



BARNES COUNTY – PLANNING AND ZONING

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Minutes – April 12, 2018

Members Present: Bill Carlbom, Vern Roorda, Mike Schwehr, John Froelich, Jeff Bopp, Scott Legge, Mike Bishop, Dave Carlsrud, John Behm

Also, Present: Carl Martineck, Jessica Jenrich, Lloyd Wieland, Rodger Berntson, Colton Winter, Steve Winter, Karl Helland, Bruce Anderson, Bruce Pueppke, John Anderson, Eldon Maasjo, John Kohler, Wade Bruns, Anthony Thilmony, Brian Steiner, Don Baasch, Jamie Bryn, Chad Haugen, Marcella Jensen, Tony Heinze, Jason Haugen, John Triebold, Kent Schmike, Dwight Grotberg,

Meeting called to order by Chairman Mike Schwehr

Motion by Bopp, 2nd by Behm to approve the March 8, 2018 minutes. Motion carried.

Meeting recessed for the Hearing for Yvonne Steidl for a Variance for Tree Setback of 100' from the center of Township Road. No one appeared to protest. Chrman Schwehr reopened the meeting for discussion. Motion by Froelich, 2nd by Carlsrud to approve the Variance for Tree Setback for Yvonne Steidl since they appear to be about the same distance as the trees on the North side of the yard. Motion carried.

Meeting recessed for the Hearing for Justin Mueller for a Variance for Tree Setback of 50' from the center of Township Road. No one appeared to protest. Chrman Schwehr reopened the meeting for discussion. Chrman Schwehr reopened the meeting for discussion. There was question if this road is a busy road and one of the township officers Jamie Bryn was present and the board asked him that question and he stated it is not a very busy road and that where he is putting the new trees will be back further then the trees that were there prior. Motion by Carlsrud, 2nd by Roorda to approve the Variance for Tree Setback of 50' from the center of the Township Road. Motion carried.

Meeting recessed for the Hearing for Dickey Rural Telephone Cooperative for a Variance for Utility Setback to be placed at the back edge of the right of way next to the existing Fiber Optic. There were property owners here asking where exactly the line will be, Brian Steiner from KLJ was here to clarify some things with the project. The project is basically an upgrade to what they have now. No one appeared to protest. Chrman Schwehr reopened the meeting for discussion. Froelich stated that the township and DRN all signed the Utility Permit agreement that if the township needs to do any road work and the line needs to be moved the company would pay to have it moved. Motion by Froelich, 2nd by Legge to approve the Variance Utility Setback since there is Utility Permit agreements signed from all townships. Motion carried.

Meeting recessed for the Hearing for ICTC for a CUP for Utilities and a Variance for Utility Setback to be possibly less than 75 feet from the center of roads at farm sights. Bruce Pueppke was here from ICTC to state that they are replacing current

copper line with fiber optic. Lloyd Wieland was present and stated that the line was through before and the township gave approval then, he was asking about what structures might be above land and he was talking about the past and was wondering about what would happen this time. Mr. Wieland's main concern is having structures above ground that could be a nuisance to the land owners and it costs the land owner a lot of money. Mr. Pueppke stated that there may be some above land but there will not be as many as in the past since it is fiber, he also stated they will not put it on anyone's land without approval first. Joe Plagens was present asking about the project was just wanting some verification of where it will be and Mr. Pueppke answered his questions. No one else appeared to protest. Chrman Schwehr reopened the meeting for discussion. All townships signed the required Utility Permit agreements. Motion by Bishop, 2nd by Behm approve the CUP for Utilities and Variance for Utility Setback. There were questions as to if ICTC knows where they will be above ground and he stated it will probably be at most of the farmsteads and they won't put it anywhere the landowner wants them and that there will be discussion as to where they will be before the easements are signed. Motion carried.

Meeting recessed for the Hearing for Development Code changing the definition of Utilities to include Drain Tile. Froelich explained that they would need a variance if they will be closer than the 75 feet & sign the same permit with the township as other companies do. The Barnes County Commission adopted the same permit as Cass County for the highway department. Froelich stated he is looking out for the taxpayers so they wouldn't have to pay for the road to get fixed. There was some clarification that if it is within the 75' then they would need a Variance but there would be no need for a CUP unless is nonfarm. Bruce Anderson was present from Hobart Township wondering if tile line is a Utility and that Drain Tile is a private Utility no public, he does not believe that they can classify tile line as a utility, he also believes that no one will put the tile line in the right of way of the road. Froelich explained that the 75' is what is required to fix a road. There were questions for Carl about the century code and explained what it says regarding utilities. Jason Haugen from Dazey was present and he wants clarification as to what the purpose of doing the utility part because everything is already in the permit application for running water in a county ditch. It was explained if the drain tile is 75 feet or further out then they wouldn't need to do anything unless they are draining into a county ditch. Dwight Grotberg was present and asked about the defining Drain Tile and would it be Utility closer than 75 feet and what about out in the middle of their field, he also believes that this may be a violation of state law and spoke about how legislature just passed something stating there is no need for any permit less than 80 acres, he asks that the Planning & Zoning commission should consider it carefully and put off a vote on this until considering the state law. Martineck answered Mr. Grotberg's questions and stated he visited with the Attorney General's office about this. Wade Bruns was present and asked Martineck to describe about the 75 feet with utilities, also he was wondering if this is a common approach since Cass County also does this. Carlsrud asked if the wording could be that drain tile be treated the same as a utility when it comes to the setback. Bishop asked why we can't leave it as drain tile and if it is in the 75 feet then it needs a permit otherwise just leave it the way it is, he also believes that we are trying to do something that doesn't need to be done, just leave it as drain tile and go on. Steve Winter was present and says that drain tiles should not be considered a utility. Kirk Mundahl stated that drain tile falls under water with the water board and believes if it were changed it would cause regulatory issues. Chrman Schwehr reopened the meeting for discussion. Motion by Bishop, 2nd by Carlblom to not change the definition of Utilities that were to include water lines

including lines for public and private drainage and irrigation systems, to just leave it the way it is currently. With all in favor, Froelich opposed. Motion carried.

The following building permits were reviewed:

Joel McClean – Grain Bins – NW1/4, 16-138-61, Meadowlake Twp
Leslie Hansen – Grain Bins – NW1/4, 24-137-59, Spring Creek Twp
Scott Wolters – Garage – Aud Lt 1 of NE1/4, 12-137-57, Thordenskjold Twp
Craig Huseby – Shop – OHMs Add Lot 3 Blk 4 Lucca, Raritan Twp
Michael Griffin – Residence – Aud Lt 1 NE1/4, 3-140-60, Potter twp
Steve Alley – Shed – Lot 5 Lee's Subdivision, 21-142-58, Ashtabula Twp
James Wagar – Garage – S1/2 NW1/4, 17-140-58, Valley Twp
Chad Wendel – Bin & Dryer Site – SE1/4 less R/W, 17-140-59, Hobart Twp

There was discussion about Medical Marijuana fees and Jenrich spoke with McKenzie County and they have not yet set any fees they need to talk to their sheriff first. Jenrich spoke with Sheriff McClafflin and he gave her some numbers as to what it might cost to patrol if there is a site in the county. The board will revisit this once Jenrich hears of other fees in other counties.

Motion by Bishop, seconded by Froelich to adjourn the meeting. Motion carried, meeting adjourned.

Jessica Jenrich, P&Z Administrator