

**Becker County Planning Commission**  
**June 9<sup>th</sup>, 2020**

**Members Present:** Chairman Jim Bruflodt, County Commissioner Larry Knutson, Jeff Moritz, Mary Seaberg, Harry Johnston, Dave Blomseth, Harvey Aho, Brian Bestge, Ray Thorkildson, Bob Merritt, and Zoning Director Kyle Vareberg. **Members Absent:** Chuck Collins and John Skarie.

Chairman Jim Bruflodt called the Planning Commission meeting to order at 7:00 pm. Introductions were given. Becker County Zoning Office Support Specialist Nicole Hultin recorded the minutes.

Mary Seaberg made a motion to approve the minutes from the May 12th, 2020 meeting. Dave Blomseth second. Roll call. All member in favor. Motion carried.

Chairman Jim Bruflodt explained the protocol for the meeting and stated that the recommendations of the Planning Commission would be forwarded to the County Board of Commissioners for final action.

**Old Business:**

- 1. APPLICANT: Jane Eklund TTEE** PO Box 702 Hawley, MN 56549  
**Project Location:** 12146 Tanglewood Rd Audubon, MN 56511 **LEGAL LAND DESCRIPTION:** Tax ID number: **17.0684.000** Section 19 Township 138 Range 042; Gilbertson Beach 1<sup>st</sup>. Lot 7. **APPLICATION AND DESCRIPTION OF PROJECT:** Request a Conditional Use Permit to replace an existing retaining wall with a partial retaining wall and riprap. Application was tabled from May 12th, 2020 hearing.

Brian Cooksey with Lakes Area Landscaping presented the application on behalf of Jane Eklund. Cooksey stated that since the May 12th, 2020 Hearing that he had spoken with Cormorant Watershed and developed a plan acceptable to them.

**MOTION: Merritt motioned to approve the proposal as presented. Aho second. Roll Call. All in favor. Motion carried.**

47 **New Business:**

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- 1. APPLICANT: Wesley Jorgenson & Shantel Jorgenson** 39600 160th St Frazee, MN 56544 **Project Location:** 39600 160th St Frazee, MN 56544  
**LEGAL LAND DESCRIPTION:** Tax ID number: **29.0005.002** Section 02 Township 138 Range 039; 2-138-39 Govt Lot 2 N & W of Rd.  
**APPLICATION AND DESCRIPTION OF PROJECT:** Request a Conditional Use Permit to operate a repair and vehicle maintenance business.

Wesley Jorgenson presented the application.

Vareberg read a letter from neighbor James Krueger.

Brufloft asked Jorgenson what his response is to the letter.

Jorgenson said he has maybe five trucks down there a week. Jorgenson stated that he is currently doing repairs part-time. He stated that most of the trucks currently at his place are not repair jobs, but instead people he hired to work on his parking lot. He also stated that most of his work is pickups and cars. He added that there may be an occasional dump truck and trailer, but that he only has four heavy equipment clients. Jorgenson stated that he planted 14 trees for a noise barrier, and that traffic down that road is minimal.

Knutson stated that he noticed the big light on the garage. He suggested possibly using a dimmer light or moving the direction in which it shines. Knutson asked Jorgenson what his business hours are.

Jorgenson stated that he tries to be done by 9:00 pm, and that all work is done inside the shop. He also stated that he does not work on noisy vehicles.

Knutson said he spoke with the township board, and they stated they have no problems with the repair business.

Brufloft asked how many cars can be parked on the property, and how many junk cars are currently sitting outside.

Jorgenson stated that no junk sits on the lot; only vehicles that are currently being worked on.

Johnston asked if Joregenson needed to have up to fifteen or if he could manage with less.

91 Joregenson stated that he likes to keep vehicles moving in and out. As soon as one is  
92 repaired, he requests the owner picks it up right away. He also mentioned that three  
93 vehicles are his personal vehicles. One is parked outside and two are parked inside.

94  
95 Merritt asked the other members if there should be a parking limit.

96  
97 Brufloft stated that he is more concerned that there be no junk cars parked outside,  
98 and less concerned about the active parking limit.

99  
100 Knutson stated that a limit would help control the risk of junk cars being parked there.

101  
102 Merritt requested they set a limit of 10 vehicle parking.

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104 Jorgenson said a ten-vehicle limit would be fine.

105  
106 Bestge asked Jorgenson what he planned to do with old parts.

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108 Wesley stated that he hauls out junk parts right away and does not let things sit around.

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110 **MOTION: Seaberg motioned to approve the application with a limit of 10 vehicles.**  
111 **Johnston second. A stipulation was added that when old parts are removed from**  
112 **vehicles, they then need to be removed from the property within one month. Roll**  
113 **Call. All in favor to approve with stipulations. Motion carried.**

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117 **2. APPLICANT: Greiner, Balsiger & Rohweder Dairy LLP 27998 Co**  
118 **Hwy 9 Lake Park, MN Project Location: 27998 Co Hwy 9 Lake Park,**  
119 **MN 56554 LEGAL LAND DESCRIPTION: Tax ID number:**  
120 **07.0008.001 Section 02 Township 140 Range 043; Lot 1 & SE1/4 of**  
121 **NE1/4 Less S 3 Rods APPLICATION AND DESCRIPTION OF**  
122 **PROJECT: Request an amendment to an existing conditional use permit**  
123 **to expand to 3214 mature cows and 200 calves (4539.6 animal units) on**  
124 **agricultural zoned property. The request also includes manure pit**  
125 **modifications.**

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128 Patrick Balsiger presented the application on behalf of Greiner, Balsiger, & Rohweder  
129 Dairy LLP.

130  
131 Aho asked how many more cows the barn was being built for.

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133 Balsiger stated 714.

134  
135 Testimony Closed.

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137 **MOTION: Blomseth motioned to approve the application as submitted.**  
138 **Thorkildson second. Roll Call. All in favor. Motion Carried.**

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- 143 **3. APPLICANT: Harold Duane Hickel** 335th Ave Detroit Lakes, MN  
144 **56501 Project Location:** 18347 335th Ave Detroit Lakes, MN 56501  
145 **LEGAL LAND DESCRIPTION:** Tax ID Number: 10.0362.000 Section  
146 23 Township 139 Range 040; 23-139-040 N1/2 of SW1/4; Part of NW1/4  
147 of SE1/4W of Otter Tail River; & SW1/4 of NW1/4 Less 10AC in NW  
148 cor. **APPLICATION AND DESCRIPTION OF PROJECT:** Request a  
149 Conditional Use Permit for mining, rock crushing, and to operate an  
150 asphalt plant.

150

151 Josh Larson from Anderson Brothers spoke on behalf Harold Hickel.

152

153 Brufloft asked if this project is only for the airport, and that once this project is done if  
154 they would be done.

155

156 Larson said yes.

157

158 Seaberg asked the dates of the project.

159

160 Larson stated a start date between late June and early July with an approximate total of 3  
161 weeks.

162

163 Seaberg asked if it was possible to work less hours in a day since neighbors had  
164 expressed concern about the long operating hours.

165

166 Larson stated that they could do shorter days, but that would result in a longer amount of  
167 time to reach project completion. He mentioned that normal operating hours are usually  
168 6:00 am to 8:00 pm.

169

170 Aho asked how noisy it gets when firing up the generator in the morning.

171

172 Larson stated that there are three banks on the sides to help with sound.

173

174 Seaberg asked if hauling starts right at 6:00 am.

175

176 Larson said the generator usually takes twenty to thirty minutes to warm up, so hauling  
177 usually begins around 6:30 am.

178

179 Johnston asked if the crusher is in the lowest part of the pit.

180

181 Larson stated it is on the west side of the pit.

182

183 Merritt asked how far they will be mining from the groundwater table.  
184  
185 Josh said they are 11' above the groundwater table.  
186  
187 Merritt asked when the crushing begins.  
188  
189 Larson stated it will begin approximately the last week in June from 6:00 am to 8:00 pm.  
190  
191 Jena Jones via Teams Meeting asked if the permit is limited only to the time of the  
192 project.  
193  
194 Brufloft said it was limited to the airport project only.  
195  
196 Jones asked if the pit closes once the airport project is complete.  
197  
198 Brufloft stated that road construction projects do not require permits. Therefore, if a road  
199 construction project developed it could reopen.  
200  
201 Jones questioned if the pit has ever been used for asphalt before.  
202  
203 Larson stated that it has been used for asphalt at least three times in the last five years.  
204  
205 Jones asked if this permit was requested because it is not a highway project.  
206  
207 Brufloft said that is correct.  
208  
209 Tom Boock via Teams Meeting expressed concerns about the early hours, dust, and being  
210 locked in the house because of dust and smell.  
211  
212 Brufloft reiterated the that the operating dates would only be from approximately the end  
213 of June into July for an estimated period of three weeks.  
214  
215 Boock asked if anything would be done for dust control.  
216  
217 Knutson asked Boock if it is the hauling or the crusher that creates dust.  
218  
219 Boock said it is the hauling.  
220  
221 Larson stated that since this is a smaller project that it would be half the volume of trucks  
222 during the day.  
223  
224 Boock expressed concern over the noise of the trucks downshifting and the dust they are  
225 producing.  
226  
227 Boock asked the hours of operation.  
228

229 Bruflo dt stated 6:00 am to 8:00 pm.  
230  
231 Boock asked if that was six days a week.  
232  
233 Larson said yes.  
234  
235 Seaberg asked Chuck Chadbourne, Chairman of Erie township if dust control would be  
236 the township's responsibility.  
237  
238 Chadbourne stated that it would be the contractor's obligation.  
239  
240 Johnston asked if Erie Township had met about this project.  
241  
242 Chadbourne state that there was no opposition at the town board meeting.  
243  
244 Larry Shane Frank, who had sent a letter, spoke. He stated that the period requested on  
245 the permit is June 25th, 2020 – September 1st, 2020. He wanted to know why it was  
246 approved for so long, if it is necessary to work from 6:00 am to 9:00 pm six days a week,  
247 why if Larson states it's a three week job that the permit needs to be so long, what is the  
248 permit expiration if approved, who polices the business plan to makes sure signs are up  
249 and dust is down, and what can be done about the constant noise regarding pit operations.  
250  
251 Knutson stated Erie township has a pile of gravel in the pit that is permissible without a  
252 permit, and they can disperse it as they like.  
253  
254 Larson stated that the wide range of dates was due to the uncertainty with weather as to  
255 when they would be able to start the project.  
256  
257 Bruflo dt said they would make a time period stipulation.  
258  
259 Blomseth mentioned that operating the long hours during the day would allow the project  
260 to be completed in the three-week period.  
261  
262 Bruflo dt stated that they have never been given an expirations date, and the County  
263 would police the stipulations.  
264  
265 Vareberg asked Frank if he would prefer longer hours and less days, or shorter hours and  
266 more days.  
267  
268 Frank's preference would be for them to start early, get in, and get it done.  
269  
270 Boock stated a preference for them to start later, end earlier, and the amount of days to  
271 complete the project be longer.  
272  
273 Merritt supports a later starting time but thought the end time could be flexible.  
274

275 Written correspondence received for the application were distributed to the Planning  
276 Commission prior to the hearing.

277

278 **MOTION: Merritt motioned to approve the Conditional Use Permit amending the**  
279 **start time to 7:00 am and ending at 9:00 pm with no more than 3-1/2 weeks allowed,**  
280 **as well as dust control implemented. Blomseth asked for clarification on the dates**  
281 **should it extend the time frame. Merritt amended his motion to a four-week time**  
282 **period regardless of the start date. Blomseth second. Knutson asked for clarification**  
283 **if 7:00 am was starting time or when hauling begins. Merritt clarified starting**  
284 **operations at 7:00 am. Roll Call. Moritz, Johnston, Blomseth, Aho, Bestge,**  
285 **Thorkildson, Merritt all in favor; Seaberg opposed. Motion Carried.**

286

287 **Zoning Ordinance Amendments:**

288

289 **1. Chapter 5, Section 2, Letter R (current letter R will become letter S); Front**  
290 **yard setback averaging.**

291

292 Knutson commented that this was standard practice at one point in time.

293

294 **Motion: Blomseth motioned to approve as submitted. Seaberg second. Roll Call. All**  
295 **in favor. Motion Carried.**

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297 **2. Chapter 3, Section 8, Letter B – Setback Averaging (Eliminate plus 20')**

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299 Vareberg stated that while Becker County's set back averaging has included the plus 20'  
300 rule. The DNR uses average only.

301

302 Merritt stated to the best of his knowledge that there has never been a time where they  
303 DNR has considered adding the plus 20' rule.

304

305 Steve Lindow from Ponsford spoke regarding his opposition of this proposal. He  
306 expressed that he wants the water in Becker County to stay clear. He stated that the plus  
307 20' allows more space to slow down pollutants, and that by removing the plus 20' will  
308 affect water quality and slow down conformity. Lindow also stated that he does not want  
309 mitigation examples removed from the ordinance. He suggested instead to add additional  
310 examples of mitigation.

311

312 Vareberg stated that when you require someone to put in French drains, they are not  
313 easily removed. If you ask someone to plant native plants, they rarely get planted, or they  
314 get sprayed or mowed. Vareberg stated the goal is to make it easier and more likely  
315 someone will complete their mitigation project.

316

317 Lindow said that is an enforcement issue that he feels the County should be enforcing.

318

319 Brufloft said that Counties cannot afford to enforce it, but they do the best they can, and  
320 trust that people will do what they say. He stated Becker County does not give out

321 variances lightly, and never without mitigation. He also stated that if a person does not  
322 mitigate, the County can require them to remove the structure.

323  
324 Jennifer Thompson with COLA and Island Lake Association spoke and agreed that  
325 mitigation is hard to police. She would like to see mitigation options listed differently,  
326 but not removed. Thompson also asked if instead a person could be required to be back as  
327 far as the furthest structure on the neighboring lot.

328  
329 Knutson commented that the plus 20' should never have been implemented, and that  
330 averaging is a DNR regulation. He stated that non-conforming lots will never be  
331 conforming.

332  
333 Thompson said that eliminating plus 20' would be reverting to a minimum standard. She  
334 also stated that she does not want the mitigation list deleted but would rather prefer it  
335 expanded.

336  
337 Thorkildson asked if both neighbors are non-conforming, but the middle lot is  
338 conforming, will they still have to meet the setback.

339  
340 Vareberg said no, they could still move up, but that it could be possible to be conforming  
341 and still unable to meet the lake and front setback.

342  
343 Knutson reiterated that non-conforming lots will never be brought to conformity. He said  
344 this existing ordinance is penalizing the residents. He stated that the city of Detroit Lakes  
345 does not use this setback.

346  
347 Chuck Becker spoke in support of keeping the ordinance the way it is written with the  
348 plus 20'.

349  
350 Knutson stated that keeping the plus 20' creates a hardship to the people and it is costly  
351 to spend money on variances that may not get approved.

352  
353 Becker said the hardship to the lakes is a permanent issue, and that instead of removing  
354 the plus 20', asked that each situation be reviewed as a case-by-case basis.

355  
356 Adam Mortenson asked for a possible modification instead of a removal.

357  
358 Written correspondence received for the amendment was distributed to the Planning  
359 Commission prior to the hearing.

360  
361 **MOTION: Thorkildson motioned to approve the amendment as submitted.**  
362 **Blomseth second. Roll Call. Moritz, Seaberg, Johnston, Blomseth, Aho, Bestge,**  
363 **Thorkildson all in favor. Merritt opposed. Motion carried.**

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365 **3. Chapter 5, Table 5-4 and Chapter 7, Section 2 – Storage structure limitations.**  
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367 Vareberg stated this amendment would allow the size of the structure to be dictated by  
368 the size of the lot using setbacks and impervious surface.

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370 **MOTION: Merritt motioned to approve the amendment. Seaberg second. Roll Call.**  
371 **All in favor. Motion carried.**

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373 **Other Business:**

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375 **I) Tentative Date for Next Informational Meeting:**  
376 **July 8th, 2020; 8:00 am; 3<sup>rd</sup> Floor Meeting Room at the Becker County Courthouse,**  
377 **Detroit Lakes, MN.**

378  
379 **Since there was no further business to come before the Board, Merritt made a**  
380 **motion to adjourn. Thorkildson second. All in favor. Motion carried. The meeting**  
381 **adjourned.**

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384 **Jim Bruflodt, Chairman** \_\_\_\_\_ **Jeff Moritz, Secretary** \_\_\_\_\_

385  
386 ATTEST

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389 \_\_\_\_\_  
Kyle Vareberg, Zoning Administrator