

ATHENS TOWNSHIP PLANNING COMMISSION

Minutes of July 16, 2015

Athens Township Government Center

1. *Pledge of Allegiance:* The Pledge of Allegiance was recited.
2. *Roll Call:* The meeting was called to order at 7:03 p.m. by Chairman Lyle Reynolds. Members present were Dan Woodfill, Jake Carpenter, Marlys Balfany, Lyle Reynolds and Craig Bjorklund. Absent were Cindy Anderson and Dave Henderson. Also present was Jim Braun, Staff Member. Cindy Reynolds was the only guest on hand.
3. *Approve Agenda:* Marlys Balfany made a motion to approve the agenda as presented, seconded by Jake Carpenter. Motion carried unanimously.
4. *Minutes of June 24, 2015:* Because of the length of the minutes Chairman Reynolds asked that the Commission note any changes instead of reading the entire document. A motion was made by Dan Woodfill to not go through the minutes page by page, Dan Woodfill rescinded his motion after some discussion.

Marlys Balfany questioned page two of the minutes who asked the question on what is meant by censoring, there was never a clear answer to the question. The question may have been asked by either Jim Braun or Dan Woodfill, it seems it was Dan Woodfill. A question on who seconded Dave Henderson's motion Marlys Balfany claims it was Dan Woodfill not Jake Carpenter. The minutes will be changed to reflect that.

On page seven a motion was made by Dan Woodfill to close the public hearing at 9:53 p.m., seconded by Jake Carpenter. Motion carried unanimously

On the bottom of page seven it should read: After further discussion, a motion was made by Dan Woodfill, seconded by Marlys Balfany, to recommend approval of the ordinance as amended through the discussion.

Under Number 10 of the minutes because the tape ran out it should read as follows: Adjournment: Being that there was no further business a motion was made by Dan Woodfill to adjourn the meeting seconded by Cindy Anderson. Motion carried at _____ p.m.

5. *Open Forum:* No one was on hand for the open forum portion of the meeting.
6. *Public Hearings:* None
7. *Old Business:* Re-cap on the Ordinance Amendment: Lyle Reynolds asked Jim Braun to give the Planning Commission a run down on the happenings of the Ordinance Amendment as it was voted on at the June Board of Supervisors Meeting. Jim went on to say that the vote went two Supervisors for the ordinance amendment (four per forty) and three Supervisors voted to stay at (two per forty). The Board of Supervisors will allow transfer of development rights to non-contiguous parcels as long as they are in the same ownership. The number of development rights per quarter-quarter section was left at eight as it has been in the past. Jim Braun said that it was a complete surprise but would not comment any further on it.
8. *New Business:*
 - a. *John Krall – Site Plan Review:* Staff introduced John Krall and gave a quick summary of why John needs a site plan review. John is renting a portion of the building that is owned by Graystone Properties Inc. at 24501 Ulysses Court Northeast, Isanti, MN. John is renting the center suite of the structure and is using it to sort property that is either left or seized from the rental units that are on the same property. After the property is sorted it is put up for sale in a garage sale atmosphere inside the structure. The plan calls for the sale to be brought out into the parking lot no more than two weekends each year.

Jim Braun noted that in conversations with Graystone Properties Inc. that the suite that John Krall rents has five dedicated parking spots. On weekends there will be more available as the first suite does not work on weekends. The parking lot has been expanded to the north to open up more parking in the lot and make room for the vehicles that are waiting to be serviced at the repair shop in the north suite. John also noted that he is only open about once every 1 ½ months on the weekend otherwise he is closed. During the sales John may have a rack of clothing or a table or two sitting out side of the building. When asked about flea markets John said that would be a discussion for another time in the future. Marlys Balfany confirmed that he was not asking for flea markets at this time and John replied no. When questioned about having an auction from time to time John replied that auctions are not that important to him at this time.

Marlys Balfany asked about hours of operation. John said that when he is open for business he would like hours from 8:00 a.m. to 6:00 p.m. Lyle Reynolds told him if he got into a situation that he needed to be open longer that he would have to give the Zoning Administrator a call to

approve the longer hours. Sale days maybe from Monday thru Saturday and never on Sunday.

Jake Carpenter asked if the business is to be open to the public that there is a restroom and a potable water supply. It seems that there is a notice of non-compliance on the septic system and questions if or when that was going to be replaced. Jim Braun said that he would follow up on the non-compliance and press them to become compliant. Jim Braun will also ask for a water test of the well. Until the septic is updated and the well checked the door to the bathroom will be locked and not used.

Jake Carpenter asked about parking, Jim Braun replied that they should have to park within the fenced compound. The Commission requested that there be no parking on 245th Avenue Northeast.

Marlys Balfany made a motion to approve the Site plan review noting the two stipulations of hours of operation shall be Monday thru Saturday, 8:00 a.m. to 6:00 p.m. and no parking on 245th Avenue Northeast. Motion seconded by Lyle Reynolds. Motion passed unanimously.

- b. *Black Fly Problem – 1001-261st Avenue Northwest:* (See Staff Report – July 10, 2015, Enclosed) Jim Braun said after some thought maybe the Planning Commission should invite the source of where this material is coming from to ask if there is a way to sort the manure and materials so that we are not land applying materials that should actually be taken to a landfill.

Jim Braun has had word that the landowner was before the County Planning Commission for the same problem and told them he would spread anything he dam well pleases on his land. This was attested to by Lyle Reynolds who is also a member of the County Planning Commission. The County is trying to come up with a formula that would allow access to the property without the need for a Court Order to abate any future problems.

Jim Braun went on to say that the Township had seventeen complaints about flies at two places, the Wayne Lee property and Lucas Bart hold property (old Tom Johnson Feedlot). Jim handed out letters that were sent to the Bartholds in 2013 that agreed that they were going to come into compliance within ninety days. The feedlot was never moved as promised.

After discussion with Peter Tiede, Township Attorney, Peter feels that the Nuisance Ordinance has enough regulation for dead animals and miscellaneous materials that the Town Code would not have to be amended.

Discussion by the Planning Commission was that it would be a good practice for the Barthold's to do a sort of materials before they cook the product to make sure they are not land applying landfill type materials.

Jim was asked if the Township should go after the land application of plastics and etc. Jim replied that Isanti County is by State Statutes in change of solid waste, it may be their problem.

Staff will work with the MPCA Representative for feedlots to gain access to the property and hopefully help in negotiating a settlement with the Barthold's about coming into compliance with the setbacks of the feedlot. Jim will also work with Peter Tiede on this problem.

9. *Miscellaneous: Pamphlet from Cedar Creek:* Staff was visited by the Director of the Cedar Creek Ecosystem Science Reserve and handed an informational pamphlet to hand out to the citizens of Athens Township. His main concern is that they have learned that the reserve has a pack of gray wolves living on the reserve and he wanted to notify the local jurisdictions in case there are any problems. He said that the wolves are protected on the reserve as well as off the reserve. They can be destroyed if they are doing harm to livestock off the reserve. The Director is hoping that the pack is moving through and will not be a problem to anyone. There was some more discussion about the other animals that live on the reserve, no action was necessary.
10. *Adjournment:* Being that there was no further business a motion was made by Marlys Balfany to adjourn the meeting seconded by Jake Carpenter. Motion carried unanimously at 8:20 p.m.

Respectfully Submitted



Jim Braun
Recorder Pro-Tem