

MINUTES OF REGULAR MEETING - SEPTEMBER 3, 2008
TOWN OF ST. JOHN PLAN COMMISSION
10955 WEST 93RD AVENUE

PLAN COMMISSION:

Jay Dahlin
Joe Wachowski
John Mainwaring
Dan Morang - absent
Todd Trepton
Mike Ryan
Steve Kil

STAFF:

Tom Redar
Pete Faberbock
Greg Volk
Attorney Tim Kuiper

CALL TO ORDER:

The regular meeting of September 3, 2008, was called to order by Chairman Jay Dahlin at 7:03 p.m.

(The Pledge of Allegiance was said.)

ROLL CALL:

Roll call was taken with the following Commissioners present: Jay Dahlin, Joe Wachowski, John Mainwaring, Steve Kil, Mike Ryan and Todd Trepton. Dan Morang was absent. Staff members present: Attorney Tim Kuiper, Pete Faberbock, Tom Redar and Town Council liaison, Greg Volk.

APPROVAL OF MINUTES: AUGUST 6, 2008

John Mainwaring made a motion to accept the minutes of the regular meeting of August 6, 2008, as circulated; Joe Wachowski seconded the motion. The motion was unanimously carried by voice vote (6/0).

NEW BUSINESS:

**A. EENIGENBURG ADDITION - PUBLIC HEARING - ONE LOT
SUBDIVISION - PRIMARY APPROVAL - JOHN EENIGENBURG**

Chairman Dahlin noted that John Eenigenburg was absent. Chairman Dahlin further stated it was his understanding that Mr. Eenigenburg wanted this matter continued. Steve Kil stated, for the record, he was contacted by Mr. Eenigenburg who informed him he did not get his legal notice in the paper in time, therefore, the public

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hearing would not be able to be conducted. Steve Kil stated that Mr. Eenigenburg requested that this matter be set over to the regular meeting on October 1, 2008. Steve Kil recommended that the Board accommodate Mr. Eenigenburg's request. Attorney Kuiper stated that this would require Mr. Eenigenburg to send out the publication and notices.

Steve Kil made a motion to authorize the public hearing to take place at the regular meeting on October 1, 2008; Joe Wachowski seconded the motion. The motion was unanimously carried by voice vote (6/0).

**B. BOGIE ADDITION - PUBLIC HEARING - ONE LOT SUBDIVISION
PRIMARY APPROVAL - RALPH BOGIE**

Chairman Dahlin announced that Bogie Addition, a one lot subdivision was on the agenda for primary plat approval. Attorney Kuiper informed the Board that the publications and notices were in order for the public hearing. Mr. Kil announced that Mr. Ralph Bogie was absent. There was no comment from the Board.

Chairman Dahlin opened the floor to for the public hearing. He informed the audience if they wished to make a comment or had a question, approach the podium and state their name and address for the record.

PUBLIC HEARING

PAT THORNBERRY, 9374 HILLTOP DRIVE - Mr. Thornberry informed the Board that he had seen the garage going up at the Bogie Addition. He asked the Board what exactly the Petitioner was trying to accomplish here. Mr. Thornberry asked the Board if the Petitioner was attempting to put up a house. He stated that it looked to him like the Petitioner was out of land unless they owned the adjacent lot. He stated he just wanted to know what the Petitioner was trying to accomplish.

Steve Kil informed Mr. Thornberry that the Petitioner was building an attached garage with an addition between the house and garage so that it looks like one structure. Mr. Kil stated that the Petitioner does indeed own 50 foot of the lot adjacent to him and is seeking approval from the Board to subdivide the parcel into one lot. Steve Kil explained that the Petitioner has a residence with a lot to the east of him and next to Petitioner is another owner. Steve Kil stated that the lot between the two owners was split off, each individual taking 50 feet. He stated

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that the Petitioner is taking the 50 feet east of him that he owns and is seeking to add it to the lot that his residence is located on, which would then make it one large lot.

Mr. Thornberry asked what the lot size in St. John is currently. Steve Kil stated that the Petitioner far exceeds the Town's lot size requirement of 20,000 square feet. Steve Kil stated the Petitioner has almost twice the square footage that is required.

Mr. Thornberry wanted to know why he received notice of the hearing if the lot size met the Town's requirement. Steve Kil stated that Mr. Bogie was inadvertently issued a building permit before subdividing the property, and he is now being required to subdivide the property and make it a legal lot of record.

Chairman Dahlin called for additional public comment. There was no additional public comment. The public hearing was closed. The matter was brought back before the Board. There was no further comment from the Board.

Pete Faberbock submitted a letter for the record. He stated the only issue still in question was the additional 20 foot of right of way on 93rd Avenue, which would be reflected on the final plat. Torrenga Engineering would be drawing the final plat that would reflect the additional 20 feet of right of way that the Board requested.

Steve Kil made a motion to grant primary subdivision approval to Bogie Addition, incorporate the letter from Robinson Engineering dated September 3, 2008, make note of the 20 foot of additional right of way that will appear on the final plat, and incorporate, by reference, the findings of fact for Bogie Estates; Joe Wachowski seconded the motion. The motion was unanimously carried by voice vote (6/0).

C. EDGEWOOD - PUBLIC HEARING - UNIT SEVEN - SIX LOT - PRIMARY APPROVAL - MIKE McCOY

Mike McCoy and Doug Hoemeier of S&H Engineers appeared before the Board seeking primary approval for Edgewood, Unit seven, a six lot subdivision. Edgewood, Unit Seven, a six lot subdivision was also scheduled for public hearing. Attorney Kuiper informed the Board that the notices and publications were in order for the Board's consideration.

Mike McCoy refreshed the Board on Edgewood's history. He stated that this subdivision had been platted back in 1993. Mr. McCoy stated the six lots are still platted as they were in 1993; nothing has been changed. He stated the

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improvements were installed in approximately 1995. He stated the situation at the time the sewer was installed was that Kilkenny subdivision would be developed in the near future. He stated the developer is simply requesting authorization from the Board to install a temporary lift station.

Mr. McCoy stated there would be a private POA that would be responsible for the lift station; all costs associated with maintenance and repair of this lift station would be borne by the six lot subdivision. He stated when Kilkenny finally does hook into the sewer the temporary lift station will be removed and it will become a gravity flow sewer tied into Kilkenny. Until such time as that happens, the six lots will be maintained by the pump station, pumped to a manhole on 89th Place with a two inch force main.

Mr. McCoy reiterated that the lots are the same size as they were in 1993 and the restrictions remain the same. He stated when Edgewood was originally developed, the front of Edgewood was *Edgewood* and the back of *Edgewood* was made *Edgewood Estates*. He stated these six lots will be *Edgewood Estates* which have higher restrictions.

(General discussion ensued.)

Chairman Dahlin opened the floor to public hearing.

PUBLIC HEARING

JEFF NEELY, 14320 WEST 89TH AVENUE - Mr. Neely stated he resides on the corner of 89th Avenue and Calumet Avenue. He asked what the function of a lift station was, and what was involved with its operation. He also wanted to know why a lift station was necessary since nothing has been done with the subdivision since 1993.

Mr. Hoemeier showed Mr. Neely on the drawings, where the lift station would be located and how it would work. He stated the subdivision could not be developed until there was an outlet for sanitary sewer.

(General discussion ensued.)

JAN SUPINIAK, 14244 WEST 90TH AVENUE - She asked to be shown exactly where the lift station would be located on the drawing. Ms. Supiniak wanted to know if there would be a building or if everything would be located underground.

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She also asked if there was enough capacity to handle what would be pumped there.

(General discussion ensued.)

LORI LISEK, 14217 WEST 89TH PLACE - Ms. Lisek wanted to know what the lot sizes would be. She stated she wanted to make sure that what's being built would be like and kind to residences already existing there. She stated it did not look like the developer could fit six houses in this area.

Mr. McCoy stated the six homes would be developed on 4.3 acres. He stated the lots to be developed are under the same restrictions as the current Edgewood Estates. Mr. McCoy stated all of the lots are probably 30,000 square foot plus. Steve Kil stated that the lots being developed are substantially larger than most of the lots in Edgewood.

(General discussion ensued.)

JAMES RAY, 8873 BEAL STREET - Mr. Beal wanted to see where the lift station would be located. Mr. Hoemeier showed Mr. Beal the drawing and where the lift station would be located relative to his residence. He wanted to know if the lots would back up to his property. Steve Kil stated that depending upon where he is located on Beal Street, this development may back up to his residence.

(General discussion ensued.)

Steve Kil stated his best guess, based upon Mr. Beal's description of the location of his residence, is that Mr. Beal's residence is probably slightly north of the development.

Mr. Dahlin called two times for additional public comment. There was no additional public comment. The public hearing was closed. The matter was brought back before the Board. There was no additional discussion amongst the Board.

Steve Kil made a motion to grant primary subdivision approval to Edgewood, Unit Seven, a six lot subdivision. Mr. Kil also included the following contingencies in his motion to be taken care of at final plat, that the Town engineer approve the lift station/grinder pump system with a two inch force main, and that Edgewood, Unit Seven adhere to the same requirements as Edgewood Estates

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currently has. John Mainwaring seconded the motion. The motion was unanimously carried by voice vote (6/0).

Mr. McCoy asked the Board, since the improvements have been installed, would it be possible to seek final plat approval subject to the engineering of the pump. Steve Kil stated it would be possible to seek final plat approval at the October 1, 2008, meeting. Mr. Kil stated that Pete Faberbock would calculate the letter of credit amount, if any, and the developmental fee, and Mr. McCoy could bring these items to the October 1st meeting.

(General discussion ensued.)

**D. ST. JOHN CROSSING - CERTIFICATES OF AMENDMENT
TORRENGA ENGINEERING**

Steve Kil informed the Board that St. John Crossing submitted two Certificates of Amendment. The Petitioner was seeking permission change the name that appears on the final plat. Currently it reads "St. John's Crossing to the Town of St. John". The Petitioner requested it be changed to read as follows: "St. John Crossing an Addition to the Town of St. John".

Steve Kil informed the Board that the Petitioner was also seeking an amendment to Lot Number 1. The recorded address is 10860 US 41, which is slightly wrong. The Certificate of Amendment would read: 10861 US 41.

Steve Kil made a motion to approve the Certificates of Amendment as previously read. John Mainwaring seconded the motion. The motion was unanimously carried by voice vote (6/0).

OLD BUSINESS:

Steve Kil stated that he had reviewed the zoning ordinance with the consultant. He stated the anti-monotony language would be cleaned up along with some other matters. All changes submitted by the Board's attorney would also be incorporated into the zoning ordinance. Mr. Kil stated he hoped to have the final revised copy by the next study session.

PUBLIC COMMENT:

There was no public comment.

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ADJOURNMENT:

Chairman Dahlin called the meeting adjourned.

(The meeting was adjourned at 7:30)

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SUSAN E. WRIGHT, RECORDING SECRETARY
ST. JOHN PLAN COMMISSION

