



## BARNES COUNTY – PLANNING AND ZONING

Planning and Zoning  
Barnes County Courthouse  
230 4<sup>th</sup> Street NW, Room 202  
Valley City, ND 58072  
701-845-8188

### **Board Members**

#### **Michael Schwehr**

##### **Chairman**

11442 23<sup>rd</sup> St SE  
Rogers, ND. 58479  
701-646-6203

#### **John Behm**

##### **Vice Chairman**

PO Box 34  
Fingal, ND 58031  
701-924-8839

#### **John Froelich**

11405 28 St. SE  
Valley City ND 58072  
701-845-1371

#### **Bill Carlbom**

3557 Sheyenne Circle  
Valley City, ND 58072  
701-840-0763

#### **Scott Legge**

10042 27<sup>th</sup> St SE  
Sanborn, ND 58480  
701-646-6681

#### **DeLyle Mortenson**

4034 Sheyenne Valley Est  
Valley City, ND 58072  
701-845-1924

#### **Vernon Roorda**

9610 44th St SE  
Ypsilanti ND 58497  
701-669-2584

#### **Dave Carlsrud**

254 2<sup>nd</sup> Ave BE  
Valley City, ND 58072  
701-740-7291

#### **Matt Pedersen**

PO Box 633  
Valley City, ND 58072  
701-845-1457

### **Minutes – August 10, 2017**

**Members Present:** Bill Carlbom, Dave Carlsrud, John Behm, Scott Legge, Vern Roorda, Mike Schwehr, John Froelich, Matt Pedersen, DeLyle Mortenson

**Also Present:** Carl Martineck, Jessica Jenrich

Meeting called to order by Chairman Mike Schwehr

Motion by Carlbom, 2<sup>nd</sup> by Behm to approve the July 13, 2017 minutes. Motion carried.

Meeting recessed for the Hearing for Matthew Holth for a Conditional Use Permit for a Gravel Pit. Chairman Schwehr went over some of the requirements of our code for a gravel pit. There were many community members that were present to express their concerns. Matthew Holth was in and explained his intentions of the gravel pit, he is not planning on opening a pit right next to the town of Sibley. He is going to dig up the gravel from the field and truck it to a gravel pit north of there to be processed. He stated it will take 3 weeks to get the gravel he needs to last for 2 years, he wants to start as soon as Kenneth Wright is done combining then get the gravel out of there and put it back to farmland so Ken can use his field again in the Spring. He stated that he doesn't do big projects like the Fischer pit he doesn't use a lot of big equipment. There were questions about where to the west of Sibley this would be and Mr. Holth stated right on the west side so right on the line. Lori Quick stated that Fischer's pit was only supposed to be there 3 years and they have been there 20 years so that brought the question to Mr. Holth how many years this would last. He stated after two years he would need to get back in there and get more gravel. The board then stated if he doesn't use it for two years he will need to come back in and do this process again. Diane Hatcher was present and asked how Mr. Holth will handle water runoff as far as torrential rains, Mr. Holth said he will need to channel the water around Sibley and it will go into the lake. Ms. Hatcher also asked if he has done some studies on the water runoff, she also had a letter from North Country Trail that there needs to be studies done before this project can move forward. The information that Mr. Holth needs to provide was given to him. There was a community member that asked if he will still do it if there is a lot of rain. Mr. Holth stated they can do it with rain but if there is a lot they would have to hold off for some time. There was a question of where he will haul, he stated they will go ½ mile west on the state highway then a mile north on the gravel and to the east to the gravel pit. Mr. Froelich asked how long the project would take in whole and Mr. Holth said it could be a 10-year project but wouldn't be done all at one time. There was a question who he is partnering with a Mr. Holth stated Richard Strand from Finley, he would be the company that does the crushing in the gravel pit to the North. One Gentleman stated he is sick of seeing gravel trucks all the time. Another gentleman stated that he understands Mr. Holth has good intentions. Water will get differted by the bar this first year, Mr. Froelich advised Mr. Holth he may need to contact the Water Board. Al Bender the mayor was present to express concerns about the roads

that will be used. Tony Heinze was wondering about a water line that is near the land and Mr. Holth told him he knows about the line and he won't disturb that. Mr. Holth said he would need to stay away at least 20 feet from the lines. Carlblom asked how much he can get out in 3 weeks' time and Mr. Holth said 50,000 ton which would be 40,000 yards. Someone asked if he was going to run 24 hours, and Mr. Holth said no it would be 10-12 hour days. Diane Hatcher says there is more questions than answers and thought they needed some of these questions answered before they can be in favor of it. Dick Sotaberg was in and stated that the community members don't have any idea of what is going on up in the area before the meeting so he says they came into the meeting blind. He stated he has COPD and the dust is not a good thing and he is not in favor of this project. Kenneth Wright stated that the water isn't coming from his land now it is coming from the hills and the water that is causing any issues is not coming from his land. Sue Reticheck was in and stated how they come from Fargo to relax and not appreciating the fact that there may be a lot of gravel trucks running around and noise and dust. Sherri Bondmiller was in and stated she doesn't know Mr. Holth and says she doesn't know him so how do they know he will follow through with what he says he is going to do, Mr. Holth stated he has a contract with Mr. Wright that he needs to follow. Schwehr told the audience that the land must be reclaimed back to farm land. Robert Fus the chairman of Sibley Trail township was in and stated he lived next to a gravel pit for many years and said that they have not had a lot of problems. Mr. Fus knows Mr. Holth and knows that he is a very honest person so he believes Mr. Holth will keep his word. Mr. Fus also stated that per Century Code he has 1 year to reclaim the land. Lori Quick stated that south of Sibley there isn't the traffic like there is up by Sibley and was questioning the property values and thinks that it will go down. Vern Hoffman says he sees a disaster he thinks that the area is for recreational and doesn't believe anything Industrial should be there. Don Osmond had a question of where the gravel will get hauled out to verify that he isn't hauling through Sibley, he thinks that everyone should work with him and that Mr. Holth is willing to work with the Sibley to cause the least amount of issues. Mr. Holth stated he has water trucks to take care of any dust issues and stated that he can't put another approach in on that state highway. Al Bender asked some more questions about when exactly he wants to do this project, Mr. Holth said October when a lot of the campers in town are gone. Al Bender did say it would be nice to somehow get it where Mr. Wright can get the gravel out of there if it is nice gravel since he has done a lot for the town of Sibley, he hopes that Ken gets some money for the nice gravel. Angie Judd spoke and stated that they hunt out there and is not in favor of this thinking that the wildlife will go away so there would be no reason to go out there anymore. Janice Piatz asked if there would be any benefits to the town of Sibley to have this gravel pit and no one could answer that because no one knows for sure. Al Bender asked that there be more research done. Diane Hatcher stated that she would like the CUP denied, and if can give more information on a new application and they can be revisited at another time. Chrman Schwehr reopened the meeting for discussion. Discussion was done about what the code book states. There is some information that the board was still missing. Motion by Legge, 2<sup>nd</sup> by Froelich, to deny the CUP for Gravel Pit, he needs to come in with a site plan and the other stipulations need to be brought in with the new application. Motion carried.

Meeting recessed for the Hearing for James Holmly for a Variance for a Retaining Wall setback of 28 feet from the center of the Subdivision road. Mr. Holmly was in to explain the reason for his retaining wall. Robert Fus was in to speak about how narrow Mr. Holmly's lot is and how difficult it is to do anything, Mr. Fus is in favor of his request. Andrea Cossette was here to state her concerns about the wall, Mr. Cossette stated his concerns with the fines and how people just build plant trees and

pay the \$100 fine and ask for forgiveness later, doesn't think that is right. Irwin Fischer was wondering what it is like during the winter, Mr. Holmly stated how there was no snow issue on the west side of his lot it was more on the east side. Mr. Fus stated he has been living there year around and keeps the road clear and if he can't get it cleared he hires a grader to come in at his own expense. Mortenson stated his concerns with the retaining wall being so close and that he is against the variance. Sue Migler was also present to state her concerns with the wall. Chrman Schwehr reopened the meeting for discussion. Motion by Froelich, 2<sup>nd</sup> by Pedersen, to Approve the Variance of 28 feet from the center of the Subdivision road with the condition that it doesn't go any higher. A roll call vote was done with 4 members voting no and 5 members voting yes. Members voting no were Legge, Schwehr, Behm, Mortenson. Motion was approved.

Meeting recessed for the Hearing for Mike Kjelland for the Formation of Moon Lake Subdivision and a CUP for Residential. Mr. Kjelland was present to answer any questions the board may have. Duane Lettenmaier was in and was just asking questions to see if having this subdivision would affect his farm operation, he owns land to the south, the board told him that it should not change anything. Mr. Lettenmaier isn't against it being done just is against it being called a Subdivision. No one else appeared to protest. Chrman Schwehr reopened the meeting for discussion. Motion by Carlblom, 2<sup>nd</sup> by Froelich, to Approve the Formation of Moon Lake Subdivision and the CUP for Residential. Motion carried.

Meeting recessed for the Hearing for a Blanket Rezone of Lake Subdivisions along Lake Ashtabula. There were many members from different Subdivisions present stating their concerns with changing the zoning. Dean Ross wanted to know if campers/park model homes will be allowed. Steve Ross was wondering about future development and doesn't want the board to start being too restrictive, there was a gentleman in that manufactures park models and was concerned if those won't be allowed how that would affect the people that have them. Robert Fus stated he has a park model and it is his home and loves it. Dean Kinney was wondering about the taxes and the board assured him that nothing will change on the taxes with the change, has concerns with the setbacks and the size of the lots out at the lake. Steve Ross also stated that we should take a look at some Minnesota ordinances when it comes to the zoning. There was also question on how many campers are allowed on a lot and Ms. Jenrich explained to the lady that asked that it is two if there is more than it is considered a "Campground". Chrman Schwehr reopened the meeting for discussion. Schwehr would like to get more research on this and bring back after we have done the 2018 Development Code changes. Motion by Carlsrud, 2<sup>nd</sup> by Mortenson, to table this until we can do more research. Motion carried.

Meeting recessed for the Hearing for Larry Grandalen for a Variance for Structure Setback of 32 feet from the center of the Subdivision Road. Don Schlotman was in to just find out where the garage will be located on the lot which is next to Mr. Schlotman. No one else appeared to protest. Chrman Schwehr reopened the meeting for discussion. Motion by Carlsrud, 2<sup>nd</sup> by Carlblom to Approve the Variance for Structure Setback of 32 feet from the center of the Subdivision road with a condition that the building needs to be 15 feet from the side property line. Motion carried.

There was some discussion about one of the building permits, if the person building their cabin causes the road to start sliding the property owner would be responsible to fix the road. Board stated that yes if it is a private road then yes it would be the property owner's responsibility to fix the road if they cause any issues.

Russell Larson came with an update on the trees and the trees are gone he stated. The board also advised Russell that he needs to remove the corn so people can get through to the other property, he stated he will take care of that and get that cleaned out.

There was a little discussion about covenants, if someone comes in from a Subdivision and they have covenants and they need a Variance the board will need to start taking in consideration the covenants

The following building permits were reviewed:

Sandra Christl – Lean to added to barn – NE1/4, 36-138-56, Binghampton Twp  
Tom Johnson – Grain Bin – SE1/4 of SE1/4, 26-138-61, Meadow Lake Twp  
Michael Howe – Deck – W1/2 SW1/4 SE1/4, 08-138-60, Svea Twp  
Barnes County North – Bus Storage – Aud Lt 1 SW1/4, 24-142-61, Uxbridge Twp  
Larry Grandalen – Garage – Lots 10 & 11 Emery's Sub, 25-143-58, Sibley Trail Twp  
Darin Anderson – Deck – Aud Lt 2 NW1/4, 35-140-59, Hobart Twp  
Todd Velure – Shop – NE1/4, 36-138-59, Skandia Twp  
Vance Zacharias – House – NE1/4 (Eastedge, ND), 29-137-57, Thordenskjold Twp  
Trygve Skolness – Cabin – Lots 3&4, Blk 2 Martin's Landing, 32-142-58, Ashtabula Twp  
Shaun Miller – Storage Building – E 40 Acres SE1/4, 27-139-59, Green Twp  
John Triebold – 2 Bins – SW1/4, 22-141-57, Alta Twp

Motion by Behm, seconded by Froelich to adjourn the meeting. Motion passed, meeting adjourned.

---

Jessica Jenrich, P&Z Administrator