

City of Excelsior

Planning Commission Meeting

Minutes

Wednesday, September 5, 2012

1. CALL TO ORDER

Chair Gaylord called the meeting to order at 7:07 p.m.

2. ROLL CALL

Commissioners Present: Busch, Craig, Jensen, Wallace, Wright, and Chair Gaylord

Commissioners Absent: Duyvejonck

Also Present: City Planner Richards, City Attorney Staunton, City Planner Braaten

3. APPROVAL OF MINUTES

a. Planning Commission Meeting of August 13, 2012

Commissioner Jensen moved, Commissioner Wright seconded, to approve the Planning Commission Minutes of August 13, 2012 as presented. Motion carried 5/0.

4. PENDING ISSUES/PROJECTS

a. Appoint Liaison to City Council (September 17, 2012)

Commissioner Wright will be the Planning Commission Liaison to the September 17, 2012 City Council meeting and Commissioner Busch will be the alternate.

Commissioner Jensen moved, Commissioner Craig seconded, to revise the meeting agenda to move Item 7(a) Design Standards Review for 21 Water Street to follow agenda Item 5(b). Motion carried 5/0.

5. PUBLIC HEARINGS

a. Design Standards Review and Conditional Use Permit to allow more than one principal building on a base lot within the B-1, Central Business District and the B-3, Office/Residential District on the property located at 352 Third Street, P.I.D. # 34-117-23-11-001 and # 34-117-23-11-0115 – Mike Seifert, Excelsior 3<sup>rd</sup> Street Station

Richards reported that Mike Seifert has made application for Design Standards review to make significant changes to the front, side and rear facades to the buildings located at 352 Third Street. Furthermore, Richards explained that the applicant was requesting approval of a Conditional Use Permit to allow more than one principal structure on the property. Mr. Seifert is proposing to

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demolish a section of the existing building which would leave two separate structures on the same parcel. Richards went into further explanation of the existing site conditions, the proposed site conditions and the mixed uses proposed in the plans. Richards stated that the property was not located within the Historic District boundaries and therefore would not require the approval of the Historic Preservation Commission. Richards further explained the two zoning districts which encompass the property, the B-1, Central Business District, and the B-3, Office/Residential District. Richards informed the Commission that the property had sufficient parking for the proposed uses, but the applicant would be required to contact the City as tenants moved in and out of the structures to ensure compliance with parking regulations.

Commissioner Wallace entered the meeting at 7:15 pm.

Richards went on to explain that the building height was compliant, the lighting plan was compliant, and the applicant had more than the required parking spaces for the proposed uses. Richards discussed the material board provided, tree preservation/landscaping, and the trash/recycling issue. Richards stated that the applicant would need to address a trash enclosure and that the applicant would also be installing curb and gutter along 3<sup>rd</sup> Street along with street lights.

Chair Gaylord asked about the parking lot requirement which would require islands and plantings. Richards replied that much of the parking he was addressing would be within the Hennepin County Rail Road Authority property, which was currently leased by Mr. Seifert and that any improvements within this corridor would be difficult due to the Three Rivers Park District trail being located in such close proximity.

Mike Seifert, P.O. Box 216, Excelsior, stated that the proposed design of the building would be a stained wood with galvanized details to merge the re-design with the former industrial use. Chair Gaylord asked if the garage doors shown were proposed to be glass. Mr. Seifert stated that they were proposed to be glass and the reason was to reflect the former industrial use of the area.

Chair Gaylord asked about trash removal. Mr. Seifert explained that the trash enclosure had been added to his new plans and the enclosure would be located in a central location. He stated that was the only trash enclosure currently planned, but another could be added if it was necessary for the tenants. He also informed the Commission that public seating and bike racks had been added to his revised plans in light of the comments made by Richards in the staff report for tonight's meeting.

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A brief discussion followed regarding a section of the structure being located over the property line and if there would be any building code implications. Richards told the applicant that a discussion with the local building official would be beneficial to insure that what he was proposing would not be limited by the Building Code.

Jensen asked if the trail would remain in the same location and configuration. Mr. Seifert stated that he was looking at other options, but he was currently proposing no change in the alignment of the Three Rivers Park District trail. Seifert explained that the flow would be the same and that he would like to asphalt the parking areas that were currently gravel. This would allow him to paint and stripe to direct traffic more safely and efficiently.

Jensen inquired about the curb cut currently used by the gas station and if it was to remain in its current location. Jensen wanted to make sure that there would be no access issue for the tanker truck service to the gas station. Mr. Seifert informed him that there would be no change to the access he was discussing.

Chair Gaylord asked Mr. Seifert about proposed locations for mechanical equipment. Mr. Seifert explained that the majority of the mechanical equipment would be located within the structures. Richards stated that one of the proposed conditions of approval would require the screening of any proposed mechanical equipment.

Chair Gaylord asked for clarity on why the Conditional Use Permit (C.U.P.) was required for this application due to the fact that the uses seemed to fit the underlying zoning district. Richards explained that City Code required a C.U.P. for more than one principal structure on the same parcel. Mr. Seifert is proposing to demolish the middle section of the structure, which is currently a loading dock, and turn the one large structure into two smaller principal structures.

Discussion followed regarding site details, underground parking on site, and the proposed parking lot off of 3<sup>rd</sup> Street.

Jensen asked why Mr. Seifert was proposing a small 3 stall parking lot off of 3<sup>rd</sup> Street in between the two structures. Mr. Seifert explained the potential for retail space adjacent to the proposed parking and the use of off-street parking for the residential unit. Wallace commented that he would only gain three spaces with the proposed curb cut off of 3<sup>rd</sup> Street. Mr. Seifert stated that the additional spaces could be helpful if he were ever to lose the lease with the Hennepin County Railroad Authority. Chair Gaylord inquired if the parking lot

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being discussed would connect to the rear lot parking. Mr. Seifert stated that it would be linked by a pedestrian walkway/stairs connecting the two areas, but would not be linked for through traffic. Busch stated that greenspace may be more appealing in this area than a curb cut and a gain of three parking spaces. Jensen asked if he would be installing curb and gutter along 3<sup>rd</sup> Street. Mr. Seifert stated that he would.

Jensen asked if Mr. Seifert had looked into burying the power lines along 3<sup>rd</sup> Street. Mr. Seifert explained that he would like to, but it was not cost effective at this point.

Wright inquired about the residential use. Mr. Seifert explained the proposed location of the residential unit. Busch stated that she liked the inclusion of a residential unit in the proposed plans. Jensen stated that the unit ties the property to 3<sup>rd</sup> Street. Wallace asked if the unit would be a rental. Mr. Seifert stated that the residential property would be a very unique rental for the area. Chair Gaylord opened the public hearing.

Bob Bolles, Excelsior Mill Partnership, 336 Water Street, asked that the applicant keep the stormwater on his property. Mr. Bolles asked that the City look into an additional catch basin for stormwater on the property, which he assumed would be very minimal in cost because of the location of the existing stormwater pipe. Mr. Seifert replied that he planned on handling all of the stormwater on site.

Tom Lofquist, 740 Pleasant Street, asked the applicant and/or staff to explain the proposed use of each building to help clarify the application.

Chair Gaylord closed the public hearing.

Richards explained that the first building, located closest to Water Street, would be a mixed use of retail and warehouse with the possibility of an event center. The second building would include one residential unit and warehouse use. Chair Gaylord asked if it would be traditional warehousing. Mr. Seifert replied that the exact use of each space, other than the residential unit, would be tenant driven.

Chair Gaylord stated that the proposed plan would be an obvious improvement on the 3<sup>rd</sup> Street exposure. Jensen agreed stating that the project would also be an improvement when viewing the structure from the trail side.

Wallace commented that the proposed 3 stall parking area proposed along 3<sup>rd</sup> Street would be an oddity. He stated that the parking area did not seem to fit

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in such close proximity to residential properties along 3<sup>rd</sup> Street.

Busch asked if a zoning change were necessary for the proposed uses and stated that she had concerns about the amount of proposed green space along 3<sup>rd</sup> Street. Richards replied that no zoning change was necessary and informed the Commission that a landscaping plan was submitted with the application. Busch replied that she would like to see more green space along the 3<sup>rd</sup> Street side of the project and less concrete. Jensen replied that some of the proposed concrete was directly across from a pool maintenance business, so the concrete was not an unusual circumstance in this location. Furthermore, Chair Gaylord stated that the zoning allows the proposed improvements.

Discussion followed regarding parking and residential use.

Chair Gaylord asked if there would be a traffic impact for the proposed project. Richards stated that he did not require a traffic study due to the fact that the proposed uses were not a significant change to what is currently located on site.

Chair Gaylord asked if it were a possibility to close off the curb cut access along 3<sup>rd</sup> Street for the proposed parking lot on the northwest side of the property and access the lot from the trail side instead of 3<sup>rd</sup> Street in order to reduce the amount of traffic in close proximity to residential properties. Mr. Seifert replied that this option would require significant excavation and construction of a significant retaining wall. Also, he stated that he did not want to significantly impact the Hennepin County Railroad property.

Wallace asked if the property could meet the overall parking requirements if they lost the lease with the Hennepin County Railroad Authority. Mr. Seifert replied that he believed he would have enough parking spaces. Richards agreed that based on the proposed uses the property had sufficient parking not including the spaces provided within the Hennepin County Railroad Authority property.

Chair Gaylord asked Richards to go through the design review standards. Mr. Richards explained the comments that he had provided in the staff report.

Wallace asked about the dual steps and access to the residential unit on the property. Discussion followed regarding the amount of concrete shown as an access to the residential unit. Mr. Seifert stated that the drawing incorrectly showed the concrete drive still extending to the residential unit and that would be reduced to a sidewalk to access the property. Richards requested a revised plan to reflect the sidewalk prior to the upcoming City Council meeting on

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September 17, 2012.

Discussion followed regarding a sidewalk proposed to extend from the 3 stall parking area to the residential unit along 3<sup>rd</sup> Street. The Commission recommended that the proposed 3 stall parking area be allowed with a minimal sidewalk extending to the residential unit and that the site plan be revised to show the proposed improvements as recommended.

The Commission continued to discuss the design standards. They discussed the addition of bike racks, the screening of mechanical equipment, the proposed lighting plan, and landscaping.

Jensen asked about street lighting along 3<sup>rd</sup> Street. Richards stated that the applicant would have to install the required lighting in compliance with the City design standards. Richards stated that on redevelopment of commercial properties the City has also required for all electrical to be buried at the expense of the applicant, but it has not been a requirement for remodeling of existing buildings. Jensen stated that the requirement to bury the electrical could be cost prohibitive. Mr. Seifert stated that he would have liked to bury the electrical lines, but the price quote he received was between \$50,000 to \$70,000 which he was not able to afford at this time.

The Commission continued to discuss the street lights along 3<sup>rd</sup> Street. Jensen commented that he was not in favor of any street lighting along 3<sup>rd</sup> Street that the residential neighbors were not in favor of.

Commissioner Jensen moved, Commissioner Craig seconded, to continue the public hearing to the City Council meeting and recommend approval of the design standards and the Conditional Use Permit to allow more than one principal building on a base lot with the 20 recommended conditions of approval stated in the staff report along with the following conditions: a) the site plan showing the proposed walkways/sidewalks shall be updated to reflect the discussion of the Planning Commission, b) the plans shall include outdoor seating, c) the applicant shall contact the building official to discuss the proposed windows and improvements that may be over the property line, d) dimension the un-dimensioned elevation provided in the packet, e) the 8 ft. retaining wall shall be engineered, f) the City Engineer shall review the stormwater plan to see if an additional basin is necessary to control the stormwater on site . Motion carried 6/0.

- b. Variance from the rear setback requirement as stated in Appendix E, Article 43, Sec. 43-7 of the Excelsior City Code, to build a two-car attached garage onto the existing house on the property located at 531 Third Street, P.I.D.# 34-117-23-14-0020 – MTK Properties II, LLC

Braaten introduced the variance application. Braaten informed the Commission that the applicant was proposing to construct an attached home and garage addition 17.4 feet from the rear lot line versus the required 20 ft. setback in the R-2, Single and Two Family Residential District. Braaten explained the existing site conditions and the proposed site conditions. He informed the Commission that Mr. Kozikowski of MTK properties was proposing a home addition that would reflect a style similar to the existing home directly adjacent to this structure and which also shared a driveway with the subject parcel.

Mark Kozikowski, P.O. Box 775, Excelsior, stated that the purpose of the home and garage addition was to update the home and the current tuck under garage. He stated that the design of the home was intended to mirror the existing single family home next door to the subject parcel. Furthermore, he indicated that the existing home did not have a very usable kitchen or dining room area. Mr. Kozikowski stated that the existing tuck under garage is accessed via an easement that is set to expire at the end of the year and he needed to get a new plan in place before the easement expires.

Chair Gaylord opened the public hearing. No public comments were received. Chair Gaylord closed the public hearing.

Commissioners Busch, Wright, and Jensen stated that they were okay with the proposed application as submitted.

Craig asked if the property was a single family residence on a single lot. Mr. Kozikowski stated that it was in fact a single family dwelling on a single lot. He informed the Commission that the former owner had joined multiple adjacent lots together into one larger parcel and in order to rectify the issues caused by the joining of the properties multiple easements were created to allow access.

Chair Gaylord stated that the applicant, based on the design, was creating the need for a variance. Chair Gaylord stated that if the applicant were to minimally revise the proposed plans no variance would be necessary. Mr. Kozikowski replied that it was his intent to match up the proposed improvements with the neighboring property and to allow a reasonable expansion without too much encroachment. Discussion followed regarding the variance review criteria.

Craig commented that altering the design to meet all of the required setbacks would cause the addition to be awkward. Jensen commented that the majority of the proposed improvements would be screened as viewed from 3<sup>rd</sup> Street. Busch commented that the proposed design was reasonable when trying to accommodate for the location of the existing home and floor plan. Wright commented that the proposed improvements fit in with the character of the neighborhood. Wallace replied that the addition could be done without a variance, but the proposed improvements were reasonable. City Attorney

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Staunton stated that the new variance language allowed more flexibility than the prior language, but the findings would need to be specific to the property in question.

Jensen stated that the proposed attached garage width of 22.5 feet is less than a typical two car garage and a reasonable request in a residential zoning district. Discussion followed regarding setbacks, the proposed design, the architecture of the neighborhood and the proposed gables.

Chair Gaylord stated that the proposal did not seem to pass the variance criterion which states "Is the plight of the property owner due to circumstances unique to the property that have not been created by the landowner?" Chair Gaylord commented that the 20 ft. rear yard setback could be designed around. Craig replied that the proposed design was more sensitive to the site and the neighboring properties. Craig stated that the proposed location was more reasonable due to the location of the existing home and the slope of the property.

Mr. Kozikowski stated that the upcoming loss of the easement to the tuck under garage is a unique characteristic of the lot which should be considered in the discussion. Another unique characteristic was the existing grade on the site which makes it challenging for the placement of a garage. Busch agreed that the location of the existing home and placement of a reasonable addition were integral to the approval of the variance for the property. Chair Gaylord noted that the proposed garage width and sizing was minimal for a two car garage.

Commissioner Jensen moved, Commissioner Busch seconded, to continue the public hearing to the City Council meeting and recommend approval of the variance to allow the applicant to construct a home and garage addition 17.4 feet from the rear lot line vs. the required 20 ft. minimum setback in the R-2, Single and Two Family Residential District. Motion carried 6/0.

The Commission took a 5 minute break at 8:55 PM.

The Commission reconvened at 9:00 PM.

7. NEW BUSINESS

- a. Design Standards Review for 21 Water Street – Jon Monson

Richards introduced the application. Richards explained that Mr. Monson has submitted an application for Design Standards and Site Plan Review for the property located at 21 Water Street. Richards explained that the applicant was proposing an extension of the existing building to be used as a sign header for

7. NEW BUSINESS

a. Design Standards Review for 21 Water Street – Jon Monson – (continued)

signage and entry to the business located in the rear of the existing structure. Richards informed the Commission that the Heritage Preservation Commission had reviewed and approved the application at their August 21, 2012 regular meeting with no conditions.

Chair Gaylord asked about the sizing of the signage to be placed on the building. Jon Monson, 202 Water Street, replied that the proposal was to extend the sign header for the business in the rear. Mr. Monson stated that based on the staff report the subject parcel was allowed at total of 109 sq. ft. of signage for the property and he would work with the tenants to make sure they did not exceed the maximum. He was not proposing any specific signage at this time.

Chair Gaylord asked if the proposed sign header would have a roof or if it would be open to the elements. Mr. Monson replied that it would be open. Commissioner Busch asked for clarification regarding the design of the proposed improvement. Mr. Monson replied that it would only be a two-sided structure. The side away from Water Street would be open. Commissioner Craig asked about the location of the proposed signage. Mr. Monson replied that he would be staying out of the signage discussion and that would be a discussion between the tenants. Commissioner Wallace asked if the existing signage on the side of the building was not enough for the rear tenant. Mr. Monson replied that the perception was that the rear tenant did not have enough visibility from Water Street and that this sign header would not only give them a sign on Water Street, but a type of entry directing people off of Water Street.

Commissioner Jensen moved, Commissioner Busch seconded, to recommend the City Council approve the Design Standards Review for the proposed improvements at 21 Water Street. Motion carried 6/0.

5. PUBLIC HEARINGS (cont.)

c. Proposed Ordinance to Amend Article 15, Non-Conforming Buildings, Structures, and Uses of Appendix E of the Excelsior City Code of Ordinances related to non-conforming uses and structures

Sarah Gibson, City Attorney Intern, introduced the proposed Ordinance Amendment. Ms. Gibson explained that the proposed language could be separated into three sections: 1) Shoreland Areas, 2) Non-conforming Uses, and 3) Non-conforming Structures. Ms. Gibson explained that the Shoreland Area non-conforming State Statute language did not really apply to the City of Excelsior and therefore recommended the adoption of just a reference to the State Statute.

Ms. Gibson explained that the proposed language regarding non-conforming uses would require a definition of "expansion." Ms. Gibson explained that

5. PUBLIC HEARINGS (cont.)

- c. Proposed Ordinance to Amend Article 15, Non-Conforming Buildings, Structures, and Uses of Appendix E of the Excelsior City Code of Ordinances related to non-conforming uses and structures – (continued)

based on the proposed language expansion would be measured based on hours of operation, noise levels, traffic patterns, offensive smells, visual impairments, and size (i.e. floor area, space, etc.). Discussion followed regarding offensive smells, non-conforming uses, and enforcement and measurement of a non-conforming use.

Ms. Gibson explained the proposed changes to the non-conforming structure section of the ordinance. She reminded the Commission that currently the Ordinance language would require any addition to a non-conforming structure to get approval of a variance even if the proposed improvements met all setback and zoning requirements. She told the Commission that the proposed language would help to ease the process, which would make it easier for property owners, staff and the Planning Commission. Ms. Gibson provided multiple examples regarding non-conforming structures to help illustrate her point.

Chair Gaylord opened the public hearing. No comments were received from the public. Chair Gaylord closed the public hearing.

Commissioner Craig moved, Commissioner Busch seconded, to continue the public hearing to the City Council meeting on September 17, 2012 and recommend approval of the proposed Ordinance to Amend Article 15, Non-Conforming Buildings, Structures, and Uses of Appendix E. Motion carried 6/0.

6. UNFINISHED BUSINESS

- a. Design Standards for 50-foot Setback Requirement on Water Street

Richards explained that this discussion began with the development of the Mason Motors site. Richards stated that currently there is a conflict between the zoning standards and the design standards regarding where the 50 foot setback for parking is allowed and not allowed. Richards was looking for direction from the Commission as to where the line for the 50 foot parking setback should end along Water Street.

Discussion followed regarding the development of the Mason Motors site, the current zoning districts, and the current site conditions for properties located on Water Street between Third Street and Oak Street.

Bob Bolles, 340 Water Street, commented that the original division drawn along Water Street between Third Street and George Street separating the B-1 and B-2 zoning districts was based on the makeup of the buildings. Mr. Bolles stated that he had been part of the discussion when the zoning districts

6. UNFINISHED BUSINESS

- a. Design Standards for 50-foot Setback Requirement on Water Street – (continued)

were established. Mr. Bolles explained that the consensus at the time was to stop the B-1 zoning district based on the front setback of the existing buildings.

Discussion followed regarding the B-1 and B-2 zoning districts, 50 ft. parking setback, and the proposed boundary.

By consensus the Commission decided that the 50 ft. parking setback requirement should extend along Water Street as far as George Street.

Commissioner Busch moved, Commissioner Craig seconded to schedule a public hearing for the Design Standards – 50 Foot Setback Requirement revision. Motion carried 6/0

- b. Impervious Surface Coverage Regulations – Green Technology Subcommittee

Richards introduced the topic. Richards informed the Commission that this topic has been address at numerous previous Planning Commission meetings and the Green Technology Subcommittee has developed the proposed language. Chair Gaylord explained that the topic had been continued at the last meeting due to multiple Commissioners being absent. Commissioner Busch, member of the Green Technology Subcommittee, was satisfied with the proposed language.

A brief discussion followed regarding the proposed language.

Commissioner Busch moved, Commissioner Jensen seconded to schedule a public hearing for the proposed Ordinance Amendment regarding impervious surface regulations. Motion carried 6/0

- c. Formula Business Regulations (Franchises)

Richards introduced the topic. Richards explained that the discussion at the City Council regarding this issue included the Mayor commenting that design standards may be the solution instead of regulating formula businesses. Staunton thought it might be helpful if the Commissioners reviewed the tape of the City Council meeting to determine what they would be trying to avoid with the regulation of franchise businesses. Discussion followed regarding design standards and alternate approaches to regulation of franchise businesses.

Wallace commented that due to the amount of activity and commercial projects happening in the City currently that this topic may be of greater importance than the Commission might think. Discussion followed regarding a timeline to discuss this issue further.

6. UNFINISHED BUSINESS

c. Formula Business Regulations (Franchises)

By consensus the Commission requested that this item be placed on the October Planning Commission Agenda for further discussion.

7. NEW BUSINESS

a. Design Standards Review for 21 Water Street – Jon Monson

This item was moved up on the agenda to accommodate the applicant.

b. Parking Update - Implementation

1. Parking Counts Summary

Richards explained that the parking counts summary had not yet been updated.

2. Parking Management

Richards stated that there was nothing new to report on the parking management discussion. The information provided by the summer intern Lisa Elliot was an initial report to start the conversation. The Commission will be revisiting this issue in the future.

3. Parking Options for Water Street

Richards introduced this topic. Richards informed the Commission that he had brought this item to the Commission at the request of the City Council. Brian Burdick, property owner of 287/289 Water Street, is looking for options to develop his property located on the corner of 3<sup>rd</sup> Street and Water Street. Mr. Burdick has a building plan already approved, but he is having an issue with the amount of parking necessary to support the use. Mr. Burdick is looking for options. Richards provided 5 options to the Commission that were also provided to the City Council for their discussion on the issue. Richards explained that the City Council requested that the Planning Commission consider the options provided and help to determine how this issue should be addressed and to what extent.

Craig asked how many businesses currently located on Water Street within the B-1 district had parking within the 50 ft. setback. Richards stated that Mr. Burdick's property, Haskells, and Dunn Brothers Coffee all had parking within the 50 ft. setback.

Discussion followed regarding parking capacity, 287/289 Water Street, and possible options.

7. NEW BUSINESS

b. Parking Update - Implementation – (continued)

Commissioner Wright moved, Commissioner Busch seconded to recommend that the City Council consider Options 1, 2, 3, and 4 as provided in the packet. Motion carried 5/1 with Commissioner Jensen voting "nay."

c. Dates for Additional Work Session(s)

Additional dates for work sessions were not scheduled.

8. COMMUNICATIONS & REPORTS

a. Next Planning Commission Meeting – Tuesday, October 2, 2012

9. MISCELLANEOUS

a. Recent City Council Actions

Staff updated the Commission on recent City Council actions.

The Commission briefly discussed the possibility of holding a special meeting for the upcoming 10 Water Street hotel application. Chair Gaylord commented that he would like to keep the hotel application separate from the regular meeting to allow enough time to discuss the topic.

By consensus the Commission decided to schedule a special Planning Commission meeting on October 17, 2012 at 7:00 PM for the upcoming 10 Water Street application.

10. ADJOURNMENT

Commissioner Craig moved, Commissioner Wright seconded, to adjourn the meeting at 10:35 p.m. Motion carried 6/0.

Respectfully submitted,

Lane L. Braaten  
City Planner