

**Wayne Planning Commission Meeting Minutes**  
**Monday, April 5, 2010**

Chair Sharon Braun called the regular meeting of the Wayne Planning Commission to order at 7:00 P.M., on Monday, April 5, 2010, in the Council Chambers of the Municipal Building. Roll call was taken with the following members present: Lee Brogie, Bill Kranz, Pat Melena, Kelby Herman, Jill Sweetland, Chair Sharon Braun, and City Administrator Lowell Johnson. Absent: Derek Hill, Buffany Deboer, and Mark Sorensen.

Motion was made by Commissioner Sweetland and seconded by Commissioner Brogie to approve the minutes as presented for December 7, 2009. Chair Braun stated the motion and second. All were in favor; motion carried unanimously.

Chair Braun read the Open Meetings Act and advised that anyone desiring to speak should limit themselves to three minutes and wait until being recognized by the Chair.

Chair Braun stated the next item on the agenda was a public hearing amending Section 74-293 Fees of the Municipal Code to reduce the fee from eight (8) percent of the Fair Market Value of the total land area to one (1) percent for areas outside of the city limits, with the applicant being the City of Wayne.

Chair Braun opened the public hearing to the public for comments; there being no comments from the public, Chair Braun closed the hearing and opened discussion amongst the Commission.

Commissioner Mark Sorensen arrived at 7:03 p.m.

Commissioner Kranz questioned where the park fee dollars go, what are they used for and what could they be used for.

Administrator Johnson noted that Municipal Code Section 74-292, states that any subdivision must contribute some to buy park land or equipment for the good of the community. This would not change only the amount contributed.

Commissioner Kranz questioned if the park funds from the Western Ridge development would need to go back to the Western Ridge development or if they would go elsewhere.

Administrator Johnson stated they go into a special park fund.

Chair Braun gave the Commission an example of a subdivision which laid in the ETJ and the park fee. Chair Braun questioned if the developer got the choice of donating land or paying the park fee.

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Administrator Johnson stated the City Council makes the choice as to whether it will be land for a park or a fee.

After some discussion, motion was made by Commissioner Melena and seconded by Commissioner Sorensen to approve and forward a recommendation of approval to the City Council for the amended language of Section 74-293 Fees of the Municipal Code, as stated in the attachment, with these changes, the amount of such fee shall be one percent of the fair market value of the total land area and the park fee for non-annexed, non-contiguous subdivisions to the city limits which are outside of the city limits, in the extraterritorial jurisdiction, and not served by any city services shall be one percent, with findings of fact being staff's recommendation and the Planning Commission. Chair Braun stated the motion and second, with the roll call vote as follows: Commissioner Sorensen – aye; Commissioner Sweetland – aye; Commissioner Herman – aye; Commissioner Melena – aye; Commissioner Kranz – aye; Commissioner Brogie – aye; and Chair Braun – aye. Chair Braun declared the motion carried unanimously.

Chair Braun stated the next item on the agenda was the discussion of "Roberts Rules of Order".

Chair Braun noted that Administrator Johnson had stated in his notes, the City Council does not follow Robert's Rules of Order. Chair Braun opined the Robert's Rules of Order is a good thing, but is very detailed and feels the process should be simplified.

Commissioner Melena opined that if they follow Robert's Rules of Order once, they need to each time and if they are getting along without it now, and if Council is not using it, then the Commission should leave it alone and not follow it.

Consensus of the Commission was to not follow Robert's Rules of Order at this time.

Chair Braun stated the next item on the agenda was the discussion / presentation from the NPZA Conference.

Chanelle Belt, Administrative Assistant discussed her findings which included the following 1) community standards; 2) good zoning definitions; 3) city annexing land and the ETJ area; 4) findings of fact; 5) exceptions / conditional uses and the findings of fact to go with them; and 6) retreat session for Planning Commission.

Joel Hansen, Building Inspector/Planner/Street Superintendent, discussed his findings with the Commission and also showed the Commission how to navigate around the new city's website, which included the zoning map, city code – specifically Chapter 90 Zoning, and the comprehensive plan. The findings that Inspector Hansen brought back from the conference included: 1) the extraterritorial jurisdiction map should be easily definable – arc system compared to a straight line system; 2) consider having the Planning Commission review the Comprehensive Plan annually, maybe during the winter months; 3) consider having the Planning Commission and City Council meet annually.

Chair Braun questioned having the Board of Adjustment meet at the same time. Inspector Hansen said that would be fine.

Commissioner Kranz questioned if the Planning Commission could change the comprehensive plan or was it a City Council document?

Administrator Johnson stated that the Planning Commission could change the comprehensive plan at anytime; the changes just need to be approved by Council through resolution.

Inspector Hansen noted that if an annual review of the comprehensive plan is made, then any changes can be forwarded onto the City Council, you can address issues at the time and not wait ten years.

Commissioner Kranz questioned who can bring forward the changes to the comprehensive plan.

Chair Braun stated that the council cannot make the changes on their own; the changes need to come to them as a recommendation from the Planning Commission. A public hearing would need to take place at the Planning Commission level first and then a recommendation made to the Council.

Inspector Hansen noted for the Commission on the extraterritorial jurisdiction (ETJ) map. State Statute says that you can go out to the two mile limit you do not need to include all of it. If the Commission wants to adopt the ETJ map with the section (straight) lines they can. State Statutes does allow counties to cede their zoning jurisdiction to first class cities.

Lowell Johnson, City Administrator presented his findings to the Commission, which included requiring only zoning use permit for construction and not a building permit, unless they are doing something residential or nonfarm. The city would only look at the use. The second item is the need for a sustainability plan

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in the comprehensive plan as well as the zoning code, for subdivision development and construction, land development, and storm water runoff plans. Administrator Johnson wanted to make the Commission aware of this and the possible future need for a sustainability plan.

Commissioner Sorensen opined that he would like to see a change in the permit requirements for farm buildings for the ETJ.

There being no further discussion, motion made by Commissioner Melena and seconded by Commissioner Sweetland to adjourn the meeting. Chair Braun stated the motion and second. All were in favor; motion carried unanimously; meeting was adjourned.