

MARION COUNTY PLANNING COMMISSION

RECORD OF PROCEEDINGS

JANUARY 22, 1998

Chairman Sieger called the meeting to order at 7:30 p.m.

Roll Call was answered by, Terry Eberhard, Eileen Sieger, Jo Helmer, Marquette Eilerts, Don Fruechting, Clark Wiebe, Bob Unruh and Dean Fincham. Eldon Pankratz was absent. Herb Bartel was also in attendance. Eileen welcomed Bob Unruh.

Off Agenda items- Eileen stated that she wanted to add the possible annexation/public hearing for the City to the agenda. Herb Bartel stated that he will give an update on Heartland Wireless Communications tower situation.

Item # 3 - Election of Chair and Vice Chair - nominations were opened by Eileen Sieger. Clark nominated Eileen Sieger for the Chair, Terry seconds. Eileen called for other nominations, Dean nominates Clark for the Chair, Clark respectfully declines the nomination. Marquette Eilerts asked if there was anything in our by-laws that dictates how long someone can serve. Eileen responded that in Section 2, it states that officers may serve more than one term. Eileen again asked if there were any other nominations. There were none. Terry moves that the motions cease. Jo seconds. In favor: 8, opposed: 0. Motion carries. Clark moves that we cast a unanimous ballot. Terry seconds. In favor: 8, opposed: 0. Eileen called for nominations for Vice Chair. Terry moves that we nominate Clark for Vice Chair. Jo seconds. Eileen asked if there were any other nominations. There were none. Terry moves that we cast a unanimous ballot. Jo seconds. In favor: 8, opposed: 0. Motion carries.

Item #4 - Review of By-laws. Eileen stated that they were revised in 1995. Eileen asked if there were any changes/comments on the by-laws. Jo asked about the duties of the officers, specifically regarding the secretary taking over the meeting if the Chair & Vice Chair are absent, stating that the secretary is not a member of the board. Eileen said that the by-laws do state that the secretary does not need to be a member of the commission. Eileen also said that the secretary shall preside to select a temporary chair person and shall relinquish the chair after the selection. There was no further discussion.

Item #5 - Minutes of the November 20, 1997 meeting - Eileen asked if there were any corrections or additions to the minutes of the November 20, 1997 meeting. Eileen stated that the attachments are with the official record and not mailed out to each member. Bob Unruh asked if the minutes should be amended because it reads that a copy is attached and made part of the record. Herb stated

that the postage is changed considerably if each member receives a copy of the attachments. After much discussion, Eileen stated there was a correction on page 1, change the word "this record" to "the official record". Marquette moves that we approve the minutes of November 20, 1997 with the correction. Don seconds. **In favor: 8, Opposed: 0, Motion carries.**

Item #6 - Application for **Arthur Funk**, Rezone pending from AG to RR and conditional use permit. Herb Bartel stated that Art Funk is his uncle and that it would not be appropriate for him to make any recommendations on this application. Herb also stated that he worked with Mr. Dalke on the sewage lagoon before this application was turned in. Eileen asked if everyone was clear regarding Herb not making a staff recommendation. Mr. Lyle Leppke with Seibel Real Estate spoke on this application. Property is located 3 ½ miles east of Hillsboro. House was moved from Peabody to this property in 1940 and house is very sound. Arthur Funk owns a quarter and an 80. Property owners wants to sell a 10 acre tract with improvements and buildings. There is a contract pending with the Barkmans of Barkman Honey. On the conditional use permit - it would be for commercial storage of empty 50 gallon barrels for honey and wooden beehives. They plan to enclose the building and keep everything inside. This property will not be turned into an industrial business park. The building will just be used for storage. Eileen stated her concerns regarding the use of the buildings and was also concerned about the term commercial storage. Herb was asked by Eileen about the future property owners use of the conditional use permit. Herb stated that a restriction could be put on the permit saying that it is for value added agricultural use. Terry asked if the purchase of this property was as a business or as an individual. Mr. Leppke stated that it was as an individual. Property has not been used as an active dairy farm since 1975. Eileen asked if there were any surrounding property owners. There were none. Mr. Leppke stated that the sewage lagoon is under 50 ft. from the boundary. Bob Unruh stated that he would like to leave this very flexible for the buyers. Eileen closed the public portion of the meeting.

Item #7 - Application for **Otto Bartel** - Rezone from AG to RR. Mr. Otto Bartel Spoke on this application. Applicant wants to sell some acreage and keep the house and 11 acres. Applicant passed out an aerial map. House was located for the Members on the map. Applicant stated that the machine shed is located 15 or 20 ft. from the property line. Herb stated that if he sold 10 acres, the remaining acreage (11) would be a nonconforming lot and we could not issue a permit, the same would apply for the buyer of the 10 acres if a rezone was not done. Eileen asked about the septic tank and water. Property has rural water. Eileen asked if there were any surrounding property owners. There were none. Eileen closed the public portion of the meeting.

Item #8 - Application for **Mr. & Mrs. Terry Deines** - rezone from AG to RR. Mr. Terry Deines spoke on this application. Applicant

stated that the house was built in 1993 on his fathers property. Applicant was deeded 2 acres from his father. Applicant is trying to refinance his home and was told that his property was not zoned. Applicant now has 10 acres to rezone. The road is the boundary on north and west sides. The lagoon is 20 ft. from the boundary line. The water well is east of the house and is located on his fathers property. Eileen asked if there were any surrounding property owners. There were none. Bob Unruh asked if the mortgage refinance was subject to the rezone. Applicant stated no. Bob Unruh stated that he could address a couple of issues in terms of the family. He has a business relationship with the family. He stated they were solid and dependable people and would not anticipate the family vacating the property in the near future. Eileen asked Bob Unruh if there would be a conflict of interest on this application. Bob Unruh stated that he has a business relationship, and that if the commission feels that is a conflict of interest, he could abstain from voting. Clark asked if the lagoon berm is on the applicants property. Applicant answered yes. Eileen closed the public portion of the meeting.

Item #6 - Application for **Arthur Funk**, Rezone pending from AG to RR and conditional use permit. Eileen called for rezone discussion to be handled first. Clark moves that we recommend approval of the rezone from AG to RR due to number 2 of the Golden Factors, the uses of nearby properties. Dean seconds. **In favor: 8, opposed: 0. Motion carries.**

Conditional use discussion: There was discussion on what commercial actually means. Conditional use to state that storage is to be inside and in already existing buildings. Marquette Eilerts moves that we recommend approval of the conditional use permit with the following stipulations, all items to be stored inside the buildings and in already existing buildings. Terry seconds. Don Fruechting is not convinced that the prospective buyers need to obtain a conditional use permit. Herb stated that this is a residential district and does not include commercial storage as a use by right. **In favor: 6, opposed: 2. Motion carries.**

Item #7 - Application for **Otto Bartel** - Rezone from AG to RR. Jo Helmer asked if there was a problem with the setbacks. Herb stated no, part of the buildings have been sold with another operation. There was various discussion on the property and how it has been sold off. Herb stated that it is good that the property has been sold only for agricultural use. Eileen asked for Herbs recommendation. Herb stated it would be best to approve this than to let it sit as a nonconforming piece of property. Terry stated his concerns regarding approval of this application. All the real estate transactions on this property were done after zoning went into effect. Bob Unruh stated that he feels we should work with these people, as the property has already been split previously. Clark stated that he agrees with Herb that it would be ideal that this property would be bought back for livestock operation. Eileen stated that she doesn't see any advantage of rezoning this property at this time. Herb

stated that if this property is left as it is, it will not be eligible for a zoning permit. Herb stated that we could ask the Applicant to withdraw this application. Clark stated it would also give the Applicant additional time to fix boundaries to make it more acceptable to the Commission. Terry moves that we table this application until the February 26, 1998 meeting to allow the Applicant to meet with Herb to discuss guidelines. Marquette seconds. **In favor: 8, opposed: 0. Motion carries.**

Item #8 - Application for **Mr. & Mrs. Terry Deines** - rezone from AG to RR. Bob Unruh stated that he needs to know what constitutes a conflict of interest. Eileen asked Bob if he is employed by the bank that is handling the refinance for the Deines'. Bob stated no. Clark called for discussion on quasi-judicial aspect that the Commission operates under. Bob Unruh stated that he will abstain from voting. There was discussion on disclosure. Eileen stated her concern that the well is not on the property and the lagoon does not meet the setback on one side. Herb stated this is not a problem. Herb stated that he can recommend the rezone on this property. Jo moves that we recommend approval of the rezone on this application. Terry seconds. **In favor: 7, opposed: 0. Motion carries.** (Bob Unruh abstains).


Off agenda items: Annexation proposed of county property to the city of Marion - The city is requesting this. Herb stated it is the quarter section where Martin Marietta operates. The Board of County Commissioners will act on the resolution. There will be a public hearing on Tuesday, January 27, 1998 at 7:00 p.m. in the courtroom. Eileen just wanted the Commission to be aware of this.

Heartland Wireless Communications tower - Herb met with the landowner, he states he has not been kept in the loop. Herb did research and forwarded all the information to the County Commissioners. They have given it to the County's counsel.

Eileen stated that the next meeting is on February 26, 1998.

Dean made a motion to adjourn the meeting. Jo seconds. **In favor: 8, opposed: 0. Motion carries.**

PLANNING & ZONING COMMISSION

  
\_\_\_\_\_  
Eileen Sieger,  
Chair