parking are on the south side of the building will have to be a pervious area. The applicant meets requirements for all city ordinances, former township ordinances and conditional use permit standards.

The Planning Commission opens the Public Hearing at 7:34 PM

Tim Montzka – 5294 250th Street

He is impressed with the applicant and his building and would like to thank the city for the process that he has seen tonight. He has some concerns regarding 250th street and he would like to see a posted speed limit of 30 mph. Now that the road is in the City of Wyoming it is a state statute that all city streets be posted by 30 mph signs. The signs will be placed and the Wyoming Police department could put their speed trailer on the road.

The other concern that Mr. Montzka has is the hours of operation. The owner of Xccent says right now they operate about 12 hours a day. He does not know what the future will hold if they would ever increase their hours. Mr. Montzka also questioned the usage of 250th for construction traffic, asked if Fairview would be accessible for a construction road at all. Fairview road is not an option, but the owner said that he would try to bring in as much equipment as he could before May.

The Planning Commission asked if 257th would be moving forward – Administrator Mattson thought that the City would acquire the easement before the end of the year.

Rudy and Mary Olson -

Feels the road assessments that he may pay are unfair. He does not understand how the city will be acquiring the easement for 257th street at this time. The city legal representation is currently in correspondence the Olson legal representation for the estate. The Olson's believed that their assessment is based on a connection of the Xccent property with 250th street. Engineer Erichson said that is in the report, but is erroneous, 250th street will not be connected.

Roger Gierke – 5280 250th Street

He wants to make sure that 250th street will not be an access or connected to the Xccent property. There will be not access for Xccent from 250th Street. There will be blockades on the edge of the Xccent property, not to the edge of 250th street. He was also impressed with accuracy of the prior meeting minutes.

Eric Peterson –

Questioned whether 250th Street can handle construction traffic? It is a 9 ton road and a 5 ton road during weight restrictions.

CLOSE THE PUBLIC HEARING AT 8:02 PM

The Planning Commission was impressed with the plans thought they did an excellent job addressing concerned areas. The PC would possibly like to see some more screening on the south side of the property and the lighting for the building should meet all ordinances. The Planning Commission also suggested if we want to explore an Environmental Worksheet for the area around Heims Lake. The City Engineer said this could be considered as part of 257th street project or each additional site located around the lake, but it is not necessary on this project. The applicant has been sensitive to environmental issues.

A MOTION WAS MADE BY PLANNING COMMISSION MEMBER STORM, SECONDED BY PLANNING COMMISSION MEMBER WAGNER, TO APPROVE THE CONDITIONAL USE PERMIT AND SITE PLAN WITH THE FOLLOWING CONDITIONS: ALL 9 CONDITIONS LISTED BY CITY STAFF, THE PERVIOUS SURFACES ON THE SOUTH PARKING LOT, CITY SECURING EASEMENTS FOR 257TH STREET, ALL COMFORT LAKE FOREST LAKE WATERSHED DISTRICT COMMENTS AND CONCERNS, AND ALL COMMENTS AND CONCERNS FROM CITY ENGINEER WSB.

AN AMMENDEMENT TO THE MOTION WAS MADE BY PLANNING COMMISSION MEMBER STORM, SECONDED BY PLANNING COMMISSION MEMBER COUGHLIN, TO ADD THAT #14 ON THE STAFF REPORT SHOULD INCLUDE SOUTH SIDE OF PROPERTY SCREENING AND ADDITIONAL BERMS

*Voting Aye: Thomas, Salava, Meyers, Wagner, Sarff, Lobermeier, Schott, Goudge, Storm, and Coughlin
Voting Nay: None
Abstain: None*

The final motion reads as follows

A MOTION WAS MADE BY PLANNING COMMISSION MEMBER STORM, SECONDED BY PLANNING COMMISSION MEMBER WAGNER, TO APPROVE THE CONDITIONAL USE PERMIT AND SITE PLAN WITH THE FOLLOWING CONDITIONS: ALL 9 CONDITIONS LISTED BY CITY STAFF, THE PERVIOUS SURFACES ON THE SOUTH PARKING LOT, CITY SECURING EASEMENTS FOR 257TH STREET, ALL COMFORT LAKE FOREST LAKE WATERSHED DISTRICT COMMENTS AND CONCERNS, ALL COMMENTS AND CONCERNS FROM CITY ENGINEER WSB, AND THAT #14 ON THE STAFF REPORT SHOULD INCLUDE SOUTH SIDE OF PROPERTY SCREENING AND ADDITIONAL BERMS

*Voting Aye: Thomas, Salava, Meyers, Wagner, Sarff, Lobermeier, Goudge, Storm, and Coughlin
Voting Nay: None
Abstain: Schott*

PUBLIC HEARING

3. Peterson Companies Inc, - Interim Use Permit for the extraction of black Dirt

Peterson Companies has applied for a 3 year permit for the extraction of Black Dirt. Mr. Peterson has met the criteria for the permit for City Regulations. The City Engineer and Watershed district have made comments and are in favor of the project.

OPEN PUBLIC HEARING AT 8:25 PM

Ken Banta –

Mr. Banta explained he is the neighboring property and just wanted to know a little more about the property. Wanted to know why the permit is classified as a mining permit. The Planning Commission explained to Mr. Banta that to take out more than 400 Cubic Yards of Dirt a year you need a mining permit. The applicant expects to haul out around 5,000 Cubic Yards. Mr. Banta wanted to know if they approving mining on the whole property or just a portion. The Planning Commission showed Mr. Banta plans and showed just a small portion of the property. Staff explained that the permit is good for 3 years, but once use suspends for more than 1 year the permit is void and the applicant would have to re-apply. If he finished earlier than 3 years the applicant would have to give proof to the city that the area is completed before he could be release from his security deposit given to the city.

Mr. Banta asks if the applicant is working with the watershed district. The applicant and staff say yes along with the construction of the pond.

Mr. Banta wanted to know if the applicant had taken borings. Staff replied, “ yes”.

PUBLIC HEARING CLOSES AT 8:34

The Planning commission had asked if the watershed district had given any recommendation about putting something back instead of the existing Canary Reed Grass. The City most likely would like to see some sort of seeding. The county’s LGU had already given approval before the City’s LGU reviewed the project.

The PC asked if this fits with the Watershed districts plans for the area. City Engineer Mark Erichson said the watershed district is not finished with their formal plan but they have commented on the project and feels it is a good project.

The Applicant says it will not just leave the area black dirt and it will seed as they excavate. The Planning Commission likes the idea, the seed will provide erosion control. This should be approved by the City Engineer.

A MOTION WAS MADE BY PLANNING COMMISSION MEMBER WAGNER SECONDED BY PLANNING COMMISSION MEMBER GOUDGE, TO APPROVE THE INTERIM USE PERMIT FOR PETERSON COMPANIES WITH THE FOLLOWING CONDITIONS: STAFF RECCOMENDATIONS 1-6 ARE COMPLIED WITH ALL COMMENTS AND CONCERNS FROM THE CITY ENGINEER AND FOREST LAKE

COMFORT LAKE WATERSHED DISTRICT ARE COMPLIED WITH AND THAT THE APPLICANT REPLACE THE CANARY REED GRASS WITH A SEED AND MULCH.

Voting Aye: Thomas, Salava, Meyers, Wagner, Sarff, Lobermeier, Schott, Goudge, Storm, and Coughlin

Voting Nay: None

Abstain: None

OLD BUSINESS

NONE

DISCUSSION AND UPDATES

NONE

A MOTION WAS MADE BY PLANNING COMMISSION MEMBER STORM, SECONDED BY PLANNING COMMISSION MEMBER WAGNER, TO ADJOURN THE “REGULAR MEETING” OF THE WYOMING, MINNESOTA PLANNING COMMISSION FOR OCTOBER 28^h, 2008 AT 8:55 P.M.

Voting Aye: Thomas, Salava, Meyers, Wagner, Sarff, Lobermeier, Schott, Goudge, Storm, and Coughlin

Voting Nay: None

Abstain: None