

AGENDA
PLANNING COMMISSION/BOARD OF ADJUSTMENT
August 27th, 2018 at 6:00pm
Walker Fire Hall – 701 Elm Avenue West

1. Regular Meeting Call to Order
2. Additions or Deletions to the Agenda
3. Announcements by Chair –
4. Approval of Minutes for July 30th, 2018
5. Planning/Zoning Report for July 2018
6. Review and recommendation on draft real estate disposition policy; regulating the sale of City owned property.
7. Continued Planned Unit Development (PUD) Research
8. Adjourn meeting of Planning Commission.

This agenda is not exclusive. Other business may be discussed as deemed necessary.

**WALKER PLANNING COMMISSION
BOARD OF ADJUSTMENT
REGULAR MEETING MINUTES**

July 30th, 2018

6:00 p.m. 701 Elm Avenue Walker Fire Hall Meeting Room

1. Call to Order 6:00 p.m. by Wilkening

Roll Call-

Members Present: Randy Carlson, Rich Hansen, Gary Wilkening, Annie McMurrin and Susan Ostlund

Members Absent: None

Public: None

Staff: Pamela Smith

2. Additions or Deletions to the Agenda.

None

3. Announcements by Chair.

None

4. M/S Carlson/Hansen to recommend approval of Minutes for June 25th, 2018.

Motion passed (5-0)

5. Planning/Zoning –Report for June 2018

Smith reviewed the zoning report stating that the total valuation of permits through June is \$773,641.

6. Review draft real estate disposition policy; regulating the sale of City owned property. (Doesn't include regulating acquisition or repair of City owned property)

The Board reviewed the Draft of the Real Estate Disposition Policy and requested that staff makes the following changes and bring back to the August Planning meeting for recommendation to Council.

- Section C. Declaration of Real Estate as Surplus; omit number (2)
- Section D. Solicitation of Offers by Invitation for Bids; number (2)(a)...Paper of Record and Leech Lake TV.
- Section E. Solicitation of offers by request for proposals; (2)(a)...Paper of Record and Leech Lake TV.
- Section F. Acceptance of Unsolicited Offers; (1) (first sentence)-omit: ...by the City Council in his or her...adding...in its.
(second sentence)-omit:...and its disposition by the City Administrator. Adding...
....given to the City Administrator.
(b) omit second sentence. The City Council shall provide City Attorney or City Administrator with notice of the unsolicited offer.

7. Planned Unit Development (PUD) Research

The Board reviewed the several suggestions. Wilkening suggested using option 2. The Overlay district; the City of Osakis was used as an example. Wilkening noted that there would be other things to consider when incorporating an Overlay such as, Interim Use Permits, Vacation/Private Home Rental, water orientated structures, etc. He added that the City of Osakis talks about R-1 and R-2 and that would be Traditional Residential (R) and Low Density Residential (LDR). You could lay it out as one plot. You could have mixed uses of sizes of homes and densities for apartment buildings and maybe some smaller style homes. It seems like it is geared toward one person doing the whole development and create all the lots and put in the entire infrastructure. So you would have almost a subdivision creation with a mixture of apartments and homes. McMurrin agreed that she like that more also; it would create uniformity.

Hansen states that option 3 the zoning district would allow you the most flexibility because you wouldn't have to worry about setbacks would fit on every district that you decided to use, but it's also the most labor intensive. Hansen added that the Overlay District probably makes the most sense because he doesn't see us doing 10 PUD's in the next 5-10 years.

Wilkening stated that he would like to review this ordinance with Mike Paulus from Cass County Economic Development and take it to his potential developer and question if this is a document that would work within the frame of what he is thinking. The Board agrees that is a good idea.

Wilkening adjourned the meeting at 6:30 p.m.

ZONING ADMINISTRATOR REPORT

JULY 2018

PERMITS: The following building permits were issued in **JULY**:

Permit #	Date	Owner	Address	Work	Amount
BP-2018-25	7/1/2018	FNB NORTH	102 6TH STREET S	HANDICAP RAMP	\$25,450.00
BP-2018-32	7/11/2018	WALKER BAY TOWNHOME ASSOC	RAILROAD AVE	RESIDING	\$567,058.00
BP-2018-33	7/11/2018	LINDA WALLISER	803 FRONT STREET	ROOFING	\$7,600.00
BP-2018-34	7/18/2018	KIM BLUTE	202 4TH STREET	ROOFING	\$5,000.00
BP-2018-35	7/30/2018	KRISTEN BOCKOVICH	308 7TH ST S	NEW GARAGE	\$27,900.00
BP-2018-36	7/20/2018	PREGNANCY SUPPORT	102 8TH STREET	REMODEL ADD TWO OFFICES	\$10,200.00
BP-2018-37	7/23/2018	MAX KRAUSE	313 TIANNA DRIVE	INSTALLATION OF FURNANCE	\$15,211.00
BP-2018-38	7/24/2018	RICHARD KOLP	210 5TH STREET S	GARAGE FLOOR- CEMENT	\$6,000.00

Building Permits to Date	Commercial	Residential	Total
2018	\$ 507,312 (20)	\$ 930,748 (17)	\$ 1,438,060 (37)
2017	\$ 556,125 (13)	\$1,333,498 (44)	\$ 1,892,623 (57)
2016	\$ 631,997.12 (15)	\$ 176,115 (25)	\$ 808,112.12 (40)
2015	\$1,018,145 (12)	\$ 1,226,852 (39)	\$ 2,244,997 (51)
2014	\$ 252,782.71 (18)	\$ 407,975 (23)	\$ 660,757.71 (41)
2013	\$ 673,581 (17)	\$ 361,824 (27)	\$ 1,035,405 (44)
2012	\$ 607,485 (17)	\$ 398,075 (20)	\$ 1,005,560 (37)
2011	\$ 90,211 (6)	\$ 118,863 (9)	\$ 209,074 (15)
2010	\$ 205,280 (7)	\$ 84,500 (3)	\$ 289,780 (10)
2009	\$ 978,606 (2)	\$ 38,600 (7)	\$ 1,017,206 (9)
2008	\$1,698,175 (8)	\$ 649,568 (8)	\$ 2,347,743 (16)

Sign Permits: JULY

Permit #	Date	Applicant/Owner	Type	Location
SG-2018-03	7/9/2018	Walker Area Pregnancy Support Center	Free Standing Sign	102 8th St N

Temporary Signs: JULY

Permit #	App Date	Applicant	Event	Sign Location	Event Location
TS-2018-10	07/09/18	MARY CYR	ST.AGNES COOKIE WALK	THRIVENT/ CITY PROPERTY BY HARDEES	ST. AGNES
TS-2018-11	07/17/18	KATHY BIELOH	MOONDANCE JAM	THRIVENT	MOONDANCE
TS-2018-12	07/31/18	ST AGNES CHURCH	CHURCH AUCTION	812 MN AVE W	ST. AGNES

Fence Permits: JULY

None.

COUNCIL ACTION:**8/6/2018****ECONOMIC DEVELOPMENT –Councilmember McMurrin**

1. M/S McMurrin/Moore to approve of Walker Planning Commission/Board of Adjustments Meeting Minutes of June 25th, 2018.

Motion passed (5-0)

City of Walker

Real Estate Disposition Policy

I. PURPOSE

To provide a comprehensive policy, process and guidelines for disposing of City of Walker real estate. This policy is intended to create a process that is transparent to the community which engages competition for desired City assets, that maximizes return on investment, and provides a vehicle for collaboration for desired reuse or redevelopment of the property that reflects the City's economic sustainability goals and desired community assets.

II. DEFINITIONS

Surplus Land	Land and buildings that are owned by the City of Walker and determined surplus by the Planning Commission and City Council.
Developable Property	Land that can be independently improved.
Undevelopable Property	Land that can only be developable with the consolidation of adjacent land.
Solicited Offers	Formally requested offers for sale of property by the City of Walker.
Unsolicited Offers	Offers received with no formal initial solicitation by the City of Walker.

III. POLICY

A. Management of City of Walker Real Estate Assets

- (1) City-owned real estate shall be considered for sale and sold in accordance with this policy and any applicable provisions of the Minnesota State Statutes, and the *City Code of Walker*. City-owned property may also be leased for non-City uses under certain conditions.
- (2) The City Council may delegate some or all of the duties required to dispose of real estate owned by the City, except for legal advice and assistance with real estate transactions which is within the purview of the City Attorney's Office. Any reference to "City Administrator" in this policy also applies to any person or department whom the City Council delegates his or her responsibilities detailed in this policy.
- (3) The Planning Commission Board of Adjustments, as designated by the City Council is responsible for adopting and complying with this policy with respect to City assets such as real estate and buildings. The Planning Commission Board of Adjustments will from time to time, in conjunction with other City departments, review City assets and assess utilization. Where the utilization of the asset is no longer serving a public purpose or is underutilized, the asset may be recommended to the City Council for designation as surplus real estate. Once designated, the City Council will proceed with the sale and negotiation process as described herein consistent with the *Minnesota State Statute* and *City of Walker Code*.

B. Records and Reporting

- (1) City-owned Real Estate and Surplus Real Estate – City Staff shall prepare and maintain records that enumerate:
 - a) All parcels of City-owned real estate; and
 - b) All City-owned real estate that any City Council reports is no longer needed for municipal or public purposes together with Planning Commission Board of Adjustments recommendations for the disposal of such real estate in accordance with this policy.
- (2) Upon determining that specific City-owned real estate is no longer needed for municipal or public purposes, the City Staff shall report such real estate with recommendations for the disposal of such to City Council.

C. Declaration of Real Estate as Surplus

- (1) Solicitations of offers, bids or proposals for the purchase or lease of City owned real estate shall be sought by solicitation, whether by Invitation for Bids or Request for Proposals, or auction only after authorization by City Council, who shall first have received the Planning Commission's recommendation and authorized the subject surplus real property to be disposed, and authorized the seeking of offers, bids or proposals by solicitation, auction, or acceptance of unsolicited offers as described in Section F herein.

D. Solicitation of Offers by Invitation for Bids

- (1) Invitation for Bids - If determined that it is in the best interest of the City to sell or lease surplus real estate with regard to price only, the City Council shall invite competitive sealed bids for such real estate. All Invitations for Bids shall:
 - a) Be expressly conditioned on Council approval of the sale of the real estate to the successful bidder in accordance with *Minnesota State Statute 471.345 UNIFORM MUNICIPAL CONTRACTING LAW*.
 - b) Provide that bids will be evaluated solely on the basis of the price and relevant terms not related to price as stated in the bid;
 - c) Require that each bid be received by the City Administrator no later than a specifically stated date and hour; and
 - d) Require that a deposit in accordance with this policy accompany each bid.
- (2) Solicitation - All Invitations to Bid shall be initiated:
 - a) By publication on the City's web site, Paper of Record, Leech Lake TV; and
 - b) By such other means as to provide reasonable notice to the maximum number of persons reasonably anticipated to submit bids in response to the particular Invitation to Bid.
- (3) Acceptance or Rejection of Bids - Once the date and hour for the receipt of bids has passed and the bids have been evaluated, the sale of the real estate will be recommended to Council if the bid has met minimum pricing requirements, the bidder has complied with the conditions of this section and offers the highest price for the City-owned real estate. No other criteria shall be considered in evaluating bids solicited under this section.

E. Solicitation of offers by request for proposals

- (1) Request for Proposals - If the City Council determines that it is in the best interest of the City to sell or lease surplus real estate with regard to factors other than price, but which may include price, the City Council shall request proposals for the real estate. All Requests for Proposals shall:
 - a) Be expressly conditioned on Council approval of the sale of the real estate to the successful proposer in accordance with *Minnesota State Statute 471.345 UNIFORM MUNICIPAL CONTRACTING LAW*.
 - b) Set forth in detail the factors upon which the proposals received pursuant to that request will be evaluated;
 - c) Require that each proposal be received by the City Administrator designee no later than a specifically stated date and hour;
 - d) Require, if deemed necessary by the City, additional information such as proposed future redevelopment plan schematics, drawings or other relevant information;
 - e) Require that each proposal be accompanied by a deposit in accordance with this policy; and
 - f) Clearly state the requirements of this policy and *Minnesota State Statute 471.345 UNIFORM MUNICIPAL CONTRACTING LAW*.
- (2) Solicitation - All requests for proposals shall be solicited:
 - a) By publication on the City's web site, Paper of Record, Leech Lake TV; and
 - b) By such other means as to provide reasonable notice to the maximum number of persons reasonably anticipated to submit proposals for a minimum period of sixty (60) calendar days.
- (3) Evaluation of Proposals, Factors - Each offeror proposal may be evaluated based on any or all of the following factors listed below provided such factors are enumerated in the Request for Proposals:
 - a) The proposed use of the real estate;
 - b) The financial ability of the proposer to develop the real estate based on the proposed use;
 - c) The experience of the proposer in the development and use of properties for uses similar to the proposed use;
 - d) The effect of the proposed use on other properties;
 - e) The compatibility of the proposed use with the City's Master Plan;
 - f) The price the proposer offers to pay for the real estate;
 - g) The anticipated tax revenue based on the proposed use; and
 - h) Such other evaluation factors the City may deem appropriate to the proposal.
- (4) Evaluation Process - The City Council shall evaluate and rank all proposals based solely upon the criteria enumerated in the Request for Proposals. The evaluation shall be completed within a reasonable period following receipt of proposals. The City Council may negotiate with the highest rated responsible and responsive proposer. If such negotiations fail, the City Council may negotiate with the next highest responsible and responsive proposer, and continue through the same process until such time a proposer has satisfactorily addressed critical items within the submitted proposal and deemed by the City Council as in the best interest of the City. There shall be no requirement that the City Council negotiate with any person or entity whose proposal is evaluated by the City Council as not responsible or not responsive under the evaluation factors.

- (5) Acceptance or Rejection of Proposals - Once the date and hour for the receipt of proposals has passed and the proposals have been evaluated, the offeror whose proposal complies with the conditions in this policy and determined to be in the best interest of the City, and a real estate sales contract has been negotiated, the proposed sale will be contingent upon final approval in accordance with *Minnesota State Statute 471.345 UNIFORM MUNICIPAL CONTRACTING LAW* as well as any other contingencies that the City may deem appropriate, such as approval by the City's Planning Commission and City Council.

F. Acceptance of Unsolicited Offers

- (1) Unsolicited offers, to purchase or lease City real estate may be accepted or rejected in its discretion based upon what is in the best interest of the City. The City Council shall be notified of any unsolicited offer given to the City Administrator. Before disposition, the property must be declared surplus.
- (2) Unsolicited offers shall be evaluated using the evaluation factors listed under the Solicitation of Offers by Request for Proposal section of this policy. If an unsolicited offer is made to purchase City-owned real estate, the Administrator and City Council shall evaluate the offer and determine the appropriate review process based on the following factors:
- a) If the subject real estate is deemed independently developable, the offeror has complied with this policy, and the offer is deemed potentially to be in the best interest of the City, the City Administrator shall notify Council of the unsolicited offer. Provided authorization is granted by Council to entertain the offer, the City Council shall publically solicit additional offers following the Solicitation of Offers by Request for Proposal process outlined in this policy for a minimum of sixty (60) days. All proposals shall then be reviewed using Section E of this policy.
 - b) If the subject real estate is a parcel that is not independently developable without the consolidation of adjacent land, only offers from adjacent land owners, or the contract purchasers of the adjacent land, will be accepted. If the offer is recommended as in the best interest of the City and the subject land is undevelopable as is, the City Council shall notify any landowner immediately adjacent to the subject City real property, providing notice and soliciting additional offers. When additional offers are received within thirty (30) days of notice being sent, the evaluation of offers shall be consistent with the evaluation of Solicitation of Offers by Request for Proposals process within this policy. In the event that no additional offers are received from adjacent land owners, the City Council may enter into final negotiations to address critical factors of the offer, including price, and proposed use have been resolved, and then initiate the requisite *Minnesota State Statute 471.345 UNIFORM MUNICIPAL CONTRACTING LAW* and any other necessary approved processes for final decision-making.
- (3) Requiring Deposit from Offeror - Unsolicited offers to purchase City-owned real estate will not be evaluated until the offeror submits a deposit in accordance with this policy.
- (4) Any unsolicited offer shall provide detailed written information with that offer consistent with the Evaluation of Proposals section in Section E3 above. If any unsolicited offer is determined not to be complete in regard to the level of detail, the City Council may request additional information from the offeror, and reject such a proposal if the City Council determines that further consideration of the submittal unsolicited proposal is not warranted.

G. Deposit A deposit in the form of certified funds or a cashier's check in an amount equal to five (5) percent of the proposed purchase price or \$100.00, whichever is greater, shall be required at the time such offer, bid or proposal. At the time the City Council and the selected offeror enters into a contingent real estate sales contract, the deposit shall be increased to ten (10) percent. The proceeds of the certified funds or cashier's check shall be applied to the purchase price of the City-owned real estate if the Council accepts the offer, bid or proposal. The City may retain or release the proceeds of the deposit based on terms it outlines in any solicitation issued by the City. However, the City shall not forfeit or waive any other remedies or rights the City may have otherwise by retaining the proceeds of the deposit. At the time either the City Council determines a proposal not to be responsive and responsible, or if the Council either accepts an offer, bid or proposal, or rejects an offer, bid or proposal, the deposit submitted by each unsuccessful offeror, bidder or proposer shall be returned to that offeror, bidder or proposer as soon as feasible.

H. The City Council may approve other rules and processes related to the disposition of real estate as outlined in Sections D, E, F and G above, as determined in the best interest of the City to effectuate the intent of this real estate disposition policy. Such rules and processes shall not be inconsistent with this disposition policy.

I. The City Council shall develop appropriate mechanisms for public input and participation in the development of recommendations to dispose of real estate, as well as in any land use planning upon which the real estate sale is contingent. This may include consultation with the civic association which represents the neighborhood in which the property is located.

J. All solicited and unsolicited offers shall be considered proprietary and protected information until such time that a recommendation to sell the real estate to a specific buyer is docketed and acted upon by City Council.

K. For any real estate disposition where there would need to be a redevelopment proposal (Planned Unit Development, etc.) heard by the Planning Commission, the City Council may solicit a representative of the civic association where the parcel is located to serve on any City staff evaluation panel that is established.

L. In the case of a public entity or City-related entity, including but not limited to the State of Minnesota, any governmental subdivision, the United States, any federal government agency, any other public corporation, or the Minnesota State Armory Building; the City, at the direction of City Council, may decide to forgo a competitive sale process for the disposition of City property, and negotiate the sale of City property with those related entities.

M. In recognition that the City may decide it is in the City's best interest to lease a surplus City property long term and not sell it, notwithstanding the use of the words "purchase," "sale" or "sold" in this policy, the term "lease" or "leased" may be substituted to effectuate the guidelines for a lease transaction.

Planning Commission Board of Adjustment Agenda Item

PCBOA Meeting Date: August 27th, 2018

Agenda Item No. 7. Planned Unit Development (PUD) Research

July 30th, 2018 PCBOA Discussion:

Update on the review of the Overlay District Ordinance with Mike Paulus from Cass County Economic Development and the discussion with potential developer.

Information:

Justin Burslie, a Planning and Zoning specialist from Sourcewell ; approaches to consider:

1. **Simple ordinance amendment-** Adopt language in your existing PUD standards allowing for increased density. See City of Big Lake's PUD Ordinance 1011.04 attached.
2. **Overlay district-** Modify your ordinance to allow for "Planned Unit Develop Overlay" districts. Each new PUD would be an "overlay district" (similar to extractive use overlays, wellhead protection overlays, etc.). See City of Osakis' example attached. They allow for increased density in Section 25.02 (C).
3. **Zoning district-** Modify your ordinance to create a "Planned Unit Development" zoning district. Each planned unit develop would be its own zoning district with its own specific standards (setbacks, building height, density, etc.). See St. Augusta's ordinance attached.

Sourcewell billing rate:

Standard billing rate is \$50/hour. The estimated hours for options two and three above are 20-30 hours. Ballpark figure is \$1,000-\$1,500 depending on the number of meetings we would need him to attend, etc.

Code Options:

- City of Big Lake PUD Code; **Simple ordinance amendment-** Adopt language in your existing PUD standards allowing for increased density.
- City of Osakis PUD Code; **Overlay district-** Modify your ordinance to allow for "Planned Unit Develop Overlay" districts. Each new PUD would be an "overlay district" (similar to extractive use overlays, wellhead protection overlays, etc.). They allow for increased density in Section 25.02 (C).
- City of Augusta PUD Code; **Zoning district-** Modify your ordinance to create a "Planned Unit Development" zoning district. Each planned unit develop would be its own zoning district with its own specific standards (setbacks, building height, density, etc.).