

**Summary of the  
MEEKER COUNTY PLANNING COMMISSION  
July 13, 2021 – MEETING MINUTES**  
*Audio Available*

The Meeker County Planning Commission held a meeting on July 13, 2021 at 5:00pm to consider the following Conditional Use, Rezone and Preliminary Plat permit applications and other business before the Board. Present was Jans, Euerle, Hempel, Beach and Smith, Salzl and Zoning Administrator Schultz.

5:00pm

Jans calls the meeting to order. There is a quorum.

The Board states their names for voice recognition.

Jans asks the Board if they have any corrections or additions to the June 8, 2021 meeting minutes. None are noted.

Hempel makes a motion for approval.

Beach seconds the motion.

Motion carried 6-0.

5:01pm

**Jans opens the public hearing for Scott & Wanda Mitchell, 3508 N 82nd Ave, Brooklyn Park, MN 55443. Property located at 74390 309th St, South Haven, MN 55382. That part of Government Lot Five (5), Section Twenty Four (24), Township One Hundred Twenty (120), Range Twenty Nine (29), Mud Lake, Kingston Township. An application for an after-the-fact Conditional Use permit to move more than ten (10) cubic yards of material in the Shoreland Impact Zone and more than fifty (50) cubic yards of material in the Shoreland District for shoreland alterations in an R-1 Suburban Residential District and within the Shoreland District.**

Scott & Wanda Mitchell, Stephanie & David Lueders, June Herman and Christine & Joe Laskey were present for this hearing.

Schultz: This property is a Mudd Lake Riparian R-1 zoned metes and bound lot with a property address 74390 309th Street, South Haven, MN 55382 located in Section 24, Township 120, Range 29 in Kingston Township. Mudd Lake is considered a Natural Sensitive Lake.

This property is approximately 66,000 square feet. Currently there is a shed built in 1975 and a remodeled garage built in 1988 on the property. No well and only and outhouse for septic on site. This is an after-the-fact CUP for bringing in 40 cubic yards of gravel fill in the shore impact zone to be spread across areas marked on the plan. An additional 20 cubic yards of black dirt will be brought on site to cover the gravel, then seeded.

Ethan Jenzen DNR Area Hydrologist talked to me today and would like to visit the site before we vote on it and has asked if we can table it until next month, citing the scope of work that was completed may need a Public Waters Work permit.

As per [Article 19A.04. C.2.d] Movement of more than 10 cubic yards of material in the shore impact zone and/or 50 cubic yards of material in the shore land district requires an approved conditional use permit from the County.

Jans states that the Area Hydrologist regulates the water part of this, so we need his blessing before we can okay what has been done.

Schultz says that Jenzen will be going out to the property to determine if you need an additional permit for public waters. When the Board viewed the site, there was concern that the public waters were disrupted as it looked as though you went out into the cattails. We need his input.

Ankrum tells the Mitchell's that because Jenzen would like to view the property before the Board makes decision, this hearing will be continued to the August 10, 2021 meeting.

Hempel makes a motion to continue the public hearing to August 10, 2021 at 5:00pm.

Smith seconds the motion.

Motion carried 6-0.

5:04pm

**Jans opens the public hearing for Casey & Barbara Rouse, PO Box 250, Bird Island, MN 55310. Property located at 20087 624th Ave, Litchfield, MN 55355. Lot Sixteen (16), Kruger's Shady Acres 1st Addition, Lake Minnie Belle, Greenleaf Township. An application for an after-the-fact Conditional Use permit to move more than ten (10) cubic yards of material in the Shoreland Impact Zone and more than fifty (50) cubic yards of material in the Shoreland District for shoreland alterations in an R-1 Suburban Residential District and within the Shoreland District.**

Cliff Willhite, Roger Jergens, Debra Hatlestad, Cindy Retzlaff and Rod Manderscheid are present for this hearing.

Schultz: This property is a Lake Minnie-Belle Riparian R-1 zoned lot 16 of Kruger's Shady Acres 1st Addition with address 20087 624th Ave, Litchfield, MN 55355 located in Section 12, Township 118, Range 31 in Greenleaf Township. Lake Minnie-Belle is considered a General Development Lake.

This property is approximately 9,850 square feet. Currently on the property is a house built in 1957, a 7'x 10' utility shed built in 1957, and an 8' x 12' utility shed built in 1979. A passing septic compliance was issued September 2020 for the property. The property owners are requesting an after-the-fact CUP to install 75 feet of rip rap, 62 feet of boulder retaining walls with a height less than 4 feet, 22 steps, and 299 square feet of pavers. The pavers will be approximately 12 feet from the OHWL.

Total material proposed to be moved or brought onto the shore impact zone area of the site according to the site map submitted will be approximately 20 cubic yards of rock for the walls, 5 cubic yards of additional rip rap (28 cubic yards already on site), 2 cubic yards of steps, 3 cubic yards of river rock and 60 cubic yards of soil. Total materials brought on-site were approximately 90 cubic yards with an additional 33 yards reworked into project.

DNR Area Hydrologist Ethan Jenzen commented today that he has no issue with the County voting on what was constructed for the CUP on site.

As per [Article 19A.04. C.2.d] Movement of more than 10 cubic yards of material in the shore impact zone and/or 50 cubic yards of material in the shore land district requires an approved conditional use permit from the County.

Jans states that he viewed the site with Euerle and they found a couple issues.

1. Between the rocks and the other property, there needs to be some sort of fabric put down until there is vegetation grown. If there was a lot of rain, that would all wash down.
2. This may be between the owners, but down by the lake, the rocks are at least 3' into the neighbor's property.

3. Where the steps come off of the paver platform, you basically step onto the neighbor's property.

Manderscheid says that a lot of the rocks were there already. The neighbor was okay with the rock being on their side. We put sand down for everyone to use.

Euerle feels the paver area is too large. He feels that a contractor should know the rules and should have got approval from the county.

Manderscheid says that originally the deck and patio were going to go, but the job kept snowballing.

Hempel says that it is frustrating when we have people working in the county; we expect them to know the ordinances. There are too many after-the-fact applications.

Hatlestad asks the Board what they are allowed to do without a permit. What was this property allowed and not allowed to do?

Schultz states that anything greater than a dump truck load (10 cubic yards) in the shore impact zone requires a permit. Anything beyond that 35' OHWL is 50 cubic yards.

Roger Jergens says that he built a two-stall garage before there were zoning laws and it is 3' from the property line. If he were to rebuild, would he have to abide by current zoning rules? *Yes*

Jans explains to him the reason for variances.

There is public discussion over the frustration of after-the-fact permits. The Board states that if the public doesn't contact the zoning office of concerns, there is no way for the Board to know.

Hempel says that by getting a CUP, we can regulate how the project moves forward. We can make sure we can protect the lake. We want your projects to look great, by possibly requiring an erosion blanket, geo fabric, we want to make sure that boulder wall doesn't fall down, etc.

Schultz reads the possible conditions:

1. The total cubic yardage shall be the current maximum of 90 cubic yards of material already brought onto site.
2. Engineering completed by a licensed structural engineer licensed in the State of Minnesota for any walls that are found to be four feet or taller.
3. Any additions to the project completed will require an additional CUP and permitting.
4. All required permits shall be obtained prior to commencing this project if project extends beyond scope submitted.
5. Erosion control shall be implemented and maintained on neighbor's property to the north parcel (11-0474000) at least 6 feet from the edge of the landscaped rock edge on slope until permanent vegetative cover is established to prevent erosion of material into sensitive areas.
6. All conditions must be completed within seven days from the County Commissioners approval.

Smith makes a motion to close the public hearing.  
Euerle seconds the motion.  
Motion carried 6-0.

Euerle makes a motion for approval with the conditions.  
Smith seconds the motion.  
Motion carried.

5:33pm

**Jans opens the public hearing for Richard & Elisabeth Carlson, 21860 575th Ave, Litchfield, MN 55355. Property located at That Part of Lot Four (4), more fully described in the application. Section Six (6), Township One Hundred Eighteen (118), Range Thirty One (31), Greenleaf Township, Star Lake. An application to Rezone a parcel of land from A-1 Agricultural Preservation District to R-1 Suburban Residential District.**

Richard Carlson and Lorraine Bipes are present for this hearing.

Schultz: This property is a 68.27-acre riparian property adjacent to Star Lake in Section 6, Township 118, Range 31 in Greenleaf Township. 575th Ave is adjacent to this property to the west. Most of the rezone is within the shore land district of the Natural Environment Lake—Star Lake. Currently on this property there are no structures. There are R-1 properties located approximately 1000 feet to the north.

The current property owners are requesting to rezone 13.13 acres of the 68.27-acre parcel from A-1 Agricultural Preservation District to R-1 Suburban Residential to allow for the establishment of a two (2) lot plat.

Greenleaf Township approved the rezone and plat for building sites at their township meeting on March 9, 2021

A Title of Opinion was submitted with the application and has not been approved as of this date by the County Attorney. Currently the attorney is looking at Outlot A and about the type of ownership that would be established since it will be held by multiple interests.

Carlson: This process has gone on for 37 years. I've owned land there longer than anybody on that side of the lake or on the lake. That has no bearing but, when I originally bought that land, I bought it to develop. It isn't farm land as far as the lake is concerned. This is a buffer zone that can enhance the lake, the quality of the lake and everything else. I've been in real estate for 44 years in Minneapolis and that is when I bought the property back 37 years ago. My intention was always to develop it and maintain the ecology of the area because it is magnificent. You are not going to find any property like that maybe in MN as far as the variety of wildlife and things like that. We can see one hundred-year slungs (sp?). They are really reminiscent of Charlie Puhl who originally was the principle of Gander Mountain and he raised 200 species of geese, ducks and swans. A lot of those are remnants of what he did to the property from the 10 years that he owned it. I appreciated that and the people around it should appreciate that. That is what my intention was, to center around the wildlife and develop the property in a way that you really didn't have small lots and things like that. That's where we came up with the Conservation Reserve on part of it and a standard subdivision on the two lots that we are talking about tonight.

I thought everything had moved along. Mark Wood has been my attorney for 30-some years. He told me that he did most of the examining and the title opinion of this and he said that it shouldn't be any problem with the county. I got a call yesterday morning that Besser was out of town on vacation and he couldn't examine it until he got back. It seems like a simple thing to most of you, but when you've got holding costs of about \$8000 a month and this has been going on for a long period of time... You can't borrow a

nickel in this town from a bank. I own that property free and clear and you can't borrow a nickel on that in the 5 banks that are in this town.

I'm at a point where I either pull the plug and let it go back into farming; let them pollute the lake and pull out of the area. I have fought some of these issues that are really small. I'm trying to do something that is positive as far as employment, as far as value to the community, as far as value to the lake and keep it in a natural form. Again, I am financially at the end of the line on that. I'm not going to keep putting money into it. Now they said that they wanted to have Besser come out there. It is just another layer of attorneys coming out there for no reason. Mark has been here for a long time. He has examined that and said that this should be fairly simple. Now all of a sudden at the last minute—and that delay incidentally isn't just a delay of a month. It's a delay of a season as far as building, as far as getting those lots—one or two of them—sold. That can kill the whole process for me as far as being able to develop that; to be able to economically continue to do this. To put in \$8000 a year without any income—not a year—a month. That's why it has been very troubling that the delay came at the last minute. I've had that water delineation done on the lake. I don't see anybody doing that. In fact, the adjoining parcels that abut my land on Litchfield Township, I can see all kinds of violations that are done. Including township dump trucks that are hauling things into there. They are ignoring what you are talking about here as far as so many square feet or yards and that. That's the township doing it and this is on lakeshore property. I don't know how they get away with that, but I'm not trying to do that. I don't fault people when the townships don't enforce things. I was trying to move this ahead. I talked to Mark and told him to call and talk to the county attorney, there is not reason this has to be delayed. Another month may cost this whole project and put it down the tubes. It literally has been \$100,000 to \$100,500 in the time I started just trying to get the water delineations and all things like the survey. I don't have to have them survey time and time again at \$5000 to \$10,000. It is crazy. As I said, I was a broker in Minneapolis. I never went through that type of thing in any community. It is micro-managing things that are probably positive for the community, but if you put that many layers and those costs for somebody, no one is going to develop here. You need that on the street. You need outside people who want to come in to this community.

I don't fault Greg. He's probably getting up to speed on some of these things as far as the Conservation Reserve that we talked about. I don't think they've done that in the county before. I don't fault him. I think that these are things that—I'm not the teacher. I understand the law from real estate and that, being a broker, but this should be fairly simple and this should be positive for the community. I am trying to do that. If there is delay after delay and months after months—nobody is going to be able to sustain that. What is going to happen is I'm going to sell that whole parcel off that I've maintained and someone else is going to come in and they will lop that into many, many phases of property. It's not going to be ecologically positive for the community or the lake. A developer doesn't care about that. They care about the bottom line and the bottom line is selling as many lots as possible. I'm for selling as few lots as possible to maintain the wildlife that exists there—and it's magnificent. You're not going to see the eagles, the ducks, the sandhill cranes that are in there. Every year you see something that you never seen before. Our pond had an otter this year. I don't know if you've ever seen an otter, but they are about 10 to 20 times the size of a mink. They are maybe 2 ½ to 3' long and weigh up to 20 pounds. Those are things that you really want to maintain for our children.

They own that for the future—we don't own that. Somebody has got to preserve that, and that's what I'm trying to do. This delay may cost that whole project. I guarantee you that I can't sustain that any longer. I can't keep putting money in without getting some economic value out of it. This is our retirement. This isn't something that happened over night—it's 37 years of my wife and I working on this. She's a charge nurse at the nursing home. You need jobs in this community. That's my speech. I don't know why this delay had to happen. You could have put that as a stipulation. I can't regulate Besser's vacation, but he should have known that before he took that job from Schiefelbein. He should have known that and this wouldn't have been delayed. Mark didn't get a call from him or his office until yesterday morning. That's why I was upset with Greg. If we don't get this project going and get a lot sold and it goes into spring.... When I started this, I thought it was going to be a three-month process. I came in front of this

board and everyone seemed to be in favor of it because it is positive. It's even more positive because we are talking about fewer lots on 68 acres. We are talking about moving 10 lots. We are averaging 6 acre lots. Nobody owns 6 acre lots that have lakeshore. This all keeps that lakeshore positive. Plus, we are not doing any boating. That's part of the covenants that I would set up, because I don't want that. I don't want boating use that drives the nesting out of that area. It's a natural area once the vegetation comes in, you'd have very little boating. I won't see maybe 2-3 boats a year and that's in early spring and late fall. That's what maintains that nesting area. Most of you know where that is and the habitat, it's terrific.

Schultz: Unfortunately, there can't be any conditions on a Preliminary Plat, like you are saying "when we get the title opinion approved..."

Carlson: And he had that from Mark Wood, so he could have done that. He knew his vacation schedule or he should have turned it over to someone else.

Schultz: Brandi Schiefelbein sent me a message to say that the Board can't vote on this agenda tonight because she and Besser are still reviewing it. The concern is basically about the interest in the outlot. They want to know how that entity is going to work. There will be conservation easement owners wanting this outlot as well as the two lot owners. There will be some sort of common ownership.

Carlson: There is an outlot on the conservation easement when that one is developed. All of those—that would be one association. Mark told me you can't subdivide it, so I would own that with provisions that would go to the owners. First it would be one-half ownership, not initially until the whole development sells, then everyone would have 1/12 ownership.

Schultz: That's the question that Schiefelbein and Besser have. They want it spelled out more clearly before they approve it.

Hempel: So, the best we can do is table this application.

Jans: The next hearing is in August and by that point they should have it figured out.

Carlson: That isn't the point. The point is that Schiefelbein could have known that before this meeting was set up. Now it is another month and then I will need to get a final approval and that will be another month. That is getting into the fall of the year and now you can't build. Now the whole project goes under.

Jans: You had mentioned the cost of surveying. I'd imagine you've changed it over time which required more surveying. Once a survey is done, it is final so apparently you must have changed things for the cost to be so high.

Carlson: I haven't changed anything. That surveyor, O'Malley and Krone, I've met many times with them. He adjusted all those things and this is the final survey that he had. But now someone said that Besser wants to come out there and see the survey. I'm not paying for surveyor after surveyor. It's the same survey. It's not going to change one bit. It's crazy.

Jans: I've had several surveys and once you have a survey done—it's done. What we can do as a Board is table it until next month and get the final wording for the outlot.

Carlson: The problem is, going to five banks and getting turned down. I've got millions of dollars in property and still can't get one loan. I can turn it back into farm land and get all the money I want. That would be detrimental to the lake. What I'm saying is, why didn't Schiefelbein turn it over—why did Besser call at the last minute. That delay can put me into the next season. I can't afford to stay around here for that. I can put my property up for sale tomorrow and be out of here and I guarantee that property

will go back into some kind of farming that won't be positive for the lake. Manure will go into the lake. There weren't any controls of that. That's what it is going to cost me. It could cost me another \$100,000 and I can't sustain that.

Hempel: We are sorry, but we are handcuffed. We have to wait, so we have no other choice but to continue this public hearing.

Carlson: Scheifelbein could have told you that a long time ago.

Hempel: That's them, that's not us.

Schultz: So, what do you want us to do Dick?

Carlson: I'll have Mark draft something, but I'm financially damaged by this. It's more than being sorry. It's the cost of the community. I'm telling you that this has been going on for a long time. I'm honest and I do things in the right way. I tried to do this and it has gone on.

Hempel: This isn't this Boards fault.

Carlson: I don't blame the Board.

Hempel: Then we need to move forward and we are going to give you every option—do you want us to continue this to August?

Carlson: I'll make that determination with Mark Wood and see what the recourse is.

Schultz: We will then have to continue this hearing.

Hempel: As a Board we will continue this hearing so you have the opportunity to go forward. We hope that it goes forward, because you have a good project. You came before the Board before and we thought it was great. We are for you. We did not cause this.

Carlson: There isn't a penny that I've ever gotten out of this community on anything. I ask for so little. I don't blame you. I think this came on last minute and Mark can address it.

Hempel makes a motion to continue this hearing to August.

Euerle seconds the motion.

Motion carried 6-0.

5:53pm

**Jans opens the public hearing for Richard & Elisabeth Carlson, 21860 575th Ave, Litchfield, MN 55355. Property located at That Part of Lot Four (4), more fully described in the application. Section Six (6), Township One Hundred Eighteen (118), Range Thirty One (31), Greenleaf Township, Star Lake. A Preliminary Plat application for two (2) lot plat of the R-1 Suburban Residential District zoned plat of Birdwing First Addition.**

Smith makes a motion to continue this hearing to August.

Hempel seconds the motion.

Motion carried 6-0.

5:54pm

Other Business—Possible plat for Paul Johnson

Johnson states that Tract A sits between three residential properties. He would like to rezone the parcel to residential and plat to get a building eligibility. It already has an existing driveway to County Road 9.

Hempel asks how many square feet is the lot.

Schultz states that it meets all regulations.

Johnson says 241' of lake front. There is plenty of room for a well and septic.

Smith says that the township had no problem with this request.

Hempel states that this fits the surrounding area.

The Board is in agreement for Johnson to move forward.

5:59pm

Board takes a break.

6:12pm

Ordinance changes

The Board discusses ordinance changes to Solar Gardens, Containers, and fines for public not getting permits. The Board has not yet decided on wordage and will be discussed at the August meeting.

7:25pm

Smith makes a motion to adjourn.

Hempel seconds the motion.

Motion carried 6-0.