

Lanesboro Planning and Zoning Commission
Regular Meeting
Wednesday, April 20, 2022 6:00 p.m.
Community Center Meeting Room and Zoom

Present: Jeff Lepper, Randy Rakosnik, Jason Resseman, Michael Seiler, and Tom Schramm

Absent: None

Visitors: Joe Deden, Mary Bell, Sarah and Jon Pieper, Jerry Ritter, Deane Benson, Mindy Albrecht-Benson, Marlin Miner, Melissa Wagner, Brenda Bonney, Kevin ?, Hal Cropp, Betsy Holbrook, Jeff and Mary St Mane, Bonita Underbakke, Kate O'Neary, Mitchell Walbridge, and Jeff Schwichtenberg.

Commission Member Resseman called the Public Hearing to Order for the following requests at 6:00 p.m.

- Petition to vacate a portion of Elmwood Street
- Petition to vacate the alley in block 23
- Request to vacate a portion of parcel 190023000

The following comments were heard:

- Kate O'Neary - Does not support the request to vacate, the City should not be vacating any additional land
- Betsy Holbrook - Requested clarification on what vacation means. Member Resseman noted that a vacation would forfeit the land for public purpose, while the would then become private property split between adjacent property owners.

With no additional comments Member Resseman closed the Public Hearing at 6:09 p.m.

Commission Member Resseman called the Regular Planning & Zoning Meeting to order at 6:09 p.m.

A. Public Comment:

- a. Jeff St Mane: Inquired as to the process in a vacation request. It was noted that after a hearing the board would then review the discussion and decide to recommend vacation or deny. If the request is recommended the discussion would then be heard by the City Council.
- b. Jon Pieper: Encourages Zoning members to attend the next City Council meeting when the Council is scheduled to review the options for a food truck ordinance. He suggested that the Zoning Board resubmit the original ordinance to the City Council.

B. Agenda: Member Rakosnik motioned to approve the agenda removing the Public Hearing scheduled for 6:30 p.m. as well as New Business Item D for a Variance Request. Member Seiler seconded the motion. Motion carried with all in favor.

C. Consent Agenda: Member Lepper motioned to approve the Consent Agenda as submitted. Motion seconded by Member Rakosnik. Motion carried with all in favor.

1. Minutes of the Regular Meeting, April 20, 2022
2. Wade - Fence
3. Berekvam - Reside South wall
4. Donahue - Garage Addition
5. McCabe - Fence

6. Bearson - New Home
7. Howe - Sign and flashing
8. Iron Horse Outfitters - Sidewalk
9. McNeilus - Sign
10. McNeilus - Sidewalk
11. Deden - New Home
12. Forester - Driveway and additional cement work

New Business:

- A. Petition to Vacate:** Administrator Peterson referenced the memo from the League of MN Cities that was included in the packet:

Standards for granting a vacation:

Minnesota statutes establish that the city council may vacate a street only upon a finding that the vacation is "in the interest of the public." This means the public must benefit, in some manner, from the vacation. The public includes persons other than those in the immediate vicinity of the vacation. A private benefit derived from the vacation does not bar the vacation, so long as a concurrent benefit to the public can be substantiated.

Mere long-term, non-use of a street by the public does not necessarily equate with a finding that the vacation is in the interest of the public. In reviewing vacations, Minnesota courts have emphasized that the future benefit to maintaining the dedicated property should be given consideration. For example, the Minnesota Supreme Court once overturned a vacation because the potential future use of the public grounds as public lake access was not properly taken into account. In another example, the Court upheld a denial of a petition for a vacation, because preservation of the underutilized property would help lessen the effects of future population growth in the area.

The decision to grant or deny a vacation is legislative in character. As a result, a reviewing court will only set aside a vacation if it appears that the evidence is practically conclusive against the city, or that the council proceeded on an erroneous theory of law, or that it acted arbitrarily and capriciously against the best interests of the public.

- a. A portion of Elmwood Street:** Member Rakosnik motioned to deny the request to vacate. Member Seiler seconded the motion. Vote was done by roll call with all in favor.
- b. The alley in block 23:** Member Seiler motioned to deny the request to vacate. Member Lepper seconded the motion. Vote was done by roll call with all in favor.
- c. A portion of parcel 190023000:** Member Rasoknik motioned to deny the request to vacate. Member Lepper seconded the motion. Vote was done by roll call with all in favor. Joe Deden then inquired about the timeline and process to request improvements to a Public Right of Way. Jeff Schwichtenberg noted that he would not be in favor of improvements being done to the alley right of way to the north of his property.

Continued Business:

- A. Bike Racks:** Member Seiler motioned to table the discussion. Member Lepper seconded the motion. Motion carried with all in favor.

Next Meeting: Wednesday, June 15, 2022 at 6:00 p.m.

Adjourn: Member Seiler moved to adjourn at 6:30 p.m. Motion seconded by Member Schramm. Motion carried with all in favor.

Respectfully Submitted,
Michele Peterson, MCMC
City Administrator/Clerk