



CITY OF DULUTH

COMMUNITY RESOURCES DEPARTMENT

Planning Division

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**City of Duluth
Planning Commission
Minutes of Monday, March 16, 2009
City Council Chambers**

- I. President Harries called the Special Meeting of the Planning Commission to order at **5:00 p.m., Monday, March 16, 2009** in the third floor City Council Chambers in Duluth City Hall.

II. Roll Call:

Members Present: Mike Akervik, Mindy Appold, Henry Banks, Joan Barrett, Gilbert Harries, Ruth Ann Eaton, Joan Morrison, Heather Rand, David Sarvela, John Vigen, Roger Wedin

Members Absent Excused: Mindy Granley

Members Absent: Jim Stebe

Staff Present: Terri Fitzgibbons, Charles Froseth, Alison Lutterman, Cherie Merritt, Cindy Petkac.

- III. **Determination on Kohl's Environmental Assessment Worksheet (FN 09012)**
FN09012- Environmental Assessment Worksheet for Kohl's Parking Lot located at, 2115 Miller Trunk Highway, Kohl's Department Store/Robert Doren, (CF)

President Harries and Commissioner Vigen recused themselves for FN09012. Vice President Wedin presided.

Staff: Kohl's lost parking when the State of Minnesota reconfigured Miller Trunk Highway and Kohl's lost parking space. Kohl's is seeking to replace 72 parking stalls by constructing a parking platform. The comment period for the EAW is now closed with nine comments received. Barr Engineering, represented by Carol Andrews, was hired to respond to comments and prepare the record for the Commissioners to consider. Findings of Fact and Record of Decision was distributed to the Commissioners and the public.

Carol Andrews, Project Engineer with Barr Engineering - Andrews said the City requested assistance by Barr and they have prepared the Findings of Fact and Record of Decision. Andrews discussed the record and findings with Commission. It appears the parking replacement project is feasible and the permitting process can address further issues. The dual use Commissioner Granley had inquired about at the previous meeting will not be necessary now. Kohl's is proposing not to increase stormwater flow but to move the flow to a new wetland.

MOTION/Second: Akervik, move to make negative declaration/Morrison. **Finding:** Based upon the Environmental Assessment Worksheet Findings of Fact and Record of Decision and Record no potential for significant environment impacts have been demonstrated. The Planning Commission as the Responsible Governmental Unit (RGU) issues a negative declaration and approves the Record of Decision as presented by staff. Unanimous (9)

IV. Adjournment of Special Meeting - 5:14 p.m.

Minutes of Annual Planning Commission Meeting

Monday, March 16, 2009

Mayor's Reception Room

- V. 5:30 p.m. Call to Order - Annual Meeting and Supper
President Harries called the Planning Commission's Annual meeting to order at 5:15 p.m., Monday, March 16, 2009, in the City Council Chambers.

II. Roll Call:

Members Present: Mike Akervik, Mindy Appold, Henry Banks, Joan Barrett, Ruth Ann Eaton, Gilbert Harries, Joan Morrison, Heather Rand, David Sarvela, John Vigen, Roger Wedin,

Members Absent Excused: Mindy Granley

Members Absent: Jim Stebe

Staff Present: Kyle Deming, Terri Fitzgibbons, Chuck Froseth, Alison Lutterman, Cherie Merritt, Cindy Petkac

Guests: Dan Russell, Executive Director, DECC

Chief Administrative Officer Mark Winson thanked the Planning Commission for their work.

Mayor Ness addressed the Commission. He stated he realizes it is difficult to use the Comprehensive Plan without a new zoning ordinance. He thanked Commissioners and staff for weathering the difficulties and stated this year it is vital to create a modern zoning code.

A. Nomination and election of officers

The Nominating Committee, consisting of Commissioners Morrison, Vigen and Eaton, recommended the following slate of officers:

- A. Mike Akervik - President
- B. Mindy Appold - President Elect (VP)

Any other nominations were requested three times according to standard procedure.

<p>Motion/Second: Barrett/Morrison to accept the recommended slate of Officers as presented. Unanimous</p>

B. Discussion of bylaw changes

- 1. Resolved: that By-law 10.1 of the Duluth Planning Commission be amended to read as follows:

ARTICLE X - COMMITTEES

- 10.1 Standing Committees. There shall be standing committees of at least three Commission members each appointed by the President for the purpose of determining policies of the Commission and executing its orders and meeting, deciding and reporting of all other matters referred to such committees. The members of the standing committees shall be appointed at the next regular meeting following the annual meeting and shall serve for the term of one year or until a successor is appointed. The standing committees shall be as follows:

- A. ~~Land Use~~ ~~Environmental~~ ~~Subdivision and Water Resources~~
- B. ~~Transportation~~
- C. ~~Design Review~~

- D A. Tax Forfeited Lands
- E- B. Education

Statement of purpose. This resolution eliminates the following standing committees of the Planning Commission: Land Use - Environmental - Subdivision and Water Resources; Transportation; Design Review.

MOTION/Second: Morrison/Sarvela- to Amend Article X as presented.	Unanimous
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- 2. Resolved: that Article XII of the By-laws of the Duluth Planning Commission be repealed in its entirety.

Statement of purpose. This resolution repeals Article XII of the By-laws. Article XII provides as follows:

ARTICLE XII - POLICY

- 11.1 Policy Statement. A written statement of policy of the Commission shall be drafted and maintained at the administrative offices.
- 11.2 Policy Revision. Said policy may be revised, amended or added to at any regular or special meeting by a majority of the entire membership (seven) and shall be reviewed by the Commission or a committee thereof annually.
- 11.3 Policy Availability. The staff shall advise petitioners, applicants or other interested persons of applicable portions of said policy upon request.

MOTION/Second: Wedin/Rand - to amend the Bylaws to repeal Article XII.	Unanimous
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- 3. Resolved: that By-law 5.4 of the Duluth Planning Commission is hereby amended to read as follows:

ARTICLE V - OFFICERS AND DUTIES

- 5.4 Secretary. The Secretary shall be responsible for notifying all members of meetings, drafting and circulating agendas, performing research work and preparing reports as are necessary to fully advise the Commission of all facts on matters before the Commission, keeping on file all official records and reports of the Commission, keeping a written record of Commission meetings, transactions and actions, serving required notice of all public hearings and public meetings, maintaining and circulating minutes, reporting on and attending to correspondence of the Commission and carrying out such other duties as are assigned by the Commission. The ~~Director~~ Land Use Supervisor of the City's Planning and Development Division shall serve as Secretary.

Statement of purpose. The City is eliminating the position of Director of Planning and Development; therefore, it is necessary to change the identification of the position within the City's administrative structure that serves as Secretary *ex officio*.

MOTION/Second: Barrett/Vigen - to make an Amendment to Article V of the Bylaws as presented.	Unanimous
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- 4. Resolved: that By-law 13.1 of the Duluth Planning Commission is hereby amended to read as follows:

Statement of purpose. This resolution amends the effective date of the Bylaws.

ARTICLE XIII - EFFECTIVE DATE

- 13.1 These bylaws shall take effect on ~~February 28, 2008~~ March 16, 2009, and shall supersede all BYLAWSs which might have been earlier established for the City Planning Commission.

MOTION/Second: Appold/Barrett - to make an Amendment changing the effective date of the Planning Commission Bylaws, Article XIII, by changing the effective date. Unanimous

VI. Old Business

None.

VII. Reports of Officers and Committees

VIII. New Business

IX. Other Business

- C. Program: Duluth Entertainment Convention Center Expansion
Guest Speaker: Dan Russell, Executive Director, DECC

Russell gave an in-depth and informative program on the DECC's expansion, including schematics.

X. Adjournment of Annual Planning Commission Meeting: 5:20 p.m. - Wedin/Barrett

Respectfully,

Cindy Petkac
Secretary

Charles Froseth
Senior Planner

CP:CF:tf/cm