

**MINUTES
CLAY COUNTY PLANNING COMMISSION
7:00 P.M., TUESDAY, JANUARY 23, 2018
MEETING ROOM B - THIRD FLOOR COURTHOUSE**

Members Present: Mark Klevgaard, Tom Jensen, Jenny Mongeau, Bill Davis, Randy Schellack, Andrea Koczur, Tim Brendemuhl, Curt Stubstad

Members Absent: Joel Paulsen, Amos Baer, Dan Langseth

Others Present: Tim Magnusson, Lynne Spaeth, Jenny Samarzja.

APPROVAL OF AGENDA

On motion by Jenny Mongeau, seconded by Curt Stubstad, and unanimously carried, the Planning Commission approved the Agenda.

APPROVAL OF MINUTES

On motion by Tom Jensen, seconded by Bill Davis, and unanimously carried, the Planning Commission approved the December 19, 2017 minutes as presented.

CITIZENS TO BE HEARD

There were no citizens to be heard.

OTHER BUSINESS:

Baker Issue:

Tim Magnusson, Planning Director, gave an update on the Baker Issue. An arraignment hearing was scheduled for December 26, 2017. The defendant, Michael Wagner, was informed by someone in Court Administration that arraignments were held every Tuesday afternoon and that he could appear any Tuesday. Incidentally, Mr. Wagner appeared the week prior to his scheduled arraignment and pled guilty. Magnusson added that no one had been informed or noticed of his appearance, therefore, the County Attorney was not present at the hearing, nor was Magnusson or the Thompson brothers. During that hearing, the Judge asked Wagner how long he needed to remedy the property issues. Mr. Wagner was given a deadline of September 19, 2018 to comply with the Ordinance, and the Judge imposed a \$100 fine and placed him on probation. Jenny Samarzja advised Court Administration that this incident would be addressed at the next judges meeting.

Thesing Misdemeanor – Legal Status:

Magnusson informed the Commission that Pamela Thesing appeared at her Change of Plea hearing on January 3, 2018, wherein she pled not guilty. Furthermore, Thesing claimed she had

not been fairly represented and wished to discharge her assigned public defender. In addition, Thesing requested she be awarded more time given that she needed to find and retain other legal counsel. The Judge scheduled the Pre-trial for January 26, 2018 at 2:30.

Draft Renewable Energy Ordinance:

Tim Magnusson provided photos of different solar plants throughout the State. Additionally, Magnusson offered the draft Clay County Renewable Energy Ordinance for review. The Renewable Energy Ordinance subcommittee held a meeting last week. The wind energy conversion system portion of the ordinance was addressed. However, the solar energy system portion poses questions. The Commission discussed the possible setback requirements. The Subcommittee is gathering ordinances from other counties to review their required road and side yard setbacks. A committee member will check with the County Assessor on how they categorize the underlying land. The plan is to bring the new ordinance to the County Board by the end of May 2018, for adoption.

Ordinance Amendment:

Tim Magnusson handed out the new draft amendment to the Development Code. This stems from last month's single lot subdivision application wherein the applicant wanted to stockpile. The amendment would allow stockpiling in RP-Bio, RP-Agg, and AG zoning districts, the districts that currently allow mining. The Commission discussed the meaning of "extracted materials" and concluded that a definition of "extracted materials" should be incorporated into the Amendment. They also examined what is considered storage and what is considered stockpiling. The Use Table was assessed as clear and definitive controls need to be evaluated to assure less controversies.

Setbacks for stockpiling were discussed. It was suggested that a setback from a residence would be 75-150 feet. Other setbacks to be included are 125 feet from the centerline of a road, and 50-feet from side yards. The Commission resolved to continue the discussion at February's Planning Commission meeting.

Reappointment of Planning Commission Member;

On motion by Bill Davis, seconded by Mark Klevgaard, and unanimously carried, the Planning Commission approved Amos Baer to serve his third three-year term on the Planning Commission.

Election of Planning Commission Officers For 2018:

On nomination from Jenny Mongeau, seconded by Curt Stubstad, and unanimously approved, Amos Baer was chosen to continue as Chair of the Planning Commission until February 2019.

On nomination from Curt Stubstad, seconded by Mark Klevgaard, and unanimously approved, Andrea Koczur was chosen as Vice-Chair of the Planning Commission until February 2019.

On nomination from Jenny Mongeau, seconded by Curt Stubstad, and unanimously approved, Mark Klevgaard was chosen as Secretary of the Planning Commission until February 2019.

Adjourn:

On motion by Tom Jensen, and seconded by Mark Klevgaard, the meeting adjourned at 7:45 p.m.

Mark Klevgaard, Planning Commission Secretary