

**ELYSIAN PLANNING AND ZONING COMMISSION
REGULAR MEETING
FEBRUARY 1, 2011
MINUTES
CITY HALL
6:00 P.M.**

The Elysian City Planning and Zoning Commission met in regular session on Tuesday, February 1, 2011 at City Hall at 6:00 p.m.

Present were: Commission Chair Mike Kauss; Commissioners: Gary Buchschacher, Jeanette Crawmer, Ralph Dyer, Mary Paul, Tom Springmeyer, Edna Thayer, and Zoning Administrator Patricia Nusbaum.

Vice Chairman Paul called the meeting to order and immediately proceeded to election of officers. Member Thayer placed in nomination the name of Tom Springmeyer for Board Chair; Member Paul placed in nomination the name of Mike Kauss for Board Chair. On motion by Crawmer, seconded by Dyer, all voting in favor, that nominations cease and to vote a private ballot. Balloting finished and ballots audited, Mike Kauss was declared Chairperson.

Member Springmeyer placed the name of Edna Thayer in nomination for Vice-Chair, Member Buchschacher placed the name of Mary Paul in nomination for Vice-Chair. On motion by Crawmer, seconded by Paul, that all nominations cease and to vote a private ballot. Balloting finished and ballots audited, Mary Paul was declared the Vice-Chair.

On motion by Dyer, seconded by Paul, all voting in favor, to approve the agenda with the following addition:

1. Request from John Roessler, Public Works Director, to extend hours for no parking during a snow emergency on Main Street and to make recommendation to Council.
2. Ordinances – Board Responsibility?
3. Code of Conduct for P&Z
4. Variance action on MN Supreme Court decision
5. Visitor's Comments
6. League of Cities Loss Control Workshop – 4/14/11

On motion by Springmeyer, seconded by Thayer, all voting in favor, to approve the minutes of the December 7, 2010 meeting as presented.

Consensus was that the P&Z meetings will continue to be held on the first Tuesday, of each month at 6:00 p.m.

On the of request of Councilmember Edna Thayer's presentation to the Council regarding the removing of the \$50.00 per meeting stipend for all of the member of the Planning and Zoning Commission, several comments were aired regarding the decision. Chairman

Kauss stated he felt insulted that the P&Z were not consulted in the matter; EDA and Council get paid, why target the P&Z? Member Dyer asked why did they take the stipend away? Member Crawmer felt that the Commission had a lot of responsibility, put a lot of effort into what we do, and feel insulted that we are considered to not doing anything. Member Paul stated that the P&Z work hard, the \$50 was a stipend that helped give credit to the work they do, and why does the Council want to make people angry, it could have been handled in a different way. Chair Kauss stated that he had to fill out an application, why not now? Member Buchschacher agreed with Kauss and Paul. Member Springmeyer stated that he wrote a letter to the editor and thanked Roger Hanson for his time served. Council wanted a long range plan and change. The Mayor called and asked him if he wanted to serve on the P&Z Board. Chair Kauss stated that a different process could have been used. Member Thayer apologized.

Chair Kauss stated that no meeting will last longer than 2 hours, and Zoning Administrator Nusbaum will continue to take and record minutes and do agendas.

Plans and goals for 2011:

1. Continue to work on the City Land Use Plan. Further discussion at the next meeting. There is an e-course that can be taken by members of the Commission. If anyone is interested in the course, let the Zoning Administrator know due to the City insurance getting credit on insurance coverage. After a certain number signing up for course the balance of those interested in the course would be free.
2. Discussion was held on the request of the City Council to have the Planning Commission work up a special assessment policy. On motion by Springmeyer, seconded by Crawmer, all voting in favor, to not work with the Special Assessment Policy due to it being a job of the Administrator and Engineer and then approved by the Council.
3. The 2 mile limit for zoning outside the city limits will be addressed at a future meeting. Zoning Administrator along with the Engineer will review the process.

Mayor Anttila was present to explain her plan on housing stimulus. She would like for the EDA and the P&Z to meet together and discuss a plan for moving forward. Zoning Administrator Nusbaum reminded the Commission that if the two Boards meet together, a special meeting would have to be called by the Council, due to three members of the Council would constitute a quorum. The P&Z indicated that if the EDA would pick two dates to meet they would pick one and hold a meeting.

Discussion was held on the request to change the hours during a snow emergency on Main Street from 2:00 a.m. to 6:00 a.m. The request is to change to 8:00 a.m. Member Thayer indicated that she had talked with Fischer's Bar and they sometimes are open for business at 7:00 a.m. On motion by Paul, seconded by Buchschacher, all voting in favor, to recommend to the Council to amend ordinance 54/04 Snow and Ice Control to read snow emergency no parking on Main Street between the hours of 2:00 a.m. and 7:00 a.m. and to post signs accordingly.

Discussion on working on a tree boulevard ordinance was held and the permanent

placement of garbage containers adjacent to the street.

Member Springmeyer offered a copy of a code of conduct for the P&Z Commission.

There were no additional comments by the Chair.

Zoning Administrator updates

- 1. Fee Schedule was updated by City Council after the last P&Z meeting. The removal of the storm water fee and the animal licenses would go back to \$3.00 per year.**

On motion by Paul, seconded by Dyer, all voting in favor, meeting adjourned at 8:00 p.m.

Attest:

Michael Kauss, Board Chairperson

Patricia Nusbaum, Zoning Administrator

**ELYSIAN PLANNING AND ZONING COMMISSION
REGULAR MEETING
MARCH 1, 2011
MINUTES
CITY HALL
6:00 P.M.**

The Elysian City Planning and Zoning Commission met in regular session on Tuesday, March 1, 2011 at City Hall at 6:00 p.m.

Present were: Commission Chair Mike Kauss; Commissioners: Jeanette Crawmer, Ralph Dyer, Tom Springmeyer, Edna Thayer, and Zoning Administrator Patricia Nusbaum.

Absent: Commissioners Gary Buchschacher, and Mary Paul.

Board Chair Kauss offered to move the new business items to the beginning of meeting to accommodate those with business with the P & Z Board.

- 1. Sue Cutts, Realtor, was present to discuss with the Board a concern regarding the house which is for sale located at 205 Main Street East. The house is located in a commercially zoned district. Cutts representing the seller requested the house to be allowed to be sold as a house and not a business. She stated that she had a buyer but wanted to use it as a house. She wondered why with so many empty buildings on Main Street would the Board not want to allow the house to be sold as a house? She suggested that the area be rezoned to residential. Cutts stated that she had checked out the house that sold at 213 Main Street East. The house was sold as a residence. Nusbaum explained that the house could be sold as a house, since it had never been a business. The house is considered a non-conforming use and cannot be enlarged or enhanced. Nusbaum explained that the house located at 205 Main Street East could be lived in as a residence if there was a business located out of the garage building located on the same property. The Board said they would take her concerns under advisement.**
- 2. Karen Kaplan, 10 Cedar Point Lane – was present along with Tiffany Bengtson to ask the Board for a conditional use permit to operate a guest (house) cottage out of the Kaplan house located at that residence. Explanation of the guest (house) cottage was given as a rental retreat for clients to use for a week, weekend, or for a few days. Rent will be \$500 per day. No food will be served. Rentors will bring all of their own supplies. A list of local professionals such as massage, nails, hair, ect., will be available to the clients to call for service. Kaplan offered the covenants of the development and stated that she had consulted with Attorney Cummisky, the person who wrote the covenants and said it could go either way as to whether it was allowable according to the covenants.**

On motion by Crawmer, seconded by Dyer, all voting in favor, to hold a conditional use hearing on April 5, 2011 at 6:00 p.m. to consider the request of Karen Kaplan to allow a guest (house) cottage at 10 Cedar Point Lane.

On motion by Springmeyer, seconded by Crawmer, all voting in favor, to approve the minutes of the February 1, 2011 meeting as presented.

On motion by Thayer, seconded by Dyer, all voting in favor, to approve the agenda as presented.

Old Business:

- 1. Code of Conduct for the P&Z Board was reviewed. On motion by Springmeyer, seconded by Crawmer, all voting in favor, to adopt the following Code of Conduct for the Elysian Planning and Zoning Commission.**

- 1. Be a positive influence at Commission meetings.**
- 2. Recognize the value to you and your Commission of positive medial messages.**
- 3. Be truthful and earn the trust of your fellow Commission members.**
- 4. Understand the roles of both the Commission and staff.**
- 5. Be willing to disagree, but avoid being disagreeable.**
- 6. Always “pick the hills to die on”.**
- 7. Work with your fellow Commission members to solve problems.**
- 8. Do the Commission’s business at the Commission table.**
- 9. Do your homework before you get to the meeting.**
- 10. Be a team player.**

Recommendation was made to the City Council to adopt a Code of Conduct.

- 2. Ordinance 54/04 – Snow and Ice Control – P&Z will not be working with the draft due to the Council turning the ordinance over to the City Attorney for revision.**
- 3. Boulevard Tree Ordinance – Member Thayer offered her research from various cities along Highway #60, with all cities ordinances on tree control and reforestation being a bit different. The question was what does the City Council want the P&Z do with the ordinance? Questioned what the Council wanted the P&Z to be working on during the coming year? Will discuss further at the next meeting.**
- 4. Mentioned the housing stimulus that was being considered by the EDA. Chairperson Kauss stated that it never was a P&Z initiated matter and since the EDA had not picked a date to meet with them, the P&Z would not be involved.**
- 5. Variance regulations – Member Springmeyer updated the Board on the HF 52 which involves proposals of variance regulation changes.**
- 6. 2 mile limit - zoning – Nusbaum will contact Kathy Brockway, Le Sueur County Zoning Administrator, as to her possibly attending the next meeting to get her interpretation of the 2-mile limit surrounding the City of Elysian.**

New Business:

Chairman Kauss asked that anyone with an item for the agenda, to get it to Zoning Administrator Nusbaum one week prior to the meeting.

Discussion was held on the updating of the Land Use Plan. It was decided to review the first 19 pages at the April meeting.

Discussion was held on the consideration of the earlier request to rezone the area of Main Street from Second Street East to Third Street East from Commercial to Residential (R-1). On motion by Crawmer, seconded by Dyer, all voting in favor, to not rezone the commercially zoned area on both sides of street from Second Street East to Third Street East.

Zoning Administrator's updates:

- 1. Review on bldg. under State Statute 463 – referring to an unsafe house which the City Bldg Official and City Attorney have moved forward legally.**
- 2. E- learning Course – Crawmer has signed up and Springmeyer will be signing up.**
- 3. Dividing of property line on the Roemhildt property, researching matter.**

No one was present for visitor's time.

On motion by Springmeyer, seconded by Dyer, all voting in favor, meeting adjourned at 7:46 p.m.

Attest:

Mike Kauss, Chairperson

Patricia Nusbaum, Zoning Administrator

**ELYSIAN PLANNING AND ZONING COMMISSION
REGULAR MEETING
APRIL 5, 2011
MINUTES
CITY HALL
6:00 P.M.**

The Elysian City Planning and Zoning Commission met in regular session on Tuesday, April 5, 2011 at City Hall at 6:00 p.m.

Present were: Commissioners: Jeanette Crawmer, Ralph Dyer, Tom Springmeyer, Edna Thayer, and Zoning Administrator Patricia Nusbaum. Absent: Commissioners Gary Buchschacher, Mary Paul, and Chair Mike Kauss.

Being as the Chair and Vice Chair were not present, Zoning Administrator opened the meeting with Commissioner Jeanette Crawmer offering to chair the meeting.

On motion by Thayer, seconded by Dyer, all voting in favor, to go to public hearing.

PUBLIC HEARING

Zoning Administrator Nusbaum opened the hearing on the request for consideration of Karen Kaplan, 10 Cedar Point Lane, for a conditional use permit for the purpose of her home to be allowed to be used as a guest house.

Tiffany Bengtson presented in absence of Karen Kaplan. Bengtson stated that the house would be rented out to a small group of guests for a weekend, possibly a week at a time. It sleeps eight people at \$100.00 per night per person. The Le Sueur County Board of Health has checked it out and gave their approval. The guests will be providing their own food. A list of local vendors will be available for the guests to call if they would like service.

Public Comment:

1. **Mike Drummer – 15 Cedar Point Drive – he has lived in 8 different CIC's and any change within the use of the properties in a CIC must come before the association board. There has to be a unanimous vote before any change can occur. He questioned the use of a rental for a guest house. Questioned the consideration of a business in a residential zone. A vote needs to be taken from the association.**
2. **Dave Kudrle – 9 Cedar Point Lane - he was representing his brother Chip Kudrle, President of the Cedar Point Association. He had received information from some of the other property owners who were concerned about the request and that those he had talked to were not in favor.**
3. **Wayne Murra – 14 Cedar Point Drive – was respectful of those who were requesting the permit, but was concerned about the traffic on the private drive, was concerned about people living in the Kaplan area walking with Grandchildren and safety with other people out in the area.**
4. **Larry Knutson – 17 Cedar Point Lane – wanted to reiterate what Nusbaum had said about no personal attacks on any one. He stated he was worried about what was next? Maybe more would want to do something with their property. It would no longer be a private community.**
5. **Dr. John Springer – 13 Cedar Point Drive – A CIC is a community in common. There are rules and stipulations of what can or cannot be done. He wanted nothing personal against the property owners, but regulations must be followed.**

6. Sherri Knutson – 17 Cedar Point Lane – she wanted to be respectful of those involved with the request, but in order to get guests to come to the guest house there would have to be extensive advertising and marketing done. To what expense? As more people discover the area, the privacy of the property owners would be minimized.

Planning and Zoning commissioners questioned if there was a covenant for the development, if the requestors had been to a meeting of the property owners, which Bengtson stated that she had not; and questioned those property owners present as to their thoughts on the vote of the association. All present stated that they were opposed to the request.

On motion by Thayer, seconded by Crawmer, all voting in favor, hearing was closed at 6:23 p.m.

On motion by Thayer, seconded by Dyer, all voting in favor, to open the regular meeting of the Planning and Zoning Commission at 6:24 p.m.

On motion by Springmeyer, seconded by Dyer, all voting in favor, minutes of March 1, 2011 meeting were approved as presented.

On motion by Springmeyer, seconded by Dyer, all voting in favor, to approve the agenda as presented.

Discussion was held on the public hearing. Concern that since there were covenants, in which the City is not involved. On motion by Thayer, seconded by Dyer, all voting in favor, to table the request until Kaplan could meet with the Association.

The matter concerning the sanitary sewer hookup for a business on Main Street which had been discussed at the previous meeting, is being handled by the proposed new owner and the present owner to hook up directly to the sanitary sewer line going under the building to the west of the proposed business.

Le Sueur County Zoning Administrator will be rescheduled for a later meeting.

Discussion was held on a photography business in a home in an R-1 zoned area. Since no one will be coming to the home, it all being done over the internet, on motion by Springmeyer, seconded by Dyer, all voting in favor, it was determined that it would not constitute a home occupation or a business in a residential area.

A review was made of the first 19 pages of the Land Use Plan. New census figures will be placed in plan as they are received. Next meeting pages 22 – 32 will be reviewed.

It was decided to hold no meeting in May unless an emergency issue occurred.

A card will be signed by the Commissioners of the Planning and Zoning Commission to Mike Kauss on the death of his Father-in-Law. Commissioners will stop in at City Hall to sign the card.

On motion by Springmeyer, seconded by Dyer, all voting in favor, meeting adjourned at 7:11 p.m.

Attest:

Jeanette Crawmer Board Chair Pro-tem

Patricia Nusbaum, Zoning Administrator

**ELYSIAN PLANNING AND ZONING COMMISSION
REGULAR MEETING
MAY 3, 2011
MINUTES
CITY HALL
6:00 P.M.**

The Elysian City Planning and Zoning Commission met in regular session on Tuesday, May 3, 2011 at City Hall at 6:00 p.m.

Present were: Commission Chair Mike Kauss; Commissioners: Gary Buchschacher, Ralph Dyer, Edna Thayer, and Zoning Administrator Patricia Nusbaum. **Absent:** Commissioners Mary Paul, Tom Springmeyer, Jeanette Crawmer.

On motion by Thayer, seconded by Dyer, all voting in favor, minutes were approved as presented.

Discussion was held on the action taken at the last Planning and Zoning meeting regarding the tabling of the request for a conditional use permit for Karen Kaplan on a guest cottage at 10 Cedar Point Drive, Kaplan Subdivision. Consideration concerns included: the use being in conflict with the Elysian Zoning Ordinance due to it being a business in a residentially zoned area, the use was not compatible for the area, the applicant at this time was not going to pursue the request.

On motion by Thayer, seconded by Buchschacher, all voting in favor, to remove the tabling action held at the last meeting on the request from Karen Kaplan and recommend to the Council that the conditional use permit not be granted.

No meeting will be held in July.

On motion by Thayer, seconded by Buchschacher, all voting in favor, meeting adjourned at 6:12 p.m.

Attest:

Mike Kauss, Chairperson

Patricia Nusbaum, Zoning Administrator

**ELYSIAN PLANNING AND ZONING COMMISSION
REGULAR MEETING
JUNE 7, 2011
MINUTES
CITY HALL
6:00 P.M.**

The Elysian City Planning and Zoning Commission met in regular session on Tuesday, June 7, 2011 at City Hall at 6:00 p.m.

Present were: Commissioners: Mike Kauss, Chair, Ralph Dyer, Jeanette Crawmer, Mary Paul, Edna Thayer, and Zoning Administrator Patricia Nusbaum. Absent: Commissioner Gary Buchschacher.

On motion by Crawmer, seconded by Paul, all voting in favor, to approve the minutes of the May 3, 2011 meeting as presented.

On motion by Dyer, seconded by Crawmer, all voting in favor, to approve the agenda as presented.

Discussion was held on the council action on elimination of membership in the MN Valley Council of Governments. MN Valley Council of Governments it was noted that they had been a staple in helping with the Planning and Zoning Commission.

Discussion was held on the guest house regulations section in the Zoning Ordinance.

Land Use Plan – pages 20-26 were reviewed. Questions concerning what is being done for small businesses? Question was suggested to be reviewed by the EDA. It was stated that a store owner was contacted and they stated that no one from EDA had ever approached them.

It was stated that all Commissioners should make a list of the work done and what is to be done and put a list before the Council to see what they want the Board to do.

On consensus, there will be no July and August meetings unless an issue needs to be addressed.

On motion by Springmeyer, seconded by Paul, all voting in favor, meeting adjourned at 7:05 p.m.

Attest:

Mike Kauss, Board Chair



Patricia Nusbaum, Zoning Administrator

**ELYSIAN PLANNING AND ZONING COMMISSION
REGULAR MEETING
AUGUST 2, 2011
MINUTES
CITY HALL
7:00 P.M.**

The Elysian City Planning and Zoning Commission met in regular session on Tuesday, August 2, 2011 at City Hall at 7:00 p.m.

Present were: Commissioners: Tom Springmeyer, Gary Buchschacher, Ralph Dyer, Edna Thayer, and Zoning Administrator Patricia Nusbaum. Absent: Commissioners Jeanette Crawmer, Mary Paul, and Chair Mike Kauss. Also present was City Attorney Jason Moran.

Being as the Chair and Vice Chair were not present, Zoning Administrator opened the meeting and upon a motion by Thayer, seconded by Dyer, all voting in favor, to appoint Commissioner Springmeyer to chair the meeting.

On motion by Thayer, seconded by Dyer, all voting in favor, to approve the agenda as presented.

Chair Springmeyer presented information on the legalities of the question as to the process of the conversion of a private drive to a public street. Attorney Moran stated that the city could accept the street under the “common law” definition. He indicated that all property owners, 100%, would have to sign a petition requesting the city to accept the street. A petition had been presented to the City Council with four properties not having signed the petition.

John Sandquist, 107 Willow Point – indicated that it was a good possibility that he could get the four signatures prior to hearing on the matter.

On motion by Thayer, seconded by Dyer, all voting in favor, to make recommendation to the Council to consider the “Common Law” definition and to accept as a city street.

No action was taken on by Jeremy Brown matter.

On motion by Dyer, seconded by Buchschacher, all voting in favor, meeting adjourned at 7:40 p.m.

Attest:

Thomas Springmeyer, Chair Pro Tem

Patricia Nusbaum, Zoning Administrator

**ELYSIAN PLANNING AND ZONING COMMISSION
REGULAR MEETING
SEPTEMBER 6, 2011
MINUTES
CITY HALL
6:00 P.M.**

The Elysian City Planning and Zoning Commission met in regular session on Tuesday, September 6, 2011 at City Hall at 6:00 p.m.

Present were: Commissioners: Chair Mike Kauss; Tom Springmeyer, Jeannette Crawmer, Ralph Dyer, Edna Thayer, and Zoning Administrator Patricia Nusbaum. Absent: Commissioners Gary Buchschacher and Mary Paul.

The Pledge to the US Flag was given and a moment of silence for the US troops now serving.

On motion by Springmeyer, seconded by Dyer, all voting in favor, minutes were approved as presented.

On motion by Dyer, seconded by Crawmer, all voting in favor, to approve the agenda as presented.

No action was taken on the Jeremy Brown request due to not being present at meeting.

The Land Use Plan was discussed. For the next meeting each Commissioner, along with Nusbaum, will go over the Plan to determine what has been accomplished and what is yet to be done.

On motion by Thayer, seconded by Springmeyer, all voting in favor, meeting adjourned at 6:35 p.m.

Attest:

Mike Kauss, Board Chairperson

Patricia Nusbaum, Zoning Administrator

**ELYSIAN PLANNING AND ZONING COMMISSION
REGULAR MEETING
OCTOBER 4, 2011
MINUTES
CITY HALL
6:00 P.M.**

The Elysian City Planning and Zoning Commission met in regular session on Tuesday, October 4, 2011 at City Hall at 6:00 p.m.

Present were: Commissioners: Chair Mike Kauss; Tom Springmeyer, Jeannette Crawmer, Ralph Dyer, Edna Thayer, and Zoning Administrator Patricia Nusbaum. Absent: Commissioners Gary Buchschacher and Mary Paul.

The Pledge to the US Flag was given and a moment of silence for the US troops now serving.

On motion by Springmeyer, seconded by Dyer, all voting in favor, minutes were approved as presented.

On motion by Dyer, seconded by Springmeyer, all voting in favor, to approve the agenda as presented.

Next on the agenda was the request of the Council for the Planning and Zoning Commission to review the consideration of the petition of all property owners on Chesnut's, Chesnut's 2, and Chesnut's 3 (Willow Point Drive) for their private drive to be accepted by the City Council as a public street. Council had discussed the matter. Questions had arisen which involved the legalities on the transfer of that portion of the private drive to the City, where the utilities easements are located in the street, and as to whether the street is the actual private drive easement. The matter was referred to the Planning and Zoning Commission for review and to make a recommendation to the Council.

Public Works Director John Roessler was present to explain the mapping of the area along with the easements for the placement of utility lines on the private drive. After discussion, motion was made by Thayer, seconded by Crawmer, all voting in favor, to recommend to the Council that the petition from the property owners be accepted with the following conditions:

1. The costs to transfer the property to the City be borne by the property owners,
2. If possible, to use the mapping which the city has for the easements which also indicates street width, without the cost of a survey.
3. The area of the private drive not blacktopped will be blacktopped at the expense of the property owner.

The Land Use Plan was briefly discussed. No action was taken.

On motion by Dyer, seconded by Springmeyer, all voting in favor, meeting adjourned at 7:28 p.m.

Attest:

Mike Kauss, Board Chair

Patricia Nusbaum, Zoning Administrator