

**Wayne Planning Commission Meeting Minutes**  
**Monday, January 3, 2011**

Secretary Pat Melena called the regular meeting of the Wayne Planning Commission to order at 7:00 P.M., on Monday, January 3, 2011, in the Council Chambers of the Municipal Building. Roll call was taken with the following members present: Mark Sorensen, Jill Sweetland, Derek Hill, Jessie Piper, Pat Melena, Bill Kranz, Lee Brogie, and Inspector/Planner Joel Hansen. Absent: Kelby Herman.

Secretary Melena stated the next item on the agenda is the appointment of three positions, Chair, Vice-Chair, and Secretary.

Motion was made by Commissioner Sorensen and seconded by Commissioner Sweetland to nominate Pat Melena for Chair. Roll call vote was taken with the following: Commissioner Brogie – aye; Commissioner Kranz – aye; Commissioner Piper – aye; Commissioner Hill – aye; Commissioner Sweetland – aye; Commissioner Sorensen – aye; and Commissioner Melena – aye. All were in favor; motion carried unanimously.

Motion was made by Commissioner Sweetland and seconded by Commissioner Sorensen to nominate Lee Brogie as Vice-Chair. Roll call vote was taken with the following: Commissioner Sorensen – aye; Commissioner Sweetland – aye; Commissioner Hill – aye; Commissioner Piper – aye; Commissioner Kranz – aye; Commissioner Brogie – aye; and Commissioner Melena – aye. All were in favor; motion carried unanimously.

Motion was made by Commissioner Sweetland and seconded by Commissioner Brogie to nominate Mark Sorensen as Secretary. Roll call vote was taken with the following: Commissioner Brogie – aye; Commissioner Kranz – aye; Commissioner Piper – aye; Commissioner Hill – aye; Commissioner Sweetland – aye; Commissioner Sorensen – aye; and Commissioner Melena – aye. All were in favor; motion carried unanimously.

Motion was made by Commissioner Sweetland and seconded by Commissioner Hill to approve the minutes as presented for December 6, 2010. Chair Melena stated the motion and second. All were in favor; motion carried unanimously.

Chair Melena 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 Melena declared the next item on the agenda is the public hearing for a Use by Exception request Section 90-205(7) Dental Clinic, location being 617 Pearl Street, applicant is Dr. Rob Burrows.

Ed Cabo, consultant from Elk Point, South Dakota, was present representing Dr. Rob Burrows. Mr. Cabo stated he had previously provided a site plan for the Commission to review for information purposes only. This is similar to action taken several years ago and unfortunately the permit request was allowed to expire before construction began. They are asking for a permitted exception for a dental clinic for the lots at 7<sup>th</sup> and Pearl Street. Mr. Cabo noted that the building will be approximately 4,000 to 5,000 square feet and will have access for staff parking through the alley to the east and two spaces along Pearl Street to the west and five parking spaces interior of the lot along Pearl Street.

Commissioner Sorensen questioned if they were looking at diagonal parking along Pearl Street.

Mr. Cabo said yes, there would be two parking spaces adjacent to the entry to the off-street parking area that would be on private property.

Commissioner Sorensen questioned if that would crowd out into the right-of-way?

Inspector Hansen stated they would be in the right-of-way.

Mr. Cabo stated they will not project past the present curb.

Chair Melena noted it looks like three additional parking spaces, plus one handicap space in the parking lot.

Mr. Cabo said there are four parking spaces, plus one handicap space in the parking lot.

Mr. Cabo noted that it is a very tight site; however both doctors look at this as a very desirable location, which they believe would be an excellent addition to the city and the plan is to start construction in late spring or early summer, if everything falls into place.

Commissioner Kranz asked if there is an access into the lot from the north.

Mr. Cabo noted that there is curb cut off of the highway and that is all public right-of-way and they do not plan to use it.

Commissioner Sorensen questioned the parallel parking on Pearl Street.

Inspector Hansen stated that city ordinance will not allow any on-street parking in this block on either side.

Dr. Rob Burrows opined that his plan for Wednesdays, when the other doctor is present, to have staff park at the courthouse and then walk to the clinic, allowing patients to use the staff parking area located along the alley side, and there will be a sidewalk along the building to use.

Chair Melena asked for any further comments regarding the public hearing, before it was closed. There being no further comments, Chair Melena closed the public hearing and opened discussion up amongst the Commission members.

Commissioner Hill questioned that he would assume from the site plan that it meets all setback requirements.

Inspector Hansen noted that the exact building measurements are not on the site plan, but Mr. Cabo is aware of the required setbacks for this area and the building will be designed so that it does not encroach on the setbacks and before the building permit would be issued, the setbacks would be verified.

Commissioner Sweetland questioned if it was up to the Commission to set any conditions they felt were necessary.

Inspector Hansen stated that if the Commission wanted to, they could. The last time this issue was before the Commission, the Council, based on the recommendation of the Commission, set additional conditions that the permit would be subject to the zoning standards of Section 90-425, which is Special Conditions and Conditions for Granting Exceptions under the B-3 zoning district. At the time, there was some discussion to rezone this area to B-3, but currently it is zoned R-1. Inspector Hansen distributed copies of Section 90-425 to the Commission for their review.

Commissioner Piper questioned if there should be any concern as to what is across the alley, since there is so much parking on the one side.

Inspector Hansen further noted that there was another condition which was set prior (December, 2007) that low luminary lighting would be installed.

Inspector Hansen opined as the Street Superintendent and City Planner, that he would suggest he does not see this as creating a large additional traffic, as it is already a heavy traffic intersection, so percentage wise, Inspector Hansen opined he cannot see a large increase.

Commissioner Piper questioned if this structure would eventually get bought out, is there any concerns as to the limited use of the building, due to limited parking.

Chair Melena opined that he did not believe there would be.

Inspector Hansen stated that the only future use of the building would be as a dental office or another permitted use for the R-1 zoning district.

Chair Melena further noted that a future owner would need to come before the Commission to obtain permission for any uses other than a permitted use.

Inspector Hansen noted for the Commission that should they approve the use and two years from now the zoning would change, the use would be considered a legal non-conforming use and would be allowed to continue.

Commissioner Sweetland opined that other than the lighting, she did not see any other conditions which would need to be set.

Commissioner Hill questioned if there were any requirements for signage or if that was even something the Commission needed to worry about.

Inspector Hansen stated the State will have the majority of say so over this as it is in the State right-of-way and the city does have zoning regulations on size.

Chair Melena asked for any other comments from the Commission.

Inspector Hansen noted for the Commission that even though fencing requirements are in Section 90-425, if it is not made a part of the condition, the owner of the property has the right to take down the fence at any time. Just because it is on the layout does not mean it has to be there.

Inspector Hansen noted that the low luminary lighting was not part of the Section 90-425 Conditions, it was in an additional condition added.

Inspector Hansen opined that the Commission should try to stay away from Section 90-425 Conditions of the B-3 zone, as it is confusing. If the Commission has a preference for a fence, then it should be stated as a condition of the permit.

There being no further discussion, motion was made by Commissioner Sweetland and seconded by Commissioner Brogie to approve and forward a recommendation of approval to the City Council by approving the Use by Exception request for Section 90-205(7) Dental Clinic for Dr. Rob Burrows to allow him to construct a dental clinic at 617 Pearl Street, with the condition that a six foot privacy fence be placed on the south side of the property, with the findings of fact being staff's recommendation, consistency with the

comprehensive plan and the current and future land use map, Chair Melena stated that motion and second. Roll call vote was taken with the following: Commissioner Brogie – aye; Commissioner Kranz – aye; Commissioner Piper – aye; Commissioner Hill – aye; Commissioner Sweetland – aye; Commissioner Sorensen – aye; and Chair Melena – aye. Chair Melena stated the motion carried with seven ayes.

Chair Melena stated the next item on the agenda was the discussion for alternative uses for the wastewater lagoon, presented by City Intern Anthony Lawrence.

Mr. Lawrence advised the Commission that the city is seeking their opinion on what to do with the lagoon pond. The lagoon is approximately 26 acres, with a water depth of three to four feet.

Mr. Lawrence discussed four different options with the Planning Commission. One of the options was to convert the lagoon into a soccer field. Currently there is a soccer organization with over 100 kids and they are practicing at the rec center fields. They would like to dredge it out, fill it and level it with dirt and plant grass and put a soccer field down.

Option two is to make the lagoon a wetland. It would be an educational benefit and to attract people for watching wildlife. Also, the city can bank the wetlands and sell them to the Department of Roads. They are short of wetlands. With this option, the wetlands would need to be put in a trust and maintained forever. If the city would decide to bank the wetlands, which means to sell the wetlands to the state, you cannot get grant money to bank the wetlands; therefore all the money would come from the state.

The third option would be to convert the lagoon into a water recreational area which includes putting fish in the lagoon, making the pond accessible for non-motorized boating, and other swimming activities. Some other ideas are water slides, to put in an RV park, campground.

Fourth option is to dredge the lagoon and put down a cement pad for future commercial use.

Option five would be to sell the land to individuals as is. Some individuals were interested in the city selling the land. However, it is the city's responsibility to dredge out the sludge, but future excavating would be the responsibility of the future owner.

Inspector Hansen noted that if the land is sold, the only control over the area would be through zoning and right now the area is zoned I-1. If someone would want to do something other than what is permitted, they would need to come before the Commission and seek permission.

Commissioner Hill questioned if the land would not be sold and the city would want to do one of the options would it need to be rezoned. If the option of a recreational area for campground / water-park would the area need to be rezoned.

Inspector Hansen read the current uses allowed in an I-1 zone.

Intern Lawrence stated some possible options, as emailed to him by BJ Woehler, including keeping the area as a lake and then connecting it to the ball fields as a large park; using the area as a landfill and then leveling it off and putting in more soccer / rugby fields; leave the lagoon hole and banks and make it into a stock car / derby car race; or leave the area as is and sell it off and see what develops.

Intern Lawrence noted for the Commission that in terms of the water recreational area, the water could be pumped from two wells which are not operational (wells 4 and 5); they have high nitrate levels and cannot be used. The wells are just sitting there with water and could be pumped into the pond. If the water would be used for fishing, fish can only live in a certain level of water, so the city would need to dig out a certain area of the pond for fish to sustain life. Also, the lagoon must be cleaned out by 2012, which is why Intern Lawrence would like some discussion to begin taking place.

Chair Melena questioned if the decommissioning of the current lagoon is mandated by Federal Law, when it is abandoned. Intern Lawrence said that was correct. Chair Melena questioned if the cost of decommissioning and cleaning up the lagoon was taken care of in the cost of the wastewater treatment plant or is that in addition to.

Intern Lawrence said there are funds set aside for taking care of the lagoon now.

Commissioner Brogie questioned what the liability would be for having the swimming and boating area, with a park that has water access.

Intern Lawrence said that he spoke to Cap Petersen and it will raise the insurance, as you cannot have a pond without insurance.

Inspector Hansen opined that what he believes Lowell and the Council are looking from the Commission is more of a land use; they don't want to get caught up in political issues such as dollars; what they are after is the land use. They want the Commission to look at the options and look at the map and see what is there and see what they believe will be there in fifty years. Once those lists have been made and get a feel for what the group is after, then Intern Lawrence will take that list and get some dollar figures to look at. But for right now, what they really want the Commission to focus in on is what the Commission wants to see there on that land regardless of what it would cost and regardless of what the implications might be as far as liability.

Commissioner Brogie questioned if the lagoon would need to stay there or not be there at all.

Intern Lawrence stated that you could cut the lagoon in half. One of the options they started off with was to cut it in half and make it a pond and selling off half of it. Or having fish in about 7 or 8 acres and using the remaining acres for something else. It does not all need to be used.

Commissioner Hill questioned if there has to be some type of water there.

Intern Lawrence asked for water recreational area.

Commissioner Hill opined if you decided to get rid of all the water.

Intern Lawrence said that it does not need to be water that was just one of the options. The only thing that really needs to be done is that the sludge needs to be removed.

Commissioner Sorensen questioned if they need to worry about any other EPA environmental concerns or do they just want the sludge out.

Intern Lawrence said they just want the sludge out.

Inspector Hansen stated that the city has a storage permit for the sludge and once you stop putting new sludge into it that is when you have a deadline to get it out. Since the city will no longer be treating sludge, but storing it, you cannot store sludge; therefore, by August 2012 the city needs to have all the sludge removed from the lagoon. The options for the lagoon are to brainstorm. Whatever the Commission can think of, water, concrete, buildings, or open space. That is what this session is about is because they want some input from the Commission on what they plan or what they think would fit in this area of

Wayne. It does not have to be an industrial use; it can be whatever the Commission thinks.

Commissioner Hill questioned how close the hotel will be located to this area? Hill wanted to know how close it was to happening.

Inspector Hansen stated that it was his understanding, sometime next spring.

Commissioner Hill opined that being that the areas are fairly close together and you are in kind-of the ball-park area, wouldn't it make more sense to keep it more of a recreational area, something to draw people over to that area to get a walking trail.

Commissioner Piper opined that it would be good for the softball tournaments to have some kind of park.

Commissioner Sorensen opined some area for the kids to play.

Commissioner Piper opined that many people come in with campers. The RV parks we have those weekends, they are packed. They could park right there, get on the trail and they are on the ball fields.

Commissioner Hill opined that he did not know how much room the soccer fields would take, but you could put some soccer fields in that area. You could put in some basketball hoops.

Chair Melena opined that the City built that lagoon and they created it there, it is the high spot. When standing at the softball complex you are looking up a pretty good bank to the lagoon. Chair Melena opined that it is a great idea to leave water in there because it will help with runoff and drainage. Chair Melena further opined that he liked Commissioner Hill's idea of a smaller pond, if it is 26 acres now, maybe it could be 7 or 10 acres and develop a soccer field reasonably easy to create and a small park area and a few camper pads.

Commissioner Hill opined if that were done, what are the chances of getting better roads to that area.

Inspector Hansen noted that right now it won't show up on the aerial photo but there will be a street that comes down through the triangle area of Benscoter Addition and comes down to the Softball Complex. It will be paved to where you can see the dark green on the north edge of the Rugby Fields. Fourth Street and Tomar Street will both be extended. Right now the city has an asphalt road

coming down that was built with the millings from the airport and will be in this area as well.

Commissioner Sweetland noted that essentially it will kind of connect the baseball and softball complex, if they made this a recreation area.

Commissioner Piper questioned about the old way into the complex.

Inspector Hansen stated that Fairgrounds is platted all the way to the lagoon.

Commissioner Sorensen questioned if they could just go straight across the lagoon. Essentially you could turn on Fairgrounds and get to the fields that way rather than going through town and on East 7<sup>th</sup> Street.

Inspector Hansen noted that ideally during discussions with staff and park personnel this access is going away and the access to the tree farm and storage area will go away and only be used by city staff. With the pedestrian trail and the number of kids, they would rather route the traffic down past McDonald's and the Fire Hall to get to the softball complex.

Commissioner Sorensen also questioned if you were looking at the Fairgrounds Avenue area, if that could be another alternative. So you would have two alternative routes, one northern and one southern. Commissioner Sorensen opined that if traffic could be routed onto Fairgrounds that would really help alleviate traffic on Fourth Street where there are kids using the trail.

Commissioner Sorensen questioned Chair Melena what would be the purpose of trying to keep water in part of the area.

Intern Lawrence mentioned for the Commission that if water is kept in part of the area, it would feed into what is happening with the trail. The city was given grant funds to place signage along the trail. Some of the signage could lead into what they have with the lagoon. There will be 32 signs going all along the trail and once the second part of the trail gets built there will be more signage along that area as well. Which is why the wetlands education was put in, so it could be tied to the trail system.

Chair Melena opined that the advantage of leaving part of the lake is just the cost of moving all that dirt. You would need to dig the lake deeper so you could take the dirt you are moving from the bottom of the lake and use it to raise the height of the other area.

Commissioner Sweetland opined that she is definitely in favor of recreation but she would have a little concern with a lake if they are expecting kids to be hanging out and going back and forth; she does not know how deep it would be but she would have a concern with that.

Commissioner Brogie opined she liked the idea of a lake because the birds that migrate through and the waterfowl that comes through.

Commissioner Hill opined if you have a walking type trail, with some chairs people like to just sit by a lake so it does not need to be huge. If there was a soccer complex and a little lake with a walking trail and something like that, and make it a destination.

Commissioner Brogie opined to not allow swimming or boating and if you are going to fish, only allow fishing from the shore and then it is easier to regulate.

Commissioner Sorensen opined that if the lake would be deep enough you could have some catfish in the lake. Commissioner Sorensen questioned if there would be a lake, what would that do to Ikes Lake. If they keep a lake there, kids could go fishing does that basically take Ikes Lake and make it obsolete. Commissioner Sorensen opined he did not know how many went out there any more.

Intern Lawrence opined he sees more kids fishing from the bridge than he does at Ikes Lake.

Inspector Hansen noted that a lot of money was spent re-dredging the entire lake, so he believes you many see a big boom in the fishing now; it has been stocked. As far as size wise, that 26 acres he believed that the lake was not the complete 26 acres.

Intern Lawrence opined the fence line and the berm stop the water at about 16 acres. So there is not 26 acres of water in the lagoon, there is only around 16 to 17 acres of water.

Inspector Hansen gave the Commission a comparison, Ikes Lake is about two acres.

Commissioner Kranz asked about the dredging process and what will need to be removed. The lagoons are not just lined with something. There is no bentonite?

Inspector Hansen said the lagoon is lined with clay.

Intern Lawrence said if water was kept in it, there are different options of removing the sludge and it would not necessarily mean dredging or pumping. There are chemicals you can place in the water to break down. Depending on what the lagoon will be used for will depend on how it gets cleaned. Packing it and moving it and making it a solid, is a very costly option.

Commissioner Kranz opined that his hometown had one of these that the EPA had big plans for and there were some leaching bonds. Now they have taken the area and put in soccer fields and the berms are places for people to sit and watch the games, they are ready made seats. His opinion is that if soccer has really taken off as it appears to be, but it would seem like this would be another calling card for tournaments. If you did come in to the area from the west, you could use the north half for park and soccer fields and the south half for a lake area and you would have both. Personally he does not see the entire area as a wetland area. The problem is the softball fields there are already a big mosquito haven and the marshy areas would be even worse.

Commissioner Sorensen opined that he is okay with a lake or pond, but no to a wetlands area.

Inspector Hansen opined that the one thing which has concerned him since he began working for the city is the baseball field. Right now there is no parking and there is sanitary sewer running down the alley right through the property; there is a street that could be extended from both sides, there is water there already. If you are looking at any residential development in Wayne, you won't find anything cheaper than right there in that location because the infrastructure is there already where the baseball field sits (Hank Overin Field). Consider the option of building a new baseball field. There are options of moving the dirt and mound as Hank Overin was scattered on the field. The grandstand is aging. One of the things he has heard discussed among staff is residential growth or commercial development. If the baseball field is down by the softball complex and if soccer fields get put in, RV, parking and campground, you have really made a nice recreational area for the community. Right now, the only RV parks are on the south end of town and by the airport. When there are tournaments, you could still park in the RV parks and still be close to downtown Wayne and also be near where the action is taking place.

Commissioner Piper opined that when the hotel comes if people want to do the RV or the hotel, but yet the team is close together whether RV or hotel.

Commissioner Piper further opined that it might be good to have a couple little league fields as well.

Inspector Hansen informed the Commission that the Rugby fields are owned by the city and they are just leased to the Rugby. This property could also come into play with the planning.

Chair Melena opined that the Commission is all in agreement that the area needs to be recreational, including some water, relocation of baseball field, RV parking, small park / play area, picnic area, and soccer fields.

Commissioner Sweetland questioned Intern Lawrence what his opinion would be.

Intern Lawrence opined to clean out the lagoon and put some fish in it. If you move the soccer field down there, what is to say someone else might come in and ask for something and where would they keep all their equipment. If you do commercial, he did not see that area being developed. He opined that he really liked the water idea and that it would tie into the trail and the hotel and the baseball fields, as well as the RVs.

Intern Lawrence opined using some of the city wells that are operational but cannot be used. He reminded the Commission that if you want fish, you need to keep it moving they cannot live in stagnant water. The cost would be to pump the water. The sludge will need to be removed, and once it is removed the water level will stay around three to four feet. Once you get fish in there you will need to dredge out certain areas, but that will need to be discussed. Do you dredge out all 17 acres or just 4 to 5 acres?

Inspector Hansen said he knows of three ways to remove the sludge. One is biological removal, where microbes will eat the sludge and dissipate it through gas release. One other option there is a company that can stir the slurry together with the water and sludge and then pump it up to two to three miles away if they had to through hoses and culverts. And the last option is to get rid of the water, dry it out and then physically remove the sludge.

Commissioner Kranz opined that it seemed to him that the city needs to be talking to folks about taking this because it is not something everybody wants.

Commissioner Sorensen questioned if you could have just so much concentration on the land.

Commissioner Kranz stated that by now most of the good stuff is already gone it is just solid material and mostly phosphorus.

Intern Lawrence informed the Commission that he will take the Planning Commission's ideas back to City Administrator Johnson and will hammer out the financial details and then come back with the financial part of it then and talk to the Commission some more and then go to the City Council.

Commissioner Kranz questioned if JEO Consulting was to help work with the city on this.

Intern Lawrence stated that he is working with Lucas from JEO on this project.

Inspector Hansen stated that JEO is the same engineer who is helping with the treatment plant now.

Commissioner Kranz questioned if JEO is expected to develop some sort of plan for this or is it going to be an additional.

Inspector Hansen stated that after the Council decides which way to go, they will probably hire an engineer to design, but they are doing some things on a per hour basis.

Inspector Hansen further noted for the Commission that Orville Lage owns land to the west and south of the lagoon and he has been talking about doing some residential development on his land.

Commissioner Sorensen questioned if they would be expanding the Roosevelt Park Addition.

Inspector Hansen stated they probably would.

Inspector Hansen further noted that the berm is probably an additional four feet higher than the water and the water is another four foot, so you are eight foot down. So on the north side if you push that berm over, you are probably fairly level it is the south end you are really sitting higher. For multiple uses, that might come into play to where you might want to look at which areas for a pond and which areas to have as parking or RV or recreational fields.

Commissioner Sorensen questioned how much use Wisner get's in their recreational area

Planning Commission Meeting Minutes  
Monday, January 3, 2011  
Page Fourteen

Inspector Hansen opined it is a very nice park and stated that he knows they have sand volleyball leagues there in the summer time, softball and baseball are there as well.

Inspector Hansen stated that mosquitoes cannot live in running water only standing water. The more standing water you have the more of an issue you will have.

Chair Melena asked for any further discussion on the lagoon alternatives. There being none, motion was made by Commissioner Brogie and seconded by Commissioner Sweetland to adjourn. Chair Melena stated the motion and second. All were in favor; motion carried unanimously. Meeting was adjourned.

Next meeting date is February 7, 2011.