

**Becker County Planning Commission**  
**September 15, 2009**

**Present:** Members John McGovern, Harry Johnston, John Lien, Jeff Moritz, Dan Schlauderaff, Jim Kovala, Don Skarie, Mary Seaberg, Jim Bruflodt, Commissioner Larry Knutson, Patricia Swenson, Zoning Administrator and Zoning Staff Debi Moltzan.

Chairman Bruflodt called the meeting to order at 7:00 p.m. Debi Moltzan took minutes.

**Minutes:** Lien made a motion to approve the August minutes. McGovern second. All in favor. Motion carried.

Bruflodt explained the protocol for the meeting and explained that the recommendations of the Planning Commission would be forwarded to the County Board of Commissioners for final action on Tuesday, September 22, 2009.

**FIRST ORDER OF BUSINESS: Leo Ennen.** This application was tabled by the applicant at the April 2009 meeting. Since then, the applicant was able to acquire additional land from the adjoining neighbor so that a change of zone was not necessary. The applicant has formally withdrawn his application. PID Number 07.0150.000.

**SECOND ORDER OF BUSINESS: Jacqueline Miller.** Request approval of a certificate of survey to subdivide a 9.8 acre tract into two tracts (4.86 acres and 5.02 acres in size) for the property described as: South 300 ft of Govt Lot 2, Section 5, TWP 141, Range 36, Two Inlets Township. The property is located on Boot Lake, 535<sup>th</sup> Ave. PID Number 34.0029.001.

Betty Eischens explained the application to the Board. They would like to split a 9.8 acre tract into two tracts, both over 2.5 acres. Kovala questioned what would happen to the easterly property since the road will split the proposed lots. Eischens stated that the east side is very low and will not be further subdivided. Kovala asked Eischens if she is aware that the bluff area will not be able to be cut down. Eischens stated that she was aware of that. Knutson questioned if the lots were already listed with a real estate agent. Eischens stated that the lots were listed once the survey was completed as they did not realize they needed to go through a public hearing.

No one spoke in favor of the application. No one spoke against the application. There was no written correspondence either for or against the application. At this time, testimony was closed and further discussion was held.

**Motion:** Kovala made a motion to approve the certificate of survey for a 9.8-acre tract to be subdivided into two tracts, 4.86 acres and 5.02 acres, based on the fact that the survey meets the criteria of the Zoning Ordinance. Seaberg second.

Johnston suggested that the motion should be amended to include the stipulation: when the lots are developed, the 25% impervious lot coverage should be calculated on the amount of area on the west side of the road instead of the entire lot due to the road splitting the property.

Kovala amended his motion to say: approve the certificate of survey for a 9.8 acre tract to be subdivided into two tracts, 4.86 acres and 5.02 acres, based on the fact that the survey meets the criteria of the Zoning Ordinance with the stipulation that when the lots are developed, the 25% impervious lot coverage be calculated on the amount of area on the west side of the road instead of the entire lot due to the road splitting the property. Seaberg second the amended motion. All in favor. Motion carried. Recommended approval for the application.

**THIRD ORDER OF BUSINESS: Dave and Melissa Opsahl.** Request a conditional use permit to have up to three (3) horses on property (13.86 ac) in an agricultural zone for the property described as: Pt Govt Lot 3 Comm N qtr cor, Section 12, TWP 138, Range 42, Lake Eunice Township. The property is located at 22546 N Pearl Lake Rd. PID Number 17.0137.001.

Opsahl explained the application to the Board. They live in an agricultural zone but the area is residential in character and they do not have a farming operation.

No one spoke in favor of the application. No one spoke against the application. Written correspondence was received from Lake Eunice Township, who were in favor of the application. At this time, testimony was closed and further discussion was held.

Kovala, Moritz and Knutson felt that this is was a nice piece of property, with good location, to make a good home for three horses.

**Motion:** Johnston made a motion to approve a conditional use permit to have up to three (3) horses on property (13.86 ac) in an agricultural zone based on the fact that the use would not be a detriment to the surrounding location. Skarie second. All in favor. Motion carried. Recommended approval for the application.

**FOURTH ORDER OF BUSINESS: Neal and Jean Glawe.** Request a conditional use permit for a salvage yard type business consisting of the recycling of scrap metal from vehicles in a commercial zone for the property described as: Lot 3, Block 1, Heille's Ridge Acres. The property is located at 15650 Heille Ridge Lane. PID Number 19.1386.603.

Glawe and Randy Davis explained the application to the Board. Davis has a contract with Glawe for the use of the area seeking a conditional use permit. Davis stated that this is a recycling business, not a salvage business. Davis stated that he is licensed by the State for recycling. Davis stated that he buys old cars, which helps clean up the County.

When there are enough cars, a crusher comes in to crush the cars. This past year, the cars sat there longer than usual due to the economy. Davis stated that he did not know there was a problem with his business because he was located in a commercial district and he had been operating for three (3) years before he received notice of a complaint. Once he was notified of the complaint, he sold the cars at a loss.

Lien questioned how many cars were on the property before the last crushing. Davis stated that there were about 250 cars but the time before there were around 100 cars. Johnston questioned how the cars were crushed. Davis stated that there is a special machine which works off hydraulics that lifts the car and crushes it. Johnston questioned the noise level. Davis stated that the noise level is no more than a semi truck running. McGovern questioned what was done with the hazardous waste. Davis stated that he is MPCA licensed and all waste is handled properly according to MPCA guidelines.

Skarie questioned if a fence is planned. Davis stated that a fence is planned. It was started but economics slowed the construction of the fence. Once the fence is constructed, no one will see the cars. Skarie asked if the Board had to limit the number of cars, what would be a reasonable number. Davis stated approximately 150 cars; otherwise the area is too crowded.

Knutson questioned when the last shipment was. Davis stated August 2009 and he has acquired a handful of cars since then. Davis stated that, as winter approaches, he will be collecting more cars, as people want to clean up properties. Brufloft questioned how long it takes to crush 150 cars. Davis stated that it takes about 2 to 3 days; the biggest factor is to get enough trucks to haul the cars away.

Kovala questioned what was done with the tires. Davis stated that five (5) tires can be shipped with each car and the rest are picked up by a recycling company to be shredded and re-used in other products. Kovala stated that Glawe had a significant number of cars at the repair shop that should be moved over to the crusher and that right now he would consider the repair shop a salvage yard. Glawe stated that he would agree, but he does not have a written agreement with customers on picking up their vehicles. Brufloft stated that he would have to agree with Kovala's observation of Glawe's repair shop.

Speaking in opposition to the application were Doug Branchaud, Chris Hines, and Chuck Krekelberg, as a representative for Robert Bergquist. All were concerned about looking at the operation on a daily basis, hazardous waste, odors, property values, and impediment of future development. No one spoke in favor of the application. Written correspondence was received from Robert Bergquist and Jon Edwards, both in opposition to the application. At this time, testimony was closed and further discussion was held.

Brufloft questioned Branchaud if he lived on the corner of Long Lake Road, with all the vehicles sitting on the property. Branchaud stated that was his property and that his assets were frozen so he could not clean up the place, but Davis is an officer of the law and should know better than to put hazardous material on the ground.

Lien stated that he did not see any locations on the property that would indicate that there had ever been any spills. Also Lien felt that there has been too many cars in the past, that there needs to be screening and vehicles should not be parked higher than the fence.

Kovala stated that he agrees with the people in opposition. There are a significant number of cars on the property and that this is not the place for this operation. Brufloft stated that he lived in Ridgeview for many years. Brufloft stated that he never noticed the repair shop but would not like to look at that number of junked cars. Knutson felt this was a residential use area and there should be a better location for this type of business. Moritz agreed that there should be a better location for this type of business. Seaberg stated that if she lived in this area, she would not like to look at this type of business.

Davis stated that he was sympathetic to the people, but felt that a conditional use permit with the stipulations: (1) there be a fence constructed, (2) no more than 150 cars at a time and not stacked more than two (2) high and (3) if there was further residential development, revisit his conditional use permit and amend it or pull it at that time. Davis also stated that there have been false complaints to the MPCA and that the only complainant was Branchaud, who has an illegal junkyard.

**Motion:** Kovala made a motion to deny the conditional use permit to allow a salvage yard type business consisting of the recycling of scrap metal from vehicles based on the fact that it is too close to the residential area, not compatible with the area and is detrimental to the surrounding area. McGovern second. All in favor. Motion carried. Recommended denial for the application.

**FIFTH ORDER OF BUSINESS: Glen and Mary Follett.** Request a conditional use permit to construct a retaining wall twenty-one (21) feet from the ordinary high water mark of the lake (11 feet from the water's edge) for the property described as: 1.6 ac Pt Govt Lot 2 Beg 985.75 W and 603.27 SW of NE Cor NW ¼, Section 9, TWP 142, Range 37, Forest Township. The property is located at 48320 Old Saw Mill Rd, Bad Medicine Lake. PID Number 12.0082.000.

Follett explained the application to the Board. The water on Bad Medicine has risen and has jeopardized the existing cabin. Follett stated that there is a discrepancy with the ordinary high water mark given to her by Ray Vlasak, Lake Association, and the DNR.

Lien asked for clarification on the discrepancy. Swenson stated that the lake association gave the highest known water level, not the ordinary high water level established by the DNR. Lien stated that it is very apparent that the water is quite high. Kovala questioned if the riprap would be placed out in the lake.

Jody Yliniemi, Racer Construction, further explained the construction process. Rock would be placed out into the water approximately 15 feet from the south corner of the cabin and 25 feet from the north corner of the cabin. The rock will be placed at a 2:1 slope just in case the ice pushes in the future. Kovala stated that the cabin is presently 4 – 5 feet from the water. Johnston questioned how long Follett's have been at this location.

Follett stated they were there in the 60's and at that time; there was 30 – 40 feet between the cabin and the water.

Seaberg questioned if the engineer worked with the DNR. Yliniemi stated that all the work would be done above the ordinary high water mark of the lake. Swenson stated that the DNR only regulates below the established ordinary high water mark of the lake no matter where the existing water level is located. Knutson felt that Racer Construction would do the project according to the engineer's plan. Yliniemi also stated that a floating silt fence will be used during the construction process.

Speaking in favor of the application was Rolf Christianson, who stated that the cabin is starting to slip and needs to be stabilized. Written correspondence was received from Donna and Hal Hockstra, in favor of the application; Jerry and Jean Beck, in favor of the application; Bad Medicine Lake Area Association, in favor of the application; and Bob Merritt, DNR, stating the final decision rests on the County. At this time, testimony was closed and further discussion was held.

Brufloft stated that there is a constant battle with water in this area. Lien stated that the building is in peril, the application meets the ordinance and the plan uses common sense.

**Motion:** Lien made a motion to approve a conditional use permit to construct a retaining wall twenty-one (21) feet from the ordinary high water mark of the lake (11 feet from the water's edge) based on the fact that the building is in peril, the application is a good plan that meets the criteria of the ordinance and the plan uses common sense. Kovala second. All in favor. Recommended approval of application.

**SIXTH ORDER OF BUSINESS: Final Plat of The Woods on Lake Maud II.** Applicant has requested to be placed on the October 2009 meeting.

**SEVENTH ORDER OF BUSINESS: Informational Meeting.** The next informational meeting is scheduled for Thursday, October 15, 2009 at 8:00 am in the Third (3<sup>rd</sup>) Floor Meeting Room, Original Courthouse. **Per Diem Vouchers.** Third quarter per diem vouchers are due by the end of the month.

Since there was no further business to come before the Board, Kovala made a motion to adjourn. Lien second. All in favor. Motion carried. Meeting adjourned.

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Jim Brufloft, Chairman

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Jeff Moritz, Secretary

ATTEST

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Patricia Swenson, Administrator