

MINUTES
MEETING OF THE JOINT PLANNING BOARD
WEDNESDAY, AUGUST 22nd, 2007
7:00 PM

PRESENT: Daryl Rachey, Bob Pogatschnik, Lowell Rushmeyer, Richard Bresnahan, and Jodi Austing-Traut, City Clerk/Administrator

ABSENT: None

Call to order by Chair Lowell Rushmeyer at 7:00 pm.

Approval of Minutes

Motion Daryl Rachey to approve minutes from December 20th 2006, January 24th and April 30th of 2007, second Bob Pogatschnik and carried unanimously.

Annexation Request

A request to annex The N 136.00 ft of the NE QTR of the SW QTR of Sect 29, Twp 125, Range 29, Stearns County, MN, containing 4.10 Acres. PID 03.01035.005 owned by Mark Talberg/Percheron Properties LLC.

Richard Bresnahan questioned Igor Lenzner, Township Attorney, whether it is proper procedure for a landowner to begin excavation and dirt work to install sewer and water prior to annexing. Mr. Lenzner suggested that it is the property owner's risk to begin sewer/water installation prior to being approved for annexation. Mr. Lenzner did not feel that this type of situation would compromise the Joint Planning Board's ability to make decisions of this type. Mr. Lenzner stated that the question of "are we setting precedent?" is not of concern because governments cannot legally be forced to continue to err. If an entity were to make a mistake and approve something that perhaps they should not have, they cannot necessarily be forced to continue to allow that same benefit or approval to others in the same situation.

Motion Daryl Rachey to approve the Resolution Approving an Annexation Property Within the Annexation Area second Richard Bresnahan and carried unanimously.

Process for Orderly Annexation

The process for orderly annexations in the future should be that petitions for annexation go to the City Council first for acceptance to ensure that the city is willing to accept the property and can service it. Then the request will go to the Joint Planning Board for certification that the request meets the objectives of the orderly annexation agreement.

Wording change to existing Memorandum of Understanding between Joint Planning Board and Stearns County

Section 2 of Attachment 1 of the MOU between Stearns County and The Joint Planning Board is inconsistent with the MOU that currently exists between Stearns County and Avon Township. The Joint Planning Board consensus is to change the language in the

JPB/Stearns County MOU to match the language in the Avon Township/Stearns Co MOU. Consensus is also that Stearns County maintains permitting responsibility including conditional/interim use permitting and variances, but that the Joint Planning Board shall conduct public hearings on those matters. Stearns County will do all permits including ag accessory structures.

Motion Richard Bresnahan to change the MOU to state that Stearns County will have responsibility for all permitting including agricultural accessory structures, second Daryl Rachey and carried unanimously.

Annual review of Orderly Annexation Agreement between Town of Avon and City of Avon, including definitions of “neighborhoods” within the agreement.

The JPB reviewed the orderly annexation agreement. One of the issues that was addressed was the identification of neighborhoods.

Section 5B on Page 2 of the Orderly Annexation Agreement currently states:

Residentially Developed Property (“Neighborhoods”). (i) the Joint Planning Board receives a petition requesting annexation signed by sixty percent (60%) of the individual parcels of record for the Neighborhood requesting annexation; (ii) the Neighborhood proposed for annexation is contiguous to the City; and (iii) the annexation has the approval of the City Council. The Joint Planning Board may alter the boundaries of the Neighborhood or add to the Neighborhood so long as such properties are contiguous residentially developed properties contained within the Annexation Area. If the City annexes a Neighborhood, the City must annex the entire Neighborhood. Neighborhoods will be defined as a platted subdivision.

Currently the JPB has relatively loose definition of the neighborhoods. The JPB wishes to further clarify and define individual parcels (platted and unplatted) and which neighborhood they are a part of. Lowell will continue to work on the identification of neighborhoods within the Orderly Annexation Area.

Motion Daryl Rachey to table the identification of neighborhoods until the next meeting, second Richard Bresnahan and carried unanimously.

Motion to adjourn by Richard Bresnahan, second Bob Pogatschnik.

Meeting adjourned at 8:12 pm.

Respectfully submitted,
Jodi Austing-Traut, City Clerk/Administrator