REGULAR AGENDA - 7:00 PM

I. CALL TO ORDER

Chair Pro Tempore Fannin called the meeting to order at 7:02pm

II. ROLL CALL

Council Members Present: Commission Member Scott Malone

Vice Chair John Fannin

Commission Member Don Haase Commission Member Josh Swierk

Council Members Absent: Chair Mark Delozier

Commission Member Keith Hogarth Commission Member Lea Ragan

Also Present: Staff Advisor Lisa Von Bargen

Planning \ GIS Technician Laura Robertson

Recording Secretary Wendy Farlin

Mary Day and Mary Jo Evans were present in the audience.

III. APPROVAL OF MINUTES

1. Regular Meeting of October 10, 2012

MOTION: Commission Member Don Haase moved, seconded by Commission Member Scott Malone, Motion to Approve Regular Meeting of October 10, 2012.

VOTE ON THE MOTION: 4 yeas, 3 absent (Lea Ragan, Mark Delozier, Keith Hogarth). MOTION CARRIED.

- IV. PUBLIC APPEARANCES
- V. PUBLIC BUSINESS FROM THE FLOOR
- VI. PUBLIC HEARINGS

(REZONE #11-02) Rezone Lot 2, Block 2, Zook Subdivision from CR (Commercial Residential) to LI (Light Industrial). Applicant: Don Gunion

Lisa stated that Mr. Gunion would like to make it legal for him to place an additional mobile home on his lot in Zook subdivision, combining two mobile homes into one living unit for his son and family. The property is zoned Commercial Residential right now which does not allow for more than one dwelling on a piece of property. If the zoning is changed to Light Industrial, Mr. Gunion can then apply for a conditional use permit for a mobile home park which would allow him to combine two mobile homes into one as a park, in addition to his main residence. That is why this public hearing is for the rezone and the next public hearing is for the conditional use permit. Commissioner Malone asked what the difference was between a mobile home court and mobile home park and Lisa responded there is no difference. Commissioner Malone further asked if the Commission was going to allow him to only place the one additional mobile home on the property or would Mr. Gunion be allowed to create a park. Lisa responded that there will be conditions that define what can and cannot be done on the property. Mary Jo Evans stated that it had no bearing on her property but was curious what the zoning was for the adjacent properties. Lisa responded that it was commercial residential and Mary Jo asked if it would then be a spot re-zone. Lisa stated that it would not be; the code allows for zoning change requests on properties that are two acres or more and Mr. Gunion's property meets that requirement. Commissioner Haase stated that the application says the adjacent properties are Light Industrial. Lisa Von Bargen responded that she will confirm the zoning.

2. (CUP #11-05) Conditional Use Permit for a mobile home court on Lot 2, Block 2, Zook Subdivision. Applicant: Don Gunion

Chair Pro Tempore Fannin stated that it was basically the same conditions as the first public hearing; this hearing is for whether or not to allow the conditional use permit to be issued. There were no comments.

3. (CUP #12-02) Day Care Center at Lot 22, Block 1, Mineral Creek Heights Subdivision. Applicants: Mary and Ed Day

Lisa stated that Mary and Ed Day wish to increase the limit of children allowed for their home day care. The City regulations cap the number at six unrelated children for a home daycare. In order to increase the number, they have to move to a day care center, in the home, which requires a conditional use permit. Lisa further stated that the Days have met all of the state requirements. Lisa also stated that the office received one phone call from a person who apologized that they could not be present for the meeting but did not have any objections. Chair

Pro Tempore Fannin stated that this will come back to the Commission at the next meeting for action, at which time the Commissioners can comment and discuss.

VII. NEW BUSINESS

1. Approval of cancellation of the December 26, 2012 regular meeting

MOTION: Commission Member Don Haase moved, seconded by Commission Member Scott Malone, Motion to Approve Approval of cancellation of the December 26, 2012 regular meeting.

There was no discussion.

VOTE ON THE MOTION: 4 yeas, 3 absent (Lea Ragan, Mark Delozier, Keith Hogarth). MOTION CARRIED.

2. Discussion Item: Blueberry Hill replat

Laura Robertson stated that Mary Jo Evans approached the City with a few ideas on replatting the undeveloped property in her subdivision on Blueberry Hill. Laura further stated that there are a number of things that a replat can address and Mary Jo wanted to run it by the Commissioners before having a surveyor work up a preliminary proposal. There are three main areas that were discussed. The first item was access to Lot 5 which is tricky and the best way to access it would be to vacate the current beach access and place the driveway there. Secondly, there is no platted snow storage area so a possible area could be parceled out for the City to purchase. The third item is Tract G. Since there isn't too much that can be done on Tract G, Mary Jo is considering extending the boundaries for lots 9-12 which would give those lots beach access. There was a lengthy discussion as to whether or not the beach access in question is actually a dedicated easement or whether it has just been used for that purpose but is actually private property. Laura Robertson stated that there isn't a definition of the word access to determine if that means a dedicated easement or not. Mary Jo said it is her property but Chair Pro Tempore Fannin stated that it is recorded on the plat as beach access but is not clearly stated what that means. Mary Jo stated that she is just asking if the Commission is willing to look at changing the subdivision and Chair Pro Tempore Fannin responded that without a clear determination on the beach access, he didn't feel the Commission could make any kind of commitment. Laura Robertson pointed out that even if the access is determined to be a dedicated easement, people are still crossing private property on Tract G to get where they want to go. Mary Jo said that she didn't want to go through the expense of having a surveyor do work if the Commission wasn't going to support the replat. Lisa Von Bargen stated she would supply all of the information to the City attorney and have them give an opinion as to whether the beach access

indicated on the plat is considered private property or a dedicated easement. This would give both the Commission and Mary Jo Evans a better idea on how to proceed.

VIII. REPORTS

1. E-Notes

There were no E-notes.

2. Staff Reports (Verbal at meeting)

Lisa reminded Commissioners that iPad issuance will be November 29th from 12:00pm to 7:00pm and training will be on Tuesday, December 4th from 6:00-7:00pm in Council Chambers.

3. Abatement Report (Verbal & distributed at meeting)

Lisa stated that she had intended to bring a written report but her computer malfunctioned. The Coffey property has been abated. The City received the notice and order from the court at the beginning of November. The notice was posted by Laura Robertson for five days and it was added as a change order to Roger Kipar's abatement contract. Roger completed the clean up in approximately two days and the property is now clean. Lisa reported that the total cost of the abatement is just around \$8,500; \$6,000+ in legal fees and \$2,000 in actual abatement costs. This amount will be added to the Coffey property as a lien. Chair Pro Tempore Fannin asked that if it is correct that if a lien is placed on a property and then someone is interested in buying that property, the lien must be satisfied and Lisa confirmed that is correct. Lisa reported that Thawai Yutiwong, widow of Mr. Robert Estes, came to the Community Development department in regard to her property and spoke with Laura Robertson. Ms. Yutiwong stated that she had been told that her property was going to be burned down by the City, which is absolutely not true. Lisa further stated that she would confirm with the City attorney on what the status is of the notice to proceed in court and will work with Ms. Yutiwong. Chair Pro Tempore Fannin asked how long the City had been dealing with this property and Lisa responded that the first complaint was in 2005. Chair Pro Tempore then asked if the City would be "resetting the clock" or continuing with proceedings and Lisa responded that proceedings will continue, although now that Ms. Yutiwong has made contact it's not clear what legally is required to allow her to respond since the notice is in Mr. Estes' name. Commissioner Malone asked what the fees have been so far and Lisa responded that it is over the \$15,000 mark for legal fees.

Laura gave a brief update on the Airport Industrial abatement project. Rick Wade has removed almost everything on one lot and is stockpiling it since the metal recyclers won't take anything right now. Rick has moved on to the two lots behind the Welch's property and, as with everything else that has been abated this fall, every mound has uncovered more junk to be cleared. Laura reported that he is approximately a third of the way completed. Laura further stated that if the Commission was interested in seeing what has been done, now is the time to drive out there as all of the junk is in piles.

Lisa praised Laura for taking on the managing of this project because it has taken an enormous amount of time. Laura is out of the office almost every day verifying the amount of hours worked by the contractors as well as the progress being made.

IX. COMMISSION BUSINESS FROM THE FLOOR

Commissioner Malone asked what the status was on the new recyclers. Laura stated that they have not moved to town yet as they have not been able to secure the required bond. Lisa added that in order to secure a bond, the company is required to put up collateral of at least 50% of the value of the bond. The City is asking for a \$250,000 bond which would make the collateral at least \$125,000 and since they don't have the capital to purchase the land at \$100,000, they don't have the capital to lease because of the required bond. Lisa further stated that the company has asked that the bond be waived and that decision will perhaps be a recommendation of the Planning and Zoning Commission with the final decision being the Council's. Lisa stated that most likely the attorney will recommend that the bond waiver not be approved, that typically municipalities do not like to lease to recyclers because of the potential of liability in clean up and clean up costs. Lisa reported on an article about the decline of development in China and the impact on recyclers in the Lower 48. The demand for recycled steel and metal is not as great as in the past so the recycling business has declined. Lisa further stated that while the recycling business is an ebb and flow business, currently it seems to be on a decline.

There was no other Commission business from the floor.

X. ADJOURNMENT

The meeting was adjourned at 8:11pm