

Lanesboro City Council Meeting
Monday, June 22nd, 2009
Council Chambers @ 5:30 p.m.

Present: Rahn, Allen, O'Connor & Dybing

Absent: Jeannette

Visitors: Jerry Flaby, Mimi Abell, Carrie Hanson, Kirsten Mensing, Gene Mensing, Butch Culbertson, Jamie Knutson, Clifford Goltz, Jesse Parker, Lyn Susag, David Susag, Eric Bunge, Andy Bunge, Dave Applen, Julie Kiehne, Bill Morman, Ross Trautershaude, Brian Luna (Chamber) and Jade Wangen

PUBLIC HEARING:

The Public Hearing was called to order by Mayor Steve Rahn. The public hearing is called due to a request for a conditional use permit for the property located at 104 and 106 Parkway Avenue North, owned by Eric Bunge and Andy Bunge. Mayor Rahn stated that the hearing would follow the outline provided by the League of Minnesota Cities for Land use hearings. Mayor Rahn asked that the audience be considerate of the procedure, noting that everyone will have the opportunity to be heard. Vickerman started off the public hearing by notifying the Council that the Bunges have filled out a conditional use permit form. The Planning and Zoning met with the Bunges at a public meeting to discuss the plan for the use of the property. Vickerman addressed the recommendation from the Planning and Zoning to the Council, which was enclosed in their packets and available for those attending the hearing. Vickerman stated that the Planning and Zoning Commission recommended approval of the conditional use permit as long as the nine conditions listed were followed. Vickerman noted that the notices for the public hearing were put in the legal paper twice based on state statute requirements. She also stated that in the EDA's meeting prior to the Council meeting a recommendation was made by the EDA to approve the conditional use permit as well. Vickerman noted that she received four written comments that she will read when the public is given time to speak. Mayor Rahn thanked Vickerman for the information and gave Andy or Eric Bunge the opportunity to discuss their request. Eric Bunge spoke on behalf of him and his brother, noting that they bought the property in 2007 and originally had planned to build a historic building that could be an incubator type building. However, due to the economy and the open buildings down town, it currently is not feasible to build a structure on that property. Eric noted that they still wish to eventually construct a building on the lots, but for the time being are hoping to be allotted a conditional use permit to make use of the space. The "Open Air Market" idea came to them from last year, when Art in the Park was held downtown. Bunge noted that many downtown businesses were excited about how much foot traffic and business they received. Bunge felt that the open lots could be an opportunity to draw people to Lanesboro, noting that different themes could draw different people to Lanesboro, which would bring more people to eat shop and stay in Lanesboro. His idea was to have different types of events each weekend, only one food event per month and only one flea market type event a month. He stated that he worked with the Planning and Zoning Commission to create the nine rules and wants the market to be a positive addition to Lanesboro. Bunge noted that Rochester has a Thursday night event that is similar to his idea and noted that it has brought tremendous success to downtown Rochester. Mayor Rahn thanked Eric Bunge and noted that he would open up the floor for questions and comments. The comments and questions were as follows:

Mimi Abel: Abel asked if the Bunges have asked other retail owners how they would feel about the space being used for a market. Eric noted that he had not gone around to each business stating that the public hearing is the opportunity for them to ask questions if they had concerns.

Ceil Allen: Allen asked if there is a future plan for a building. Eric Bunge answered that it is still their intent to put a building there, however right now the only demand is for one-level living and he noted that he did not feel that would be an appropriate location for that type of use. He stated that there are a

few open business fronts yet and there is not retail demand to fill them, so if they build a building they may not have a use.

Kirsten Mensing: Mensing noted that they were given letters from 2003- 2006 about moving their tubes and canoes due to zoning violations. She noted that the last few years they were able to use 25% of the property for that use, she asked what makes what they want different and why were they treated differently. Manion responded to the comment stating that that was a different use of the property. The Men sings were using the property as an accessory use of their existing business, so only 25% of the open lot could be used. Manion also noted that the Mensing's did not own the property so they could not have applied for a conditional use permit.

Butch Culbertson: Culbertson noted that he felt the alley and area is really busy and more people would be a traffic hazard and could cause congestion. He felt that the parking area in their plan was not enough. He stated food vendors should not be allowed at all because there is an ordinance against portable vendors, noting that he had to have cement and a building to have his snow cones. He felt that portable tents would not be appropriate in the downtown area and felt that the arts and crafts events would conflict with Buffalo Bill Days and Art in the Park. He felt the times were excessive at 6:30am – 10pm, noting that noise level could be high and that the events would require additional police services.

Jamie Knutson: Knutson stated that he did not want to see Lanesboro turn into a bunch of Hobos in the downtown area, noting that he didn't want any more property in Lanesboro to be tax exempt and that the Council should think about the taxpayers.

Mayor Rahn asked that comments be made about the conditional use permit only.

Dave Applen: Applen stated he did not feel that he had enough up front information to say whether he was for or against, noting that he is looking at papers for the hearing and does not feel that he has had enough time to look them over. He said he really does not even see the market as good or bad, he was mainly concerned about the parking and possible congestion of the alley and also the wall along the side of his business. Andy Bunge noted that they would make a retaining wall so that the side of Applen's building is not a concern. Vickerman noted that she and Applen worked with the state noting that when a building is erected at the open lots, Applen can remove the brick wall and repair the wall with other types of material, because once the building is put up, it will cover the side of the building and then he will not be in violation of the Heritage Preservation regulations.

Gene Mensing: Mensing noted that it is unfair competition, stating that those that have a building must pay higher property taxes and expenses associated with having a building.

Ross Trauterschaude: Trauterschaude noted that the possibility of a large tent being in that space would not be historic and felt it would take away from the historic district. He asked if the tents would be required to be in historic colors and how they would ensure that they would only be up for six days with no consecutive six day events.

Bill Morman: Morman who owns the Picnic Basket felt that he received notice of the public hearing but did not feel he had enough other information, he would like to have more information before he would want the Council to act on it.

Brian Luna: Luna noted that the decision on this conditional use permit may set a precedent so we need to take the name out and decide whether the "Open Air Market" is a good decision for the downtown area or not and will others want to follow.

Kirsten Mensing: Mensing noted that she wants an answer as to why they were only allowed to use 25% of the space and how what Bunge's are trying to do is different. Vickerman and Manion discussed the difference between the accessory use and conditional use again to try to clarify the difference. Vickerman noted that she and Gene Mensing had discussed this before, however Gene at that time told Vickerman that he did not want to buy the property not knowing whether the conditional use would be permitted. Vickerman noted that the Mensings were given that opportunity.

Butch Culbertson: Culbertson noted that state road regulations should be involved and that portapotties in the downtown area would not be appropriate.

Vickerman at this time read four written comments that she received: Sara Decker and John Davis had letters that were strongly against approval of the conditional use permit. Marlin Miner wrote an e-mail with questions for which Vickerman stated that answers to the questions, which were answered by the nine conditions placed on the conditional use permit. Ace Telephone wrote an e-mail noting that they were not against the market, however they wanted to be sure that there would be open access to the alley 24 hours a day, noting that they have equipment that they need access to at all times.

With all persons being heard that wished to speak, O'Connor made a motion to adjourn the public hearing, second Dybing, motion carried.

REGULAR MEETING:

The regular meeting was called to order by Mayor Rahn. Additions or changes to the agenda included the addition of a request by the Park Board for funds to retile the basement men's restroom tile and the addition of a thank you to those involved with the planters outside of the Community Center. The agenda, with changes, was approved with a motion by Dybing, second by Allen, motion carried. The minutes of the June 1st Council Meeting were approved as printed with a motion by O'Connor, second Allen, motion carried.

PERSONS WITH BUSINESS BEFORE THE COUNCIL:

Eric Bunge Conditional Use Permit Request – Open Lots at 104 and 106 Parkway Avenue

North: Bunge asked the Council if he could have the opportunity to respond to the comments made during the public hearing. Rahn gave Bunge the floor to respond. Bunge noted that his brother Andy and he pay over \$25,000/year in property taxes and no property under their name is exempt. They do not own the theatre or the residence halls, nor do they own the school or any churches in town. They currently pay taxes on the Cottage House, Bunge Construction, Coffee Street Commons and the open lots downtown. They feel they have developed and bettered many properties in town. They originally bought the lots downtown with the intention of building in 2007, when the economy was good. However, with the recent down turn they would not be able to build a building at this time and they have tried to build a building with the help from the EDA and the arts groups; however that did not work out. Bunge noted that both Cornucopia and Gene Mensing were given the opportunity to buy the property before them, however they refused. Bunge noted that they just want to use the space and that they felt an "Open Air Market" would be a great use for the property until a building can be built. Bunge noted that the only alternate use that they can see at this time for the property is to park their trucks on the open lot. Eric Bunge noted that he would be willing to work with Dave Applen and Bill Mormon to discuss the idea and work with them to understand what they are asking for. Bunge noted that the Council has the ability to remove the permit if it is not used based upon the conditions and they also have the yearly evaluation, so that everyone can work together to make the space a good fit for Lanesboro. O'Connor who worked hands on with the Comprehensive Plan: Lanesboro 20/20 noted that the market fits the vision for the future of Lanesboro. Culbertson from the audience still feels that there is some mistreatment, because he wanted a popcorn stand downtown and he was not allowed. Manion noted that once again the discussion is not dealing with a conditional use, since the property was not owned by him and there was already a principal use on that property. It was noted that the two requests are completely different. O'Connor noted that having a reliable, definable market with rules made through common sense looking at health, safety and welfare of all involved would fit the definitions of a conditional use permit, and the property owners would have to hook up to city services if they are used and the City has ordinances that protect the market from adult uses as well. Dybing noted that it would be better to have a building there but during these economic times it isn't feasible. Vickerman presented the recommendations from Planning and Zoning and the EDA. Mayor Rahn noted that he would like time to review the comprehensive plan and would also like to give Dave Applen and Bill Mormon, business owners near the area time to investigate it further. O'Connor made

a motion to table a decision on the conditional use permit until the July 6th meeting, second Dybing, motion carried.

COMMITTEE MEETINGS:

Public Utilities – June 8th, 2009 – O’Connor: O’Connor noted that the Commission spent most of the meeting discussing utility rates. Stating that Dairyland has marked up the wholesale costs approximately 16%. The Commission prepared for the public hearing that will be held on July 6th.

Library – June 8th, 2009 – Allen: Allen noted that she was unable to attend the meeting however she was very excited to report that for a community of our size that the Library had over 100 kids attend the Summer Reading program. Allen noted that it was a great accomplishment to have that many kids involved.

Planning and Zoning – June 8th, 2009 and June 17th, 2009 – Dybing: Dybing noted that the Planning and Zoning met twice mainly working with Bunge’s on the conditional use permit and that the final recommendation was a unanimous vote. The Diner was discussed as well and it was noted that there was an additional building that Tisdal would have to get a permit for.

Park – June 19th, 2009 - Rahn: Rahn noted that the Park Board still had an opening. The board discussed trying fifteen sites for reservations. They also plan to raise the school rate for rental 3% for 2010. Rahn noted that Vickerman had acquired a quote for some tiling from Chris McCormick who was a part of the Park TMI committee. He gave a quote to install “donated” tile in the Men’s restroom/locker-room. The quote consisted of the park staff tearing up the old tile and the cost would be \$780. O’Connor made a motion to approve the allocation of funds for the project from the general fund, second Dybing, motion carried.

EDA – June 22nd, 2009 – Vickerman: Vickerman noted that the EDA discussed an assisted living facility, the grocery store and change of ownership for Anna V’s. They also discussed and recommended that the Council approve a conditional use permit for the “Open Air Market”. The EDA also recommended to approve a revolving loan fund loan to Colleen Lamon for Stone Mille Suites for \$15,000. All paperwork has been received. The loan will be a five year loan and will be paid back in full with interest. O’Connor made a motion to approve the loan, second Rahn, motion carried.

HOUSEKEEPING:

Paying of the Bills: Vickerman read aloud additional bills that needed to be paid. O’Connor made a motion to pay the bills, Dybing second, Rahn asked to double check the bill from Ameripride with the Ambulance Director, motion carried.

Legislative Update: Vickerman noted that the most recent press release by the Governor does not have any LGA cuts for Lanesboro for 2009 or 2010.

Thank you for the planters: Vickerman wanted to thank the Girl Scouts, Maggie Molyneaux of 1898 Inn, Eric Gehrke and Brian Luna of The Fillmore House for their work in putting the two planters in front of the building. They look great!

ADJOURN:

O’Connor moved to adjourn the meeting at 7:25 p.m., second by Allen, motion carried.

Respectfully submitted,

Bobbie Vickerman
City Administrator / Clerk