

**MELROSE PLANNING AND ZONING COMMISSION
REGULAR MEETING
MONDAY, APRIL 24, 2023 – 6:00 P.M.**

AGENDA

1. Call to Order/Roll Call/Pledge of Allegiance
2. Approval of Agenda
3. Approval of Minutes
4. Reports
 - a. City Planner Report
5. Action Items
6. Unfinished Business
 - a. Zoning Ordinance Amendment
 - b. Building Permit Penalties/Fees
7. New Business
 - a. RFP for Comprehensive Plan
 - b. Nuisance Ordinance
 - c. Section 1300 Building Moves
 - d. Vacant Building Registration
8. Informational Items
 - a. Next Meeting
9. Issues by Planning and Zoning Commission Members and/or Staff
10. Adjournment

**MELROSE PLANNING AND ZONING COMMISSION
REGULAR MEETING
MONDAY, APRIL 24, 2023– 6:00 P.M.**

A.I. #1 CALL TO ORDER/ROLL CALL/PLEDGE OF ALLEGIANCE

The Melrose Planning and Zoning Commission met in a Regular Meeting on Monday, April 24, 2023, at 6:00 p.m. pursuant to due notice being given thereof. Present were Commission Members Jason Seanger, Adam Paulson, Dave Berscheit, Jean McDonald, Joelene Wieling, City Administrator Colleen Winter, and City Planner Sheila Hellermann. Commission Member Shawn Mayers, and Nick. Shaw were absent. Chair Seanger called the meeting to order.

The Pledge of Allegiance was recited.

A.I. #2 APPROVAL OF AGENDA

A motion was made by Ms. McDonald seconded by Mr. Berscheit and unanimously carried to approve the agenda as submitted.

A.I. #3 APPROVAL OF MINUTES

A motion was made by Mr. Berscheit, seconded by Ms. Wieling and unanimously carried to approve the minutes from the Commission's March 27, 2023, Regular Meeting.as amended. "Dave Berscheit speaking as the applicant stated that essentially what he has come across is that the ordinance puts them in a tight spot. Exposed vs. non-exposed . Mr. Berscheit stated that when looking at the different types of metal roofing, the components are made of the same material, same coating, same gauge"

A.I. #4 REPORTS

City Planner Sheila Hellermann provided an update on the Riverside Flats and Kwik Trip project. There will be a special joint meeting with the Melrose City Council, MADA, Planning and Zoning Commission, and the Parks and Recreation Board to discuss the Railroad West PUD. The Parks and Recreation Board has been busy with the Sauk River Park campground and improvements. City Attorney Dymoke and Ms. Hellermann have been discussing the THC Ordinance. They have been holding off waiting for the outcome of the legislative vote on the marijuana bill. The draft ordinance will be put before the Planning and Zoning Commission. Ms. Hellermann provided an update on Rose Park.

A.I. #5 ACTION ITEMS

None

A.I. #6 UNFINISHED BUSINESS

- a. At the March 27, 2023, Planning & Zoning Commission meeting a public hearing was held regarding changes to Section 211.06 (1.3) of the zoning ordinance concerning the use of metal roofing in residential areas. At the last meeting, the public hearing was closed but action on the amendment was tabled. The Commission reviewed the draft ordinance.

THE CITY COUNCIL OF THE CITY OF MELROSE ORDAINS AS FOLLOWS: 9
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SECTION 1. Melrose City Code Chapter 153: Zoning Regulations, Section 211.06(1.3) Dwelling 11 Guidelines - Roof, is hereby repealed, and in lieu of said section is substituted the following:

Roof: Roofs shall be shingled with asphalt, wood, tiles, new metal shingles, new metal roofing 13 materials, or other comparable materials, as allowed by the applicable building code. New metal 14 shingles and new metal roofing materials shall:

- a) not be corrugated metal,
- b) not be galvanized metal,
- c) be of a single color, excluding trim, which may be of a contrasting color,
- d) have either color matched fasteners or concealed fasteners, and
- e) be refinished as needed by a licensed contractor.

At the last meeting, the public hearing was closed but action on the amendment was tabled.

A motion was made by Ms. Wieling, seconded by Mr. Berscheit and unanimously carried adopting the revisions to Section 211.06 (1.3) of the zoning ordinance and recommending adoption of the proposed ordinance.

- b. At the March 27, 2023, the Planning & Zoning Commission discussed the need for penalties or fees associated with failure to get a building permit and/or not following an issued permit. We reviewed other cities' fee schedule.

In talking with our building official, they normally see double the permit cost. In talking with Attorney Scott Dymoke, in our zoning ordinance Section 902.03 it states, *"The Council shall establish by ordinance the schedule of fees for building and occupancy permits and other related permits."* Attorney Dymoke feels this is sufficient in terms of the zoning ordinance. He recommended the Planning & Zoning Commission make a recommendation to the Council for an amended fee schedule (which is adopted at the beginning of each year) establishing these fees.

A motion was made by Mr. Berscheit, seconded by Ms. McDonald and unanimously carried recommending the Council add the following fees to the City Fee Schedule: Lack of permit 2 x the building permit fee, Building code violation \$100 per offense per day, and Repeat Code Violation within 24 months double:

A.I. # 7 NEW BUSINESS

- a. The Requests for Proposals for the updating of the city's comprehensive plan were due on March 27, 2023. We received one proposal. The budgeted amount for this work was \$40,000. The proposal has a three- phase fee schedule totaling \$67,700 The Commission reviewed the RFP. Staff is looking at obtaining additional funding. Ms. Hellermann contacted the Initiative Foundation out of St. Cloud and they have agreed to contribute \$5,000. Another option is to go back to Community Design Group and scale back the project somewhat and have staff do some of the work

in house.

The Commission by consensus authorized staff to work with Community Design Group on the Comprehensive Plan and to scale back the project and have staff do some of the work in-house.

- b. The City has been dealing with issues in Rose Park and late last summer lost a lawsuit involving Melrose Community, LLC. Attorney Scott Dymoke has been reviewing the nuisance ordinance and zoning ordinance to clean up the issues which the judge had concerns about.

The Commission reviewed the proposed, revised Nuisance Ordinance. This is adopted by the Council, not Planning & Zoning Commission, however the Planning & Zoning Commission's review and comment has been encouraged. A public hearing is not required.

AN ORDINANCE AMENDING CHAPTER 93 OF THE MELROSE CITY CODE ASSESSABLE SERVICES; NUISANCES

THE CITY COUNCIL OF THE CITY OF MELROSE ORDAINS AS FOLLOWS:

SECTION 1. Melrose City Code Section 93.18 Public Nuisances Affecting Peace and Safety, is hereby amended by adding the following:

(X) Buildings or structures that are:

(1) declared unfit for human habitation pursuant to Melrose City Code Section 151.24, or

(2) subject to a Compliance Order pursuant to Melrose City Code Section 151.25(G), or

(3) subject to a Vacation Order issued by the Building Official pursuant to Minnesota Rules part 1300.0180.

SECTION 2. Melrose City Code Section 93.20 Duties of City Officers, is hereby amended as follows:

The Police Department and City Building Official shall enforce the provisions relating to nuisances. Any police officer or building official shall have the power to inspect private premises and take all reasonable precautions to prevent the commission and maintenance of public nuisances. Except in emergency situations of imminent danger to human life and safety, no police officer or building official shall enter private property for the purpose of inspecting or preventing public nuisances without the permission of the owner, resident, or other person in control of the property, unless the officer has obtained a warrant or order from a court of competent jurisdiction authorizing the entry, as provided in 26 §10.20.

SECTION 3. Melrose City Code Section 93.21(A)(1) Notice of Violation, is hereby amended as follows:

Written notice of violation shall be served by a police officer on the owner of record or occupant of the premises either in person or by certified or registered mail. If the premises are not occupied, the owner of record is unknown, or the owner of record or occupant refuses to accept notice of violation, notice of violation shall be served by posting it on the premises.

SECTION 4. Melrose City Code Section 93.21(B) Procedure, is hereby amended as follows:

Whenever a police officer or building official determines that a public nuisance is being maintained or exists on premises in the city, the officer or building official

shall notify in writing the owner of record or occupant of the premises of that fact and order that the nuisance be terminated or abated. The notice of violation shall specify the steps to be taken to abate the nuisance and the time within the which the nuisance is to be abated. If the notice of violation is not complied with within the time specified, the police officer or building official shall report that fact forthwith to the City Council. Thereafter, the City Council may, after notice to the owner or occupant and an opportunity to be heard, determine that the condition identified in the notice of violation is a nuisance and further order that if the nuisance is not abated within the time prescribed by the City Council, the city may seek injunctive relief by serving a copy of the City Council order and notice of motion for summary enforcement.

SECTION 5. Melrose City Code Section 93.21(C) Emergency procedure; summary enforcement, is hereby amended as follows:

In cases of emergency, where delay in abatement required to complete the notice and procedure requirements set forth in divisions (A) and (B) of this section will permit a continuing nuisance to unreasonably endanger public health, safety, or welfare, the City Council may order summary enforcement and abate the nuisance. To proceed with summary enforcement, the a police officer or building official shall determine that a public nuisance exists or is being maintained on premises in the city and that delay in abatement of the nuisance will unreasonably endanger public health, safety, or welfare. The police officer or building official shall notify in writing the occupant or owner of the premises of the nature of the nuisance and of the city's intention to seek summary enforcement and the time and place of the City Council meeting to consider the question of summary enforcement. The City Council shall determine whether or not the condition identified in the notice to the owner or occupant is a nuisance, whether public health, safety, or welfare will be unreasonably endangered by delay in abatement required to complete the procedure set forth in division (A) of this section, and may order that the nuisance be immediately terminated or abated. If the nuisance is not immediately terminated or abated, the City Council may order summary enforcement and abate the nuisance.

A motion was made by Mr. Berscheit, seconded by Ms. Wieling and unanimously carried recommending the Council adopt the amendment to the Nuisance Ordinance.

- c. We are looking at making small revisions to the portion of the zoning ordinance concerning moving in manufactured and mobile homes into the city. The Commission reviewed City Attorney Dymoke's suggestions regarding these amendments. This would require a public hearing at the next Planning & Zoning meeting. The Commission by consensus authorized staff to move forward with scheduling the Public Hearing at its next meeting to consider changes to Section 1300 Regulation of Building Moves
- d. Staff has also discussed with Attorney Scott Dymoke the process for vacant building registration. He has determined this would be a separate chapter in the City Code and not contained within the Zoning Ordinance. Ms. Hellermann provided examples from Blue Earth and Virginia. Planning and Zoning is in agreement with a \$250 fee and to carve out an exception of snowbirds. Commission Member Seanger and Paulson felt a six-month vacancy exemption

would be appropriate.

A motion was made by Ms. Wieling, seconded by Ms. McDonald and unanimously carried recommending a Vacant Building Registration ordinance be drafted.

A.I. #8 INFORMATIONAL ITEMS

- a. The Commission's next meeting is scheduled for Monday, May 22, 2023, at 6:00 p.m. There will be a special joint meeting with the Melrose City Council, MADA, Planning and Zoning Commission, and the Parks and Recreation Board to discuss the Railroad West PUD. The Planning and Zoning Commission was agreeable to a morning meeting.

A.I. #9 ISSUES BY PLANNING AND ZONING COMMISSION MEMBERS

None

A.I. #10 ADJOURNMENT

A motion was made by Mr. Berscheit seconded by Ms. McDonald and unanimously carried that the meeting be adjourned at 6:45 p.m.

PATRICIA HAASE