

**New York Mills Zoning Committee  
Regular Meeting  
May 22, 2012  
1:00 p.m.**

**CALL TO ORDER AND DETERMINATION OF A QUORUM**

The regular meeting of the New York Mills Zoning Committee was called to order at 1:18 p.m. in the City Hall Council Chambers, New York Mills, Minnesota, all members of the Committee having been notified of the meeting. A quorum was present.

**Members Present:** Chairperson Dianna Wallgren, Julie Gerber, Mike Parta, Jason Schik

**Members Absent:** Ken Peltier, Jann Lee, Greg Imsande

**Staff Present:** Zoning Administrator Dave Delaney, Administrative Assistant Cheri Kopveiler

**Call to Order:** The regular April meeting of the New York Mills Zoning Committee was called to order at 1:18 pm. by Chairperson Dianna Wallgren. **A quorum was present.**

**Approval of Minutes:**

Administrative Assistant C. Kopveiler noted that the motion made during the April 3, 2012 meeting to leave the ordinance as it is regarding regulation of swimming pools was contrary to what the committee had been discussing. Presently the ordinance states that pools are considered impervious surface and would therefore, need a permit as a structure. In discussion last month, the Committee agreed they did not want to regulate pools.

*A motion was made by M. Parta to rescind last month's motion made by J. Lee to leave swimming pool regulations the same and approve the minutes of the April 3, 2012 meeting with this change, seconded by J. Gerber and carried without a dissenting vote.*

**New Business:** Welcoming of Zoning Committee Member—

Chairperson Dianna Wallgren welcomed new committee member Jason Schik. Jason's position was approved by the City Council at their May meeting along with the resignation of member Steve Schulz. Jason owns Schik Engineering in New York Mills.

**Old Business:**

A. Update on Proposed Changes to Ordinance—

1. Impervious Surface—

Administrative Assistant C. Kopveiler reported that she spoke with League of Minnesota Cities attorney Jed Burkett regarding impervious surface, including his recommendations for swimming pools, gravel driveways and porous pavers. He provided several examples from other small cities in Minnesota and stated that it is a rather common practice to exclude water surface area of swimming pools from impervious surface.

He did not have a firm recommendation about gravel driveways, but felt they did resist the normal absorption to some degree. He also sent samples of several ordinances regarding porous pavers. Discussion ensued. J. Schik pointed out that there are porous pavers and also asphalt systems which allow for fast absorption. Committee members agreed that using Hutchinson's example to make an exception for systems engineered to be permeable with the underlying soils suitable for infiltration was a good choice. They also felt that documentation of these systems should be required upon request.

**A motion was made by J. Gerber to omit water surface area of swimming pools and ponds from consideration as impervious surface and make an exception (with documentation) for porous paver blocks or pavement systems engineered to be permeable. Gravel driveways are to remain impervious surface. Motion was seconded by J. Schik and carried without a dissenting vote.**

B. 2. Swimming Pools—

League of Minnesota Cities attorney Jed Burkett also gave some recommendations for swimming pools and sent samples of other small cities' ordinances. He suggested specifically defining "portable pools," separating them from permanent pools and then exempting portable pools from requiring a permit. Aitken, Minnesota's ordinance exempts nonpermanent pools but states that such pools must still conform to the provisions in the ordinance in relation to setbacks, discharge of water and distance of noisemaking equipment from neighboring homes. Discussion ensued.

**A motion was made by M. Parta to differentiate portable pools and permanent pools in the ordinance, and exempt portable pools from requiring a zoning permit, while still requiring that they conform to zoning provisions. Motion was seconded by J. Gerber and carried without a dissenting vote.**

**Zoning Administrator's Report:**

Zoning Administrator Dave Delaney reported that Casey's General Stores Inc. has secured its demolition and zoning permits. A demolition of an older home on South Main has also been done and a new home is being constructed. There have been many other permits for smaller projects issued, including fences, signs, and decks.

Delaney also suggested a change in the zoning ordinance regarding fence setbacks. Currently the ordinance requires a setback from the property line of 6". Delaney pointed out that if two property owners are building a fence they would have to leave a gap between of 12". Discussion ensued. Committee members agreed to change the wording to "inside the property line".

**New Business Cont.**

Country View Matter—

An offer has been made on Outlot A and Block Six, Lots 1, 2 and 3 of Country View Addition. This area is covered significantly by wetlands and lower ground. The buyer would like to buy the entire piece, which totals nearly 26 acres. In order to accommodate the sale, this property would need to be rezoned to RBC from its current classification of RA. The Zoning Committee discussed the location, integrity of the soils for development and impact on the housing development and agreed that they were in favor of the change. This change would be initiated by the NYM Economic Development Authority which owns the property.

**A motion was made by M. Parta and seconded by J. Gerber to concur with the EDA's decision on whether the Country View Outlot A (R73000990580000) and Block 6, Lot 4 (R73000990569000), Lot 5 (R73000990570000) and Lot 6 (R73000990571000) should be rezoned from RA to RBC. Rezoning may proceed based upon EDA action with no further action required by the Zoning Committee. Motion was carried without a dissenting vote.**

**Next Meeting Date:**

The next meeting of the Zoning Committee will be held on Tuesday, June 26, 2012 at 1:00 p.m.

**Adjournment:**

**A motion was made by J. Gerber to adjourn the meeting at 2:00pm, seconded by M. Parta and carried without a dissenting vote.**

Respectfully Submitted by,

Cheri Kopveiler  
Administrative Assistant/Zoning