



City of Algoma
Planning Commission Meeting
Thursday, January 21, 2016

Minutes

The January 21, 2016 meeting of the Planning Commission was called to order in the Common Council Chambers at 6:00 PM by Mayor Schmidt.

Present at roll call: Dachelet, Dart, Groessl, Glime, Haasch, Konkel, Mcluen, Mueller, Olejniczak, Ortlieb, and Wiswell.

It was noted that the meeting was in compliance with the open meeting law.

Haasch moved, seconded by Ortlieb, to approve the agenda. Motion passed.

A motion was made to approve the minutes of the: September 24, 2015 regular meeting of the Planning Commission by Dart, and seconded by Dachelet. Motion passed.

Public Comment

Jason Melotte, Business Manager for the Algoma School District, appeared before the Planning Commission, in anticipation of the April 2016 school referendum being successful, to discuss the Algoma School District's remodeling project and the future of the alley between City Hall and Algoma Elementary School.

Old Business

Under Old Business, Administrator Wiswell, reviewed a request by Kevin Kleinert regarding the proposed construction amendment to the Maritime Pointe Developers Agreement. In September 2015, as requested by the Commission, the Administrator and City Attorney Downey, with the assistance of Mr. Konkel, developed an amendment to Maritime Pointe Developers Agreement to permit Mr. Kleinert to finish the construction of two two-unit buildings to complete this project.

The proposed construction amendment to the Maritime Pointe Developers Agreement reads at:

"4. Section XI DEFAULT / REMEDIES of the Development Agreement is amended by the addition of the following paragraph:

f. Penalty: If the Developer fails to comply with the deadlines set forth in Section II.d. the Developer agrees to pay an annual penalty equal to the amount that would be paid for real estate taxes on a building with an assessed value of \$360,000.00 for each building not constructed by said deadlines. The penalty shall be due no later than January 31st of each year following the deadline contained in paragraph II.d that has not been complied with."

Mr. Kleinert in a December 17th, 2015 email to Administrator Wiswell, stated that "After further review of the draft Developers agreement I feel there is no need for the penalty, section 4. It is a pay as go so the value will be there. There is no liability or expense to the city if I don't (perform). I would also like to sit down with you and the accessor regarding taxes on vacant property as we move forward. If we can get these two items put to bed I am prepared to sign the agreement and move forward to start construction this coming spring on the first duplex."

In a second email that day he wrote "When you take this to the plan commission please inform them that since the housing crash lenders are looking at the solvency of their clients. Imagine the first duplex is completed but doesn't sell for some reason, the bank will not be financing the second building. I will then be penalized because the second building isn't constructed. That adds increased risk on the banks behalf because of the additional expense owed by me. This could be a deal breaker. Why not leave the penalty on the first building and removal of the incentive on the second building if not constructed. That would be an easier sell to the bank."

In response to these emails the City Attorney opined that "The penalty provision is a non-starter for the city. If he (Mr. Kleinert) wants it extended out there has to be a penalty for not building. As to the assessment, he has to take that up with the assessor and the board of review. Neither the Administrator, Mayor or Council have the ability to adjust an assessment."

Prior to considering any further modification to the proposed construction amendment to the Maritime Pointe Developers Agreement the Planning Commission by consensus requested that Mr. Kleinert appear before the commission with: (1) an Architectural rendering, showing the foot print and two-dimensional design images for each proposed building, and (2) a statement from the minutes of the Maritime Pointe Condominium Association showing their support for the project.

New Business

1. Moving onto new business, Administrator Wiswell, presented a request by Climena "Kim" Ots, who owns property located 618 Third St., Algoma, WI, to convey land to an adjoining property.

The proposed conveyance of five feet of land will adjust the boundary to coincide with the lines of occupation on the ground. Currently, the fence, landscaping and garage encroach onto property title to Kim Ots. All of these have been in place for many years. Mr. Olejniczak stated that since this conveyance of land, if approved by the Plan Commission, would reduce the size of the lot below its minimum acceptable size that this matter falls within the jurisdiction of the city's Zoning Board of Appeals. The Planning Commission, by consensus, agreed with Mr. Olejniczak and directed the Administrator to inform Ms. Ott that this matter falls within the jurisdiction of the city's Zoning Board of Appeals.

2. Administrator Wiswell, next reviewed a request by Mark Kirsten, and New Family Horizons Corp, 1501 Arctic Ct., Suamico, WI 54173 to split parcel #201-00110-1500 (current address is 504 – 505 Steele St).

Mr. Olejniczak stated that since this land split, if approved by the Plan Commission, would reduce the size of the lot below its minimum acceptable size that this matter falls within the jurisdiction of the city's Zoning Board of Appeals. The Planning Commission, by consensus, agreed with Mr. Olejniczak and directed the Administrator to inform Mark Kirsten, and New Family Horizons Corp, that this matter falls within the jurisdiction of the city's Zoning Board of Appeals.

3. Administrator Wiswell, presented a request by John Mantione, who owns several lots on Kirkland Avenue, to abandon a portion of streets.

In February, 2012, he sent a letter to the City asking the City to abandon a portion of Greenfield Street and one named "Public" based upon Resolution 622-11-2009 which was previously approved by the City. Since that time Mr. Mantione has made several unsuccessful requests to have the land legally transferred to the adjacent owner. Based upon a review of the facts surrounding this matter by the Administrator – Clerk – Treasurer's office it is believed this matter had never been addressed properly and completely by the City. The original Council action appears not have contained the proper legal description, map, etc. for recording. Also, there appears to be some question about the actual hearing process, minutes, etc.

Following a brief discussion about this matter by the Planning Commission, Haasch moved, seconded by Groessl, to direct the Administrator to contact Mr. Mantione and schedule time at a future Meeting of the Commission to review this matter. Once this date is set for this review the Administrator is also directed to inform other adjacent property owners in the affected area that they will have an opportunity to appear before the Commission on this matter. At that time Mr. Mantione will be able to discuss his desire to start the process over to request that the property in question be vacated.

4. Administrator Wiswell, next reviewed an informational request by Realtor Adeline Bernard, as to whether there is a minimum building requirement in terms of size, height, set back, etc. for new construction on the residentially zoned property (parcel #201-00370-0121) located at 880 Lakeview Street.

Ms. Bernard also inquired about how the city zoning classification for this property would treat the placement of a mobile home on this site. Following a brief discussion about this matter the Planning Commission directed the Administrator to contact Ms. Bernard to inform her that it would present an incompatible use of the land to permit the placement of a mobile home on site.

5. Finally the Administrator informed the committee about a request that was made of him to interpret the city's policy on accessory buildings, and the requirement to obtain a building permit for an accessory buildings less than 150 sq. ft.

Motion made by Glime, to adjourn, with a second made by Ortlieb. The motion carried, at 7:19 PM and the Commission stood adjourned until Thursday, February 25, 2016 at 6:00 PM.

