

MINUTES - PLANNING COMMISSION/BOARD OF ADJUSTMENT MEETING

TUESDAY, OCTOBER 12, 2010, 7:00 P.M., COMMISSIONER ROOMS, LYON COUNTY GOVERNMENT CENTER, MARSHALL, MINNESOTA

MEMBERS PRESENT: Ludeman, Nassif, Buesing, Thooft, Vroman, Nelson, Ritter, Zimmer, Biren

PLEDGE OF ALLEGIANCE TO THE FLAG

AMEND/APPROVE AGENDA – Biren – Add discussion Don Delanghe CUP to agenda. Motion by Vroman, seconded by Nassif to amend agenda. All voted in favor. Motion carried.

CORRECT/APPROVE MINUTES OF THE SEPTEMBER 14, 2010 MEETING – Motion by Nassif, seconded by Buesing to approved minutes. All voted in favor. Motion carried.

PLANNING COMMISSION:

Public Hearing on the Lyon County Zoning Ordinance revisions. (Article 6 Floodplain District; Article 22 Conditional Use Permit; Article 23 Non-Conforming Structures, Uses and Lots; Article 26 Board of Adjustment; Article 27 Amendments/Rezoning; Article 29 Violations, Penalties and Enforcement; Article 32 Repeal and Article 33 Date of Effect.) Biren – recommend to County Board to adopt ordinance and maps. Long process, getting closer. November 26th effective date, not effective by that date, communities and county citizens that need flood insurance will not qualify, pretty serious. Draft ordinance submitted to DNR by August 26th, have received conditional approval from DNR. Public Hearing tonight. County Board public hearing on October 19th. Showed example of old maps, done in 1977. Marshall not even mapped on county maps. See areas in the floodplain and areas that are not. New maps are an improvement. Legend has more areas defined. More detailed study. DeLanghe – John the area north of 23 be built in? Biren – yes it can be built in. DeLanghe – even though it was in a floodplain before? Biren – correct. Youngsma – that is zoned as a shaded zone X, annual .2%, annual chance of flood. Areas of 1% annual chance flood with average depths of less than 1' or areas that are protected by levies. That area falls into one of those categories. Protected by the levy or dike. Minimal change, 500 year flood. DeLanghe – came from being in a floodplain to a 500 year floodway. Youngsma – because of the levy, it is identified as having a likelihood of flooding .2% of the time. Based on statistics. Biren – showed and explained map will be using when issuing zoning permits. Lidar available to do layering. Ghent and Minneota look south, area that kind of ends, that is where the study was stopped, not completed. Areas where they quit. Overall what we saw two weeks ago and the way the river came up, Ghent and areas around Marshall, I feel the maps are more accurate than I had given them credit. Questions on maps? DeLanghe – do you have an old one to compare to? Biren – there are some significant differences. Process started 4-5 years ago. PBS&J consulting company, Corp, FEMA, DNR and county involved, showed maps to everyone. Public informational process. Comments received and ones submitted by the county was then put into this new product. Right now if we want to change these maps, we basically cannot. Any changes done to these maps will be done by individual landowners, do letter of map revision or amendment. Hire surveyor/engineer to prove case in or out. Youngsma – there is a chance for larger scale improvements, if there is better available data, lidar information coupled with on the ground survey of a smaller area, that could be the basis for a map change. If there was a structural change that would be affecting floodplain area, that also would be a process. Highway department would change a bridge or culvert, impact reflected in the map. Not physically change shape file/polygon, notation see a change in this location. Ludeman –

individual's cost? Youngsma – yes or project proposer. Delanghe – for the record, looks like there was virtually nothing south of 23 in the floodplain before, now it is loaded up pretty heavy. Can you explain why that is? Biren – answer we got from the Corp of Engineers, prior to 1977 when original maps we are working off now, those areas were not highly developed or anticipated to be developed, not looked at very close. Delanghe – do you know why they weren't looked at before the diversion project? Biren – their answer they gave us, diversion project was an agreement with County Board, Corp of Engineers, City of Marshall and DNR, to build a physical structure that when water gets high enough it will cross over to the Cottonwood River Watershed. It almost did that 2-3 weeks ago. That design was to mimic historical conditions. It did not overflow. DeLanghe – yes it did. Biren – it did not go over the top. Youngsma – that was actually infiltration traveling through the dike to prevent a catastrophic failure of the dike. The sand bags were installed to allow the water pressure to equalize so didn't have that infiltration blowing a hole through the dike and sending water down the Cottonwood Watershed before it should have. DeLanghe – saying water went under the dam instead of over? Youngsma – it was starting to, it never did. Ritter – the way the structure is designed to do that. I was out there sandbagging and that was what the engineer was telling us. Biren – they predicted that to happen and showed them how to sandbag it. 6"-8" from going over the top. Ritter – 6-7 a.m. highest time on Saturday morning. Suhail Kanwar – came pretty close, 1' below on Friday evening. Ludeman – questions on map? None. Biren – language discussion. Similar to old language. Most of changes were in section numbers to make it work with other numbers in our ordinance. Governing Body, final decision County Board. 100 year = 1% annual chance of flood. Definitions: estimated market value, fence and general flood plain district. Did work with Area II to allow (page 35) structural work for flood control structures, dams, diversion channels, impoundments, so forth, allow them to be built. Important to those people that are impacted by it. Ludeman – audience comments? None. Biren – template from DNR to work off of, not allowed to vary from that a whole lot, worked with it. Take questions or comments or motion is in order. Ludeman – questions or comments from the audience? This is the first step, goes to the County Board next. Motion by Nassif, seconded by Buesing to recommend to the County Board to adopt the ordinance revisions and map changes as presented. Discussion – none. All voted in favor. Motion carried.

CONDITIONAL USE PERMIT/PUBLIC HEARING – MINNESOTA SESSION LAW 2000 – MINN. STAT. §116.07, SUBD. 7(I), FEEDLOT: None

RENEWAL - CONDITIONAL USE PERMITS – AUGUST:

Philip Regnier – Daniel Stevens, Mobile Home, N1/2NE1/4, Section 20, Grandview Township. Issued August 1994 (3 years), renewed every 3 years. 2003 estate, extended yearly since then to have mobile home removed from property. Status – letter to property owner (Catherine Dobbins). September 14th meeting – give 30 days to work with landowner. Biren – no luck as of today, did speak with farmer that rents land and building site for grain storage. He is aware of it and has been aware of it for some time, has been asked to help in moving the mobile home. He asked me what he could and couldn't do. Believe it will take care of itself. Needs to stay on Agenda until taken care of.

RENEWAL - CONDITIONAL USE PERMITS – OCTOBER:

Duininck Brothers, Inc., Extract and Crush Gravel Material and to Operate an Asphalt Hot Mix Plant, SE1/4, Section 18, Lyons Township. Issued October 2001 (3 years), recorded. Biren – heavily used this past year, sand for Highway 23 project for concrete made. No problem.

Eickhoff Enterprises, Inc., Trucking and Truck/Trailer Repair and Maintenance, NW1/4NW14, Section 34, Fairview Township. Issued October 1998 (3 years), not recorded. Biren – truck and trailer repair on County Road 33. No issues, no calls, in compliance. Still outside the city limits. Motion by Vroman, seconded by Nassif to renew for 3 years. All voted in favor. Motion carried.

Duane Maeyaert, Mobile Home, SE1/4, Section 15, Custer Township. Issued October 2002 (1 year renewable), recorded. Biren on corner of Highway 14 and 59. Duane owns property, not split off. Mailbox says Maeyaert Residence. Not sure who is living there. Ludeman – brother lives there.

Rolland and Mary Roseland – Thad Lessman, Mobile Home NW1/4 NE1/4, Section 27 Sodus Township. Issued October 2003, renew annually, recorded. Building permit has been issued to Lessman for constructing a new home on this site. Mobile home status? Biren – new house being built by Thad Lessman. Living in mobile home until done, will take care of itself once living in house, mobile home will come out.

DISCUSSION:

- Follow up Coon Creek Township Board correspondence: Status Contractor (Rogge) letter to County. Biren – nothing to report.
- Follow up on Shoreland Violations: Jon Knockenmus, Lake Yankton. Zimmer - gave an update. Two parts - DNR issued a restoration order, require property owner to restore the property back to or as close to original condition before a lot of the vegetation was destroyed/removed. DNR dealing with that piece. There was also a citation issued by the DNR Officer that was followed up by a formal complaint by my office that alleged the DNR violation and 2 county ordinance violations with regard to both landowner and contractor. Monday pled guilty to the one DNR violation and one county violation. All that would be left for them to do is to work with DNR with civil restoration aspect.
- Don Delanghe Feedlot Violation: Biren – added to agenda, discussion on CUP for Don DeLanghe’s feedlot. This matter was discussed at the County Board meeting last week apologize that it wasn’t on your agenda but that is why. Feedlot is on west side of road, can see manure pits and buildings, Don lives there. Manure was applied across the road with a hose type system with tractor. Brent from MPCA and I created map, areas tillable, 26 acres. What happened: manure being applied, water way west side, terrace and tile outlet. Concentrated manure, manure came from pit. Pit is a collection of cattle manure and precipitation runoff from the feedlot. 2 pits on site. 800,000 gallons manure applied. Reviewed photos that were handed out. Liquid manure had a requirement of working in the manure 24 hours after application. First 4 photos were taken on September 8th. Last photo shows terrace. Visible intake, run off from the application. Next page shows two pits, smaller one being pumped from. One of the concerns was the damage done downstream, one of the tests that determines the level of damage is a dissolved oxygen test, determines the biological oxygen level in water. Numbers are kind of small. Range from .3 outlet of tile which is low and the pond varied from a high of 11 on the first day and 8, so forth, 2 & 4s. That means that in terms of when we handle the aeration program for the area lakes a 5 is when it starts to be serious, lack of oxygen for fish. Test done by MPCA and myself. MPCA did tested, I recorded numbers. A lot of rainfall in September. Recorded rainfall up to 15” or better for the month of September. We were under some severe situations. Spreading done on September 8th, rained the next day. Potential violations listed. The County Board has directed me to bring this to your attention. They wanted to get a recommendation for conditions that could possibly amend existing CUP. 2007 a CUP hearing

was held for this feedlot, purpose of that was it was a MPCA requirement for this feedlot to get their NPDS Permit. Our process at that time was a CUP. In addition to that, if you were to expand a feedlot that was over 500 animal units, which this request was doing, it required a CUP under our ordinance. An agreement was reached between MPCA and DeLanghe to close a particular feedlot close to Marshall in addition/agreement was that he would be allowed to add additional animal units at home farm. Had some discussion and board wrestled with that. CUP granted by County Board, 4000 AU. A trade, more than ordinance allowed for; had 3000 AU at the time. Talked about it, what we gained important enough for us to allow that to happen with conditions. Last page is some proposed amendments to existing CUP. I want to make it known here that CUPs, history of courts, when you grant a CUP it is a proprietor thing goes with land, ownership to it. Protects landowner, cannot be taken away unless there are conditions that have been violated. To amend a CUP or change it, you have to follow process. To amend it, need to go through a public hearing process. With the time lines we have in place, what I am suggesting is if we move forward with that, the County Board will hold that hearing on November 2nd. The County Board directed me to move things fast along to get it on the October 19th meeting but couldn't meet due process requirements. Drafting conditions goal is to protect environment as well as the producer. Have not been shared with landowner, not for action tonight, what I have worked on so far. Questions? Ritter – if no other things added to this and another Commissioner at the Public Hearing has something they want added or discussed, can that be added without going back through P&Z? Biren – it sure can, but when you develop conditions and go through the process need to do it in the name of public health, safety and welfare. I would support that 100%. It has happened before that information has come up between this Board and the County Board and things have been changed or altered, tweaked at the County Board level. Does not need to come back to P&Z. Vroman – out of our ballpark. Biren – you made the recommendation back in 2007, feeling you folks out to make sure you are alright with what laid out, good working relationship between boards, don't want to jeopardize that. Ludeman - not really recommending anything, checks and balances. Analyze of manure and soil. Agronomic rate, certain gallonage limited to. MPCA any concerns? Falls under 7020 do they feel additional charges to be made? Biren – MPCA has been involved, their concern is a joint investigation. MPCA will take this to their enforcement process. Their enforcement process will take some time. End result is purely speculative at this point. Fine of some sort, stipulation agreement attached to permit, needs to be met. Regional Office relationship good, as long as relationship doesn't change think we will be in loop. When goes to higher level at MPCA not sure of chain. Ludeman – Board questions? Nassif – agronomic rate? Biren – manure that is being applied should be applied to the crop that is going to be planted next year for nutrient. Corn/Soybean rotation, not all manure will be available the first year or even the 2nd year, applied accordingly. U of M recommendations as far as yield goals and the amount that is recommended there are guidelines. Thresholds to be applied. To check that you need to do a soil sample every so often to make sure your amounts of phosphorus and nitrogen and pot ash aren't too high. Ludeman – manure analysis, fertilizer value. Our hog operation vary from 3000-3200-3500-3800 gallons/acre based on soil type/analysis, does vary, not across the board. Match as closely as you can. Don do you care to respond, understand we are not taking any action as a Board here tonight? DeLanghe – as far as the nutrients, about 1/3 of the crop requirement, this was 99% water, 1 pound of phosphorus per 1000 gallons with 4 pounds nitrogen per 1000 gallons. Mostly yard runoff. Get things as ready as we could, hose guy injected it in, didn't want to put it on top. All set to go. As the day went on injected it but stuff started filtering down through some of the tracks. Ground too smeary. Late afternoon some had

filtered through the soil and got into the waterway, culvert into the creek. We put 1000 times more in next week when we got the rain and soil erosion compared to what went in from our manure application. Little idea of what went in there. Nothing I could do with the big rain. MPCA working with them. No determination has been met yet. MPCA works with the lots over 1000 head but with all the rain problems, most every community had discharge from waste treatment plants into the creeks and even the livestock farmers as well as grain farmers, we all discharged a lot into the creeks. I know it is not good, no one likes to see it. Do our best to keep it down. All the communities and all the trouble there was, I definitely feel that I am being profiled. As long as I have the lawsuit against the county they are just after me trying to dig my eyes out. Glad to communicate with you. Have been working with Brent and John. Ritter – you keep bringing up the discharging of the waste water treatment, that has nothing to do with this. This is a CUP. We don't deal with the City of Marshall's waste water treatment. This is a violation of your CUP. This is what the subject should be concentrated on. Do you have records of your manure? So many gallons of phosphate per thousand? DeLanghe – yes. Ritter – has that been supplied to the Zoning Office? DeLanghe – don't know if John got a copy. Biren – MPCA has requested information, will get copy from them. Has it gotten there yet? DeLanghe – absolutely. Biren - discharge to waters of the state, over application of manure, nutrient value and those things, have to compared that and see where we are at. Nassif – gallons per acre? DeLanghe – 36 acres GPS three times, 800,000 gallons, 22,500 gallons per acre. Nassif – allowed 4,000 gallons per acres this would be high. DeLanghe - Nutrient wise only 1/3 of the nutrient required. Not understanding you Mike. Nassif – 800,000 gallon on 36 acres. Ludeman – understand mine is hog manure which is much higher concentration. Nassif – 20,000 gallons/acre whole lot more. One pound fertilizer and 1,000 gallons water, going to pollute it. A lot of run off, liquid. Whole lot of liquid for the amount of nutrients that you had, 20 times normal rate, going to have a lot of runoff. DeLanghe – not 20 times the normal rate. Nassif – 10. DeLanghe – I am going to guess about 3/4” an acre. Youngsma – one inch rain on a one acre parcel is 27,152 gallons. Close to 3/4”, little higher than that. DeLanghe – have the guy that does it for a living, does millions of gallons, I really didn't want to tell him how to do his job, like telling an electrician code to wire my house, or an accountant. If I would have told him how many gallons to put, if I knew I would have. I figured I hired a profession to get it done. Injecting it in the ground. Last thing I ever expected was trouble. Ritter – holding ponds, one on the right the one being pumped. One on the left, I don't know the gallonage of that, empty, 1/4 to 1/3 full. No reason I feel that Mr. DeLanghe couldn't pump from the full one to the one on the west until conditions dried up. I didn't see that in the notes. Nassif – problem for me too. Different have to put it on the acreage, pumped it into the other lagoon. DeLanghe – could have gone in there, thought we were injecting into the ground, would not have been an issue. Nassif – Injecting 800,000 gallons, 36 acres, run off. NP&K rates where, that many gallons of water on the land going to create runoff which you did. Problem from it. DeLanghe – Mother nature put 4-5-6-7 times as much on the same ground. Nassif – Mother nature doesn't have to have a CUP. DeLanghe – I understand, you take just as much nutrient with but it wasn't incorporated in the ground, so I don't feel that 3/4” or thereabouts is excessive, granted I would agree that we should have put less on, went faster with the machine, no argument about it. More careful. As far as putting it in the other lagoon, could have gone in there. Also, we have smell which is an issue for the county. Get enough smell out there to start with. Fair amount of effort trying to keep all the contaminate in one pool. Much easier to keep it sealed up and bioblanket on it. Go in the other one, smell that much worse. I asked the County the other day how they determine what is worse, smell, or the flares of the methane gas, garbage floating around, water

pollution? Which one a guy should take a hit on first. One reason why brought up not put in the other pond, applied in correct manner, keep from making more smell. Ludeman – County Board determination attached or not to CUP. Nassif – like 2nd to last one. Rules change, Don changes with rules. Thooft – with your CUP it is your responsibility even though you hire a professional to apply manure to the land, it is still your responsibility to know what is in the manure and how much can be put on there and to know he is putting on the right gallons. You cannot just say, here pump my pits or lagoon. It is in your ballpark, your responsibility. In looking at how much rain, wet year, look at cutting back. Cost more I understand that, part of your responsibility in this CUP. DeLanghe – I agree Debbie very much. We had the nutrient part covered. I didn't know how much moisture the ground would absorb. Previous years test as guide for nutrients. Keeping track of the acres that we did. Knew how much extra fertilizer to add later. Vroman – have more acres to spread it on? DeLanghe – yes we did. He set up, I didn't say how much to put on, whatever seemed appropriate. We were going to switch to another spot too. Looking back I should have been out there checking him closer to see if there was any kind of a seepage, more perimeter around to help absorb it. Worked around 100' not just a couple passes. Help seepage. Vroman – not only a bad situation for you, gives most of the feedlot operators a bad eye in the whole community and whole state. Nassif – some incredibly contentious CUPs over feedlot, odor one issue. This is going to be referred to. Farming forever he did this and that. Any bearing or not, something else that we are going to have to talk about. You're the man that holds the permit. You tell him what to do. DeLanghe – never ran an injector machine, I don't know how much the ground will absorb. They do that every day of the fall. I went by the professionals more than I should have. I don't argue with us. Should have been able to spot it quicker, seep through some how. Ludeman – thank you for your comments. Consensus of this board, public hearing process, leave it up to the County Board to deal with and MPCA. Biren – purpose of these amendments in my eyes are to prevent this from happening again, and if it does happen again we have a mechanism to mitigate it, County Board may still authorize other enforcement techniques. Zimmer – making a motion to make a recommendation to the County Board? Vroman – no recommendation. Biren – everyone agrees with that? Nassif – County Board can change anything they want to. Get another CUP feedlot, something we have to hang hat on. Ludeman – absence of a motion have a consensus. County Board Public Hearing process, wish to add/change things. Leave it at that. As a Zoning Board we are not going to act on it. We agree that something needs to be typed up. In the County Board's ball park. They need to look at proposed amendments. Sure they will do something. Good ideas. We as a board are not saying they will adopt all of the ideas.

8:00 P.M. – BOARD OF ADJUSTMENT:

Public Hearing for Axel Hansen for an after the fact variance request for a new non-conforming structure within the 150 foot setback of Rock Lake. The new non-conforming structure (garage with living quarters) replaced a previously existing non-conforming structure (garage). Structure was built approximately twenty (20) feet from the Ordinary High Water Mark. This is a one hundred thirty (130) foot variance request. The area representing the request is zoned shoreland. The property is described as follows: a tract of land located in Government Lot One (1), of Section Six (6), Rock Lake Township. Board did discuss this a little bit at the last meeting. Jeff Hansen was present for Axel Hansen. Hansen - my father is driving semi on the road, was not available. Not intended to be a living quarters. Extra bedroom for the kids above the garage, not set up to be a 2nd residence. Nassif – bathroom planned? Hansen – possibly. Ludeman – not permanent, temporary. Jeff did also send us a letter. Biren – it was mailed to just you. Ludeman read letter he received from Jeff Hansen. Attached

is a copy of his letter. Ludeman – I have other letters also, talk about those now? Biren – take them right before we take public comment, go through the project, answer questions. 2007 pictometry photo has property lines, shoreline. Prior structure single stall garage with lean, didn't measure it before hand, roughly with pictometry 24'x26' pretty close. Rock Lake is a natural environment lake. Not much development. Showed current sites along lake. Showed pictures of lot with structures, attached to minutes. Dealing with an after the fact variance, dealing with this specific request, natural environment lake structures need to be 150' from OHWM. Exception one water oriented accessory structure 400 square feet in area which is smaller than what was built here. Applying for a variance from the setback. Non-conforming portion of ordinance, Article 23, no such use shall be expanded, changed, enlarged or altered in a way which increases its non-conformity. Normal maintenance is allowed (windows, shingles). I always tell people they have to look 5 individuals in the eye and say it is the same building. Cannot keep one 2"x4" and build a new structure and call it a repair. We have dealt with that many times. Reminder how the public hearing works. Read letters for the record, take public comment, go over Findings of Fact which are specific to use variances, and I want the board to provide enough comment when we analyze each one to capture for minutes, so we can show people that we looked at each one individually based on this property and analyzed it specifically on this property. Jeff do you want to explain any more? Jeff Hansen – built a garage with loft, tried to stay within the same footprint of previous structure. Structure we built as per understanding with John, we had John numerous times walk us through this because we wanted to make sure we were doing things that we thought were right. Garage with sleeping area for my family. As I said in letter, I currently have twin 4th grade boys and a kindergartener and it gets a little full with Grandpa and Grandma in the trailer house. Nassif – did John not advise you and your dad that you had to have a building permit and setback is 150'? Hansen – John did not tell us we needed a building permit because we did a remodel. Nassif – not buying that. I have been told by John that he was at the sale and he made it clear what the requirements were and on several occasions down there telling you what the requirements were. No one got a building permit. Hansen – and as long as we were in the same foot print we were okay. It was per our understanding that if we stayed within the same footprint as the garage and lean-to on there we were okay. Old structure 24'x30' not meant to be a permanent 2nd residence. Summer place, E-911 address, providing extra service to the sportsmen's club with electricity for aerators, done this in the past and will continue to do in the future. Increase tax value of property and increase tax value of the area around us. This structure is no closer than the previous one. Some people have concerns over the view, feel that we have a pretty good stand of trees there, if necessary need to screen in more, can plant more trees if that is what it takes. Hope we created an attractive structure not an eye sore that was there before. Wanted to make sure it looked right so we are not infringing on anyone else. We built it on the highest place on property where the garage was, if we were to move it, have to bring in 150-200 yards of fill and remove trees from the premises. Incredibly difficult to do. Driveway and how the access is already there with the previous garage that was there and previous lean-to that was in existence at that point in time. We tried to work with John, we met with John, we are not trying to hide or keep anything. We want to protect the lake. Some of my best memories are spending time with my Grandparents out there fishing. Something I look forward to passing on to my children and being able to spend time out there. Kids are at an age where they like being out there and are getting into fishing and hunting. They love fishing and I think it is an important trait to teach kids how to respect the environment and respect things like that. We want to make sure they are stewards of the lake, shoreland and wildlife area. Trying to keep in mind the health, safety and welfare of the lake and everything that is involved. Ludeman – read letters from the following: Ruth Lee, Curt and Cheryl Friese, John Clark and Clark's Funland. Attached to the minutes are copies of the correspondence. Biren – Township letter? Oakland - Rock Lake township board returned comment form agreeing with

variance, no written comment. Ludeman – opened meeting up for public comments. Zimmer – please identify yourself. Ludeman – state your name. Curt Friese – have land development on east side of lake. I think everything that Jeff has said here is mute in regards to this board, opposition plain and simple, really decision made before by this Board and cannot imagine Board of Adjustments would pass this. Strongly oppose it. Barry Metheny – purchased house at 1844 County Road 60, a year ago. Originally was a view of the lake, lake as a whole, beautiful area. Disagree with variance, does not fit scene. Not an attractive structure. The owner of the property pulled the proper permits, done a little more digging wouldn't have been built there. That is my understanding. If I am wrong, I apologize. That is my understanding of the situation. Jeff Hansen – it started out for my father as a remodel project. Garage was in terrible shape, walls and rafters were bad. He started out and just said, that is why I said we met with John. Said cannot get bigger, can we go up? As long as we were going in the same footprint, could do a remodel on it. That was our understanding, or my father's understanding. As long as we kept it in the same footprints and built it no closer, that we were fine. The pictures I thought showed that there is a good stand of ash trees, with emerald ash borer we are not planning on just leaving that there, we are planning to plant other trees, screen in. Garage and lean to that were there before were way more an eye sore than this structure is. I don't know how many times we had John out there to make sure we were trying to do everything right, visit with him. With building that was there it was not going to be able to serve purposes, that is why we tried to make sure it was a nice looking remodel not something just slapped together half heartedly. Buesing - is this a remodel or new structure? Nassif – new structure. Hansen – in the same footprints. Buesing – don't buy that. Biren – little larger structure than what was there before. I would like to back up a step here too. I was out on this property shortly after Axel purchased it with Jim Seihl, DNR. Came to me with many ideas what wanted to do with property from landscaping, what he could and couldn't do with existing trailer house. What he could and couldn't do with existing garage. I actually gave him a copy of the ordinance. That was probably 4 years ago, not for sure. I was there the date that he purchased it, as some letters indicate. I was there with some friends and my wife. I don't recall standing out on the auction block, I think I would remember that. Don't remember who I was sitting talking with, I remember talking about what you could and couldn't do with property a little bit at that time. Talked about the septic system. But I don't remember standing up on the auction block saying anything. Just so that is clear. Curt Friese – I do remember that very clearly John. I know that, I was at the auction. Before Ted Deutz auctioned it, he turned it over to you and asked you what the regulations were and possibility of building. Biren – Ted did not auction it, Mike Carpernter did. Friese – who ever it was. Biren – I was standing next to Gene Staniszewski and a Taveriene and I was in the garage because it was raining. But I don't remember saying anything, whatever. Gary Buchert – 1979 I had an old barn that was ready to fall down and I was going to put up a new structure to replace that old barn. They made me stay back 150' from center of road. The old barn was closer to the road than that. Ludeman – board questions? Vroman – looks better, should have been some permits on it, not a bad addition to property, too close to lake. Hanson – peek on it is 25'. Nassif – decent looking building, just the wrong place. Couldn't be in a wronger place. Hansen- I understand your concern. Nassif – we made Curt Friese jump through all kinds of hoops with his development. This board has always been serious about doing what this ordinance calls for and the DNR had us do. Curt had to do a lot of redrawing when we got a different report from the DNR. Rules and regulations that have to be followed. They weren't. Hansen – I don't have a good response to that, my only logical response is that my family was under the understanding that as long as they were going in the same footprints and going where the old structure was and no closer then they were alright. That was one of the things that we did ask about with John that we could go in the same footprint, didn't try to make it any closer. We had to square it up because the cement was crooked, added one foot of cement. Otherwise, same location. I apologize

for being the one trying to answer these questions because my dad should be here, he was unable to be here tonight. Biren – I did talk about water accessory structure a number of different times, you are allowed a water accessory structure closer than this, the caveat there is 400 square foot, this is larger. Part of me thought what variance do we apply for, square footage on the water associated structure, this is a garage to me so that is kind of a hard argument to make. 150' setback not meet. Question asked several times on phone, can 150' setback be met anywhere on property? What you consider OHWM. 150' setback is an option. Nassif – this board has been very lenient about granting variances. Problem with making lot build able, we try to work with you, didn't have a chance. When you build something new, you can call it a remodel if you want to, not a remodel, what is left of that old garage is sitting out there in the driveway. That is a new structure. I don't know of any place around here that you can put up a new structure without a building permit. You should have come in and talked with John and applied for a permit and do I have to have a variance. That is history. Thooft – density issue how does that pertain? Biren – trickier along shoreline. Density one per legal lot. Legal lot is something on a natural environment lake, almost 2 acres. Only one building eligibility on this piece of property. Existing structure that is there in my eyes building eligibility is the trailer house. We issue CUPs for trailer houses so I would say one dwelling eligibility out there. If no structures out there, there would be one house allowed out there. Vroman – meet side variance (setback). Biren - could get a structure in there take some planning. Bigger challenge put house where there is no issue with subsurface water. Hansen – father probably should have done a lot of things different. Cannot say enough, time we met with John we felt we were doing things right before invest in land. Don't know how many times we sat down with John and had him out here to try to go through things to make sure doing things right on this. Ludeman – comments/questions or we will go through Findings of Fact. Tanner Thooft – I was just wondering did John specifically lay out that you cannot move the building you had to remodel it, you cannot just remove it you have to have the structure there to remodel it, cannot pick it up and remove it and build another one? Hansen – poured the cement for the lean to the previous year, this year we decided to moved other garage part off. Biren – it was in stages. Hansen - last year is when we started. Ludeman – lean to on garage when you bought it? Hansen – yes. Biren – Jeff is right, I am not trying to sell this or not sell it, footprint of the project is not much difference, nice to have this variance applied for before the first nail was pounded. Over the course of time, one suggestion from DNR was the garage was not big enough to park a truck in, suggested where I stretched it allow using the side walls and putting a whole different top on this building, bringing the garage door on the other direction, 24'x28' structure. 24' not long enough for garage door. Trying to make it work, work with existing structure. I came back and said you have to be able to look people in the eye and say same structure. Hansen – after the fact variance. Barry Metheny – not same structure, added to it, went up. John did you tell them flat out that you couldn't do it? Hand them the ordinances and left it up to them to read it? Biren – we did go through it, I believe, this was some time ago, I didn't keep notes on this, I probably starred some things on there or something that is typically what I do. I typically say, I know I did early on, when you decide what you want to do draw some pictures so we can take a look at it and we can tell you yes or no or if need variance. We did do some of those things early on. Did I say no you cannot do that, probably not. Metheny – you have a very good memory recalling who you were standing next to and everything, you cannot remember starring certain things or bringing it to his attention when you heard his plans what he was going to do. Biren – at that time when we were talking early on we were actually talking a brand new house, talked about a boat landing, it was completely different. Metheny – talking a brand new house told 150' back. Biren – tree out there where they know the 150' mark is, we measured that out. Metheny- so he was aware of 150' mark, but he decided to go ahead and add and build up. Everything is hazy but you are clarifying it a little bit more. Youngsma – DNR, my predecessor, I spoke with him today and he did recall going out and

meeting on site with Biren and Axel Hansen. At that point and time he did inform me he also informed Axel Hansen about the 150' setback. I was unable to find any notes to a file or letter to Mr. Hansen referencing that. I have never been contacted by Mr. Hansen throughout this process either, would just like to encourage the board to follow their ordinance. Hansen – I believe my dad had meet Mr. Youngsma's predecessor out there and visited with him at one point in time. John Clark – I couldn't always hear what John said but is there going to be only one structure there? One or the other has to go? Biren – that is a discussion that when we were talking, talking about building eligibilities and how many building eligibilities are allowed out there, my answer is one building eligibility allowed out there. One home out there. Clark – doesn't that answer the questions? Biren – if this is finished off as a home, yes. Clark – one has to go. Biren – or another option would be apply for another variance and here we are again. Mobile home would be a CUP request, non-conforming use out there. Zimmer – his comment was similar to what I was going to pose to the Board to consider. If the desire of the board is to have this structure moved to meet the 150' setback requirement still haven't solved the density issue. Still going to be an issue. My understanding is there is also septic issue there. If you choose to grant the after the fact, one of the stipulations to consider is to have that density issue addressed in the after the fact variance stipulations as well as the septic issue. As you are considering the entire scenario and all of the factors including health, safety, welfare which is the goal of the ordinance keep in mind those things. Ludeman – trailer house septic not up to code? Biren - does not meet code. Hansen – before water is hooked up will be compliant with statutes of Minnesota. Thooft – will that structure qualify as living quarters if finished? Biren – yes, could live in. If you go look in the window right now, upstairs is wide open not finished off, appears there is going to be a wall built in there, two halves to that, not a permanent structure not living out there year round. Garage with living quarters on top. Vroman – another item had discussion on, what was a living quarters. Biren – remember the hassle, tried to call it a dwelling. Ludeman – other public comments? None. Ludeman – reviewed Findings of Fact.

1. Thooft – Tricia is the intent of the zoning ordinance states for health, safety and welfare? 150' setback. Zimmer – I would say yes to your question is the intent of the ordinance health, safety and welfare. Ludeman – 150' setback on this particular lake because it is an environmental lake. Youngsma – natural environment lake, 150' setback is to protect the natural resources. Thooft – there was stated the 50' is wetland area? Youngsma – that was sited in Mr. Friese's letter. Friese – in general all along the lake in development 50' to 100' designated wetland along the shore. Youngsma - natural vegetation. Thooft – any place around the lake is that 50' or does it vary? Youngsma – Mr. Friese is referring to lower and wetter areas. Not the case at Hansen's property. Looked at picture of Hansen's property, not a wetland area, riprap shoreland, structure is 6'-7' higher. Friese – final drawing came out of our development a lot of our shoreline is that high too, still designated wetland. Not just because this is 8' isn't wetland. All along the shore is that high and it is still designed wetland because it is along the shoreline. Biren – Friese development one of the requirements was a wetland determination set by the Soil & Water Conservation District. What they delineated on that property 1,2,3 type wetlands. I don't believe there is any type 3. There are 1&2 type on Curt Friese's property. Wetland delineation has not been done on the Hansen property. Have to be careful here, Curt Friese development own issue and we went through a process for that. This is its own issue too. Discussing the merit of this based on the specific things that were brought up on this particular piece of property. Ludeman – repeated question. Hansen – definitely not an intent to be a variation. Intended to be a garage with a loft, that was our intent was with meeting with John. We had no intention of any type of variation what the ordinance was. Nassif – it is what it is. **Zimmer – you can always go through the others and come back if you want.** 2. **No. Government services are in existence. Not**

changing road or power. 3. Hansen – farm ground around us. Nassif – everybody here other than Jeff is saying yes. Hansen - everyone here would say it is a more attractive structure than what was there previously. Nassif – nice looking building. Hansen – that would be more detrimental to the value of the property than a building like this right? Nassif – not going there. My response is yes. Biren – when I see these cases across the state in other counties and so forth, send out the notices and we get people that are concerned about it. One of the concerns that doesn't come forward that I think that should at least be talked out here and possibly addressed is the public. Public waters and some of the potential impact of that and the closeness of that structure to the public waters. Water running off the roof, potential damage to the shoreline. Structure there before, roof line is a little different than it was before. Existing trees short for this world, if taken out, holding back a lot of shoreline right now. Direct relationship to that building being there. The silent voice out there needs to be heard a little bit is the public side of the people that uses the lake. People like me that just have a boat sticker. Zimmer – however you answer either yes or no, please then follow up with the next question why or why not so we have specific findings. Ludeman - Mike says it is a substantial change. Nassif - yes, John made the best case. Guy in a boat, trees gone, privacy gone. Going to plant more trees there, going to take a long time. I don't want to intrude on your privacy and I don't want your ability to intrude on my enjoyment. Public access is as important as private property owners. Hansen – that is why I thought the building we put in there is more attractive than what was there. Vroman – changes the character of the neighborhood or will result in a substantial detriment to neighboring properties, there are no neighboring properties. Biren – neighboring property is the lake. Buesing – no; Vroman – no; Ludeman – no; Thooft – no; Look specifically at structure that is there, even though it is too close it actually is better than structure that was there. With that said, I believe the trailer house is in worse shape would need to go. In saying the other looks better, then I think the other should go. The new one looking at individual case wise that new structure is nicer than the one that was there. Ludeman – consensus. **No.** We have caveat, density. Two living quarters next to each other, cannot have that Jeff, one has got to go. I agree with Deb. Approve this new one then that trailer house is going walking or we are going to move the other one back. I am struggling here. Why/why not – **new structure looks better than the one it replaced.** Hansen – tired of shooting raccoons in the rafters of the old garage. 4. Nassif – goes back to there was no permit, two choices: one has to go or one needs to be moved, is that feasible? What the choices are. Ludeman – does state economic considerations play a role. Vroman – really no way he can move the new structure. Tear it all apart and start over. Move trailer house. Nassif – could be done. Not economical or not is questionable. **No.** Why/why not? **Cost of moving.** 5. Nassif – yes, no debate about that. Hansen – new one sits where the old one was, dad thought we were in right by going were the old one was. That is where the driveway was and the access to property was. Buesing – yes, he created need for variance. Ludeman – yes, didn't apply for building permit prior to construction. Hansen – if my dad had done that, this would have been a mute issue, going in the same spot as where it is? Nassif – no. Come in for building permit and said this is what I wanted to do and John would have said cannot do that, have to move back 150' and if cannot do that need to apply for a variance. Would have not been built. Ludeman – bottom line. Hansen – we started it last year. Nassif – granted your intentions were pure. Hansen – the garage was still there when we started it last year. In place when we started this, when we started remodeling. Nassif – don't call it a remodel. Hansen – yes it was because we took the lean off and we left the garage there then we poured the cement there. So we left that part there when we added the cement to it. Nassif – the argument use to be that if you left one rafter and one pane of glass in the old building then it was a remodel. That doesn't apply. New building. Zimmer – I just want to make sure that I am understanding what you are saying with this. Are you saying that by building this structure in the same spot as the previous structure the landowner created the need for a variance? A side from fact

that this is after the fact, put that piece aside for a second. Ludeman – I think what the real issue is it changed the character of the structure. Probably could have rebuilt a new garage there. Biren – new structure same location need a variance. Ludeman – could have remodeled, kept the walk in door and stayed as a garage that would have been okay. Zimmer – I am just trying to get you to answer this exact question, allot of issues surrounding this, but answering that exact question whether the applicant created the need for a variance by building in that exact spot. That is the question you need to answer. Nassif – created need for variance because he built/remodel without a building permit, if he had a building permit won't have done it. If he would have come in and asked for a building permit, it would have not been granted. Needed a variance to do what he wanted to do. Not buying it are you. Zimmer – I think you are mixing a couple of issues there. Continue your discussion. Ludeman – did create need for variance, if just remodeled the garage, no problems. Changed character of the building. Hansen – not trying to argue. Can you clarify how it got changed. Ludeman – you added living quarters. Did anyone sleep in the old garage before? Hansen – no. Ludeman – you just didn't replace the garage Jeff. Does not look like a garage. Footprint was there, wanted to replace existing garage you had the right to do that if you wanted to update it and so on. Replace it all with the exception of one walk in door or doorknob and said all I did was remodel it, 99% new garage but you still had the old door handle, you are okay. Hansen – I have the door in the garage. Ludeman – but you did not just rebuild a garage. Hansen – would not have gone up would have been fine? Is that my understanding? Ludeman – that is why he created the need for a variance. Changed the character of the building otherwise you won't be here. Buesing – agree with you. Hansen – we wanted to make sure we kept the garage for storage, then when we were doing it dad just figured as long as we have the garage down below we could go above as long as you go in the same footprint. Ludeman – that is why I have trouble with you last sentence in your 2nd paragraph in the letter you sent. We felt we did everything in our rights as far as replacing an existing structure in the same location as previous structure. You did not replace that structure, you replaced it plus plus plus. Now your intent is to apply for a sewer permit, you didn't have a need for sewer in the old garage but you want one for this. Hansen – if we hook water up to it we will. Ludeman – you didn't replace the garage in my mind. Will say you created need for variance. Thooft – agree. Nelson – technically every time we go do one of these applicant created need for variance. Nassif – not an after the fact? Vroman – these questions aren't just for after the fact. Ludeman – I just cannot say in good conscious he didn't create the need for the variance. How can we say that? I spent 20 years going to school and I cannot. Nelson - is there a difference between did applicant create a need for variance before the fact or after the fact? Ludeman – certainly after the fact. Nassif – If Axel come in and asked for a building permit prior to construction then there would have been some changes. Single level garage, 150' back or requested variance. Reason didn't do it. By building a building, 2nd story, not having a building permit and not consulting with Planning and Zoning prior to construction, he created need for this variance. Vroman – would have needed a variance. Nassif – would have either had to move it where it needed to be. Vroman – before he started anything here he needed a variance. Nassif – places on property he could have built by meeting setback. Ludeman – would not have just rebuilt garage. Nassif – either way. Ludeman – poll the board, yes or no. Thooft – set back 150'. Nassif – yes. Buesing – yes. Ludeman – yes. Vroman – no. Ludeman – doesn't really matter what you say. Thooft - cannot answer that. Ludeman – **yes**. Why/why not: **changed the character of the structure.** Zimmer – I think you provided that. Hansen – what did you say about going in the same footprint before? Zimmer – I asked them to answer the question if you created the need for a variance, keeping in mind that it is in the same spot that it was before. Ludeman - back to #1. Nassif – yes, ordinance been followed would have had to move it back. John stated could have been placed on property could have built, substantial variation. Protect lake from human encroachment. Buesing – yes, think substantial answers it all.

Thooft – yes, building that close to lake would have some effect on the safety and health of lake. Reason why setback is there. Vroman – last one we did few months ago was a bigger percent. Hansen – don't know how this adversely affects health, safety, welfare of lake compared to the building that was there. Isn't that the intent of this ordinance to protect the health, safety and welfare of the lake? Not clear how that is infringing upon those three things by building in the same spot. Nassif – on the lake with boat, I could not have seen the old garage through trees, can see new structure mostly because it is 10-12 feet taller than old structure. Hansen – in that light, you might go out there like 2 other board members and don't like it, 15 other people go out there and say it is a lot nicer than what was there before. Nassif – what you built there now is a lot better looking than what was there, it is subjective for this board. Ludeman - **#1. yes. Environmental - protected lake, awfully close with structure. Structure is an improvement.** 6. Hansen – we worked with John throughout the whole time, we have not kept any secrets. Ludeman – I am just going to say this, John is right here, somehow communication just didn't happen, whether it is on your end or his end, I don't know, probably a little blame on both or your dads, something didn't happen that should have happened. He should have made it very clear you could replace and remodel that garage. But that is where the period stops. When it went beyond that then your dad should realize this county has ordinances. The government tells me how to plant corn and somehow the government in this case the zoning/planning and county board would have told your father you cannot do what you want to do where your going to do it. Someplace communication fell apart. Vroman – what are we going to gain by the yes and no. Pretty much denied it. Not going to be able to get rid of the trailer house. Ludeman – I'm going to say we can. I would probably grant him this variance and let him continue to improve the structure if the trailer house goes. Vroman – that is part of this agreement (motion). Nassif – haven't gotten that far yet. Ludeman – that is what we are saying. Ludeman – take vote around room again. Thooft – Tricia if we answered these the way we did are we done? Zimmer – if you answer them the way you have, your variance is denied. Nassif – mute point, if we have to answer #6. Ludeman – we need to come up with an answer. Nassif – I wasn't there when John and Axel talked but I know John well enough that more than likely it was mentioned. If you don't see a speed limit sign and go 90, you are more than likely going to get a pretty significant ticket. Didn't see the sign officer, ignorance of law no excuse. That is what they would tell you. I submit that Mr. Hansen should have known that you have to get a building permit in order to do any major remodeling or new construction and it would have been very simple, make a phone call to John and told him this is what we want to do, can we do this? This all could have been settled ahead of time. Feel strongly he created a need for this. Ludeman – back up just a little bit. Tricia he can appeal our decision? Zimmer – to district court. If you want to explore your compromise more, you might want to look at that. I don't know if John has discussed that with Axel or not the possibility of getting rid of the mobile home. I thought that was something that was discussed with DNR as one of the options and with the mobile home and the non-conforming septic, if you get rid of that in the county's eyes is that an overall improvement of the property and the health, safety and welfare. Might want to explore your point a little more. Ludeman – that is where I am at personally. I really don't like the structure there that close but I understand that your father has made a substantial investment. Willing to apply for the rest of the necessary permits, let it go if you remove trailer house. Other problem I have is built on the footprint for now, if you really like it out there or kids like it out there and want to add on, so then not on same footprint. I have been around too many lakes not many stay the way that they are. That is my personal opinion. Vroman – more stipulations on run off from building. Don't erode banks. Ludeman – understood storm water going to move away with gutters. Ludeman - **#6. No.** Gary Buchert – if built new house would you remove old house or let it stand there? I think he would gladly get rid of the old house, no punishment. Nassif – we are not here to necessarily assess the punishment. We are here to see that the intent of the ordinance is

fulfilled. Buchert – there was no permit. Nassif – you are absolutely right. Buesing – getting back to what Dick said about the one we granted last month, if that house would be 20’ from right-of-way would never grant, know that house will be back where it belongs. Vroman – saying variance was a bigger percentage 7 acres, needed 80 acres. This variance is not that big of a percentage. That was my point. Nassif – whole different picture. Answer no to this #6. Buesing – if he would have come in for a 75’ variance I probably won’t have any trouble going along with that. When it is already built and have to have 130’. Ludeman – some cases have jacked it up and moved it, taken the cement out. Or you go to court and resolve it. Little bit of a problem I have, when you have others on the lake that jumped through hoops do what is right and now have your dad’s original intent to replace the garage was probably fine, went beyond that. Buesing – no. Thooft – cannot answer. Buesing – answered yes to two of the questions, kills the whole thing. Ludeman – yes and no. Adopt motion to approve it with other contingencies and if Mr. Hansen agrees to move the trailer house and plant trees and take care of the storm water and get sewer permit. Thooft – can he apply for another variance if he decides to move the structure? Zimmer – it would be a different variance, density. If he got the density taken care of and then came in and applied for a variance to move it somewhere. Not sure that I follow what you are saying. Thooft – if we deny this, would he be able to come back and apply for a different type of variance, after the fact couldn’t say it was existing and wanted a variance for 120’? Change the variance type. Zimmer – don’t think so, I think the setback variance you choose is answered. End result that you want here? Biren – if this is denied, a way to alleviate it, know it cost money but to pick it up and move it 150’ and I would give an over the counter permit to do that if it met the setback. Looking at dwelling unit and I would say Hansen’s if you have a permanently installed individual bathroom and complete kitchen facility. Says complete. If it has a completed kitchen and bathroom then I have an issue with density. If they don’t, I won’t but that structure would have to be moved 150’ back and denied and this would go away. I am not sure that is how the Hansen’s want to do that as they applied for the after the fact variance. Nassif – John refresh me on previous owner’s donation. Biren – kind of a sad story. Maybe not relevant, maybe a little bit. Previous owners that lived out there, owner past away and that is why it was sold. Estate, one of the owners who is now since deceased as well, donated a fair amount of money to the county to put in a fishing pier. That money hasn’t materialized. Part of it has been deposited with county. Not enough to match yet to get dock in. Long range plan to create a memorial of some type for the person who use to live out there. Goal to see that happen some date. Ludeman – no. Vroman – no. Nassif – no. Buesing – no. Thooft – cannot answer. 6. **No.** Why/Why not: **Don’t think Axel, your dad started out intentionally to circumvent the law, certainly hope that was not the case. Through miscommunication and whatever that is why we ended up having a variance. If we would have went through the normal steps in applying for a building permit won’t have had that.** I would like to change this agreement a little bit. #4 of motion, density issue. Saying the trailer house goes. Oakland – if you have a yes on here you don’t get to do that. Then it is denied. Zimmer – in just reviewing the ordinance, it does say that no application for a variance which has been denied shall be resubmitted for a period of 6 months except on the grounds of new evidence or proof of change on the conditions found to be valid. Ludeman – so basically we are denying the variance request if answered yes. Zimmer – if there are any yeses, then that essentially reneges the answer no to variance. If the end result that the board desires is to have the mobile home removed, then consider that in how you answer the questions. Ludeman – basically throw it back at Hansen if they can come forward and say willing to do this, and this and this we cannot reconsider for 6 months regardless. Nassif – table until November meeting. Allow for negotiations. Ludeman – want to make sure we are right with the law. Biren – we do have 60 day time limit have to be careful of, not making a decision tonight, November 23rd. Ludeman – if between now and then the Hansen’s come forward and say because the board is going to deny it we are

willing to make some changes. Nassif – propose that we table this until our November meeting to allow for negotiations. Zimmer – sounds like to me that the end result that the board is looking at right now is either allowing this structure to stay in its place and continue developing if the mobile home is moved or denying the variance and would force the removal of the building or at least moving it 150’ and no further development of that existing building. No kitchen, bathroom or septic. Correct John? Biren – want to read definition of dwelling, sleeping quarters okay. Installed individual bathroom and complete kitchen facility. Would have to have both of those things to be considered a dwelling. Zimmer – so the way the structure is right now? Biren – moved it back 150’ put a bathroom but no kitchen facility I would read that as fine. If you put a kitchen and no bathroom, that would be fine. Nassif – put both in and get rid of the trailer. Biren – that is part of a negotiating factor. Motion by Nassif to table to the November meeting. Motion died due to lack of a second. Vroman - with yes’s and no’s on Findings cannot go ahead and make some stipulations here and grant the variance. Zimmer – correct. Ludeman – we cannot as a Board. If tomorrow Axel and/or Jeff sat down with John and said here are some things we might do, is that for reconsideration? Zimmer – he would not be able to apply again for 6 months. Nassif – table matter until the November meeting. Hansen – there may have been some things that I may not have been able to answer tonight that my dad may to support motion. Motion by Nassif, seconded by Ludeman to continue until the next meeting. All voted in favor. Motion carried. Ludeman – you and your dad visit with John and see if there is something to work out. Appreciate the input from everyone. Oakland – next meeting is scheduled for November 9th at 7:00 p.m. Meeting adjourned at 9:50 p.m.

Respectfully submitted,

Sandy Ludeman, Chairman
Planning and Zoning/Board of Adjustment

Carol Oakland, Secretary
Planning and Zoning/Board of Adjustment