

Scambler Planning and Zoning Meeting
7:00pm Tuesday, November 17, 2009

Attending: Mike Ostbye, Gary Hart, Stuart Restad, David Kerr, Chris Selvig and Aldie Kelsven
Also attending: Arnie Cox

Meeting was started with the pledge of allegiance.

Mike Ostbye advised Aldie the change of email for current information
A photo was taken of the Planning and Zoning with Mike Ostbye.

Gary Hart made a **motion** to approve the agenda and was 2nd by Chris Selvig. Approved

A request was made to change the format of the future agendas to read 'Open Action Items' and to keep items on agenda until resolved. Also to add reoccurring items to the agenda as calendar reminders.

Clerk read a letter received from the City of Pelican Rapids in regards to the airport district rezoning and a request for an appeal of the Scambler Township Board action.

Stuart Restad made a **motion** to present to the Scambler Township Board via Resolution 2009-P04 a recommendation to form a Board of Adjustment as defined in Section 4110.010 #1 thru #4 to hear the appeal requested by the City of Pelican Rapids to establish an Airport District. The resolution is to include a copy of the letter from the City of Pelican Rapids. 2nd Gary Hart. Approved. All in favor.

The Aggregate Industries Resolution 2009-P03 and letter was not sent. The Scambler Township Board has tabled the resolution. Now the October well water tests are now late and another letter should be sent and possible fine should be accessed. Stuart Restad made a **motion** that P & Z recommend to the Scambler Township Board Resolution 2009-P05 that a fine should be levied against Aggregate Industries for failure to provide the water test results that were due no later than October 30, 2009. We further recommend that the fine commence October 31, 2009 and continue until the test results are completed and received in the Scambler Township office. Attach the current Conditional use permit highlighting #3 for the fine. 2nd by Gary Hart. Approved. Unanimous, in favor.

The Terracon wind energy letter was discussed. Most of the project will be in Clay and Becker Counties per their map. Dave Kerr referred to the Clay County Ordinance on wind energy. The only way there can be wind energy construction in Scambler Township is with a conditional use permit, because of the height restrictions now set. The concession of the board is to continue with discussion on wind energy zoning. Bring more data to the next board meeting.

The current Zoning Ordinance and Amendments are being review for a printing to be sent to all of the board and added to the WEB. Dave Kerr and Gary Hart have reviewed and now Stuart will review.

There was discussion on the upcoming meeting with the Scambler Township Board. Mike Ostbye would like to add #5 Authority and duties of each board. Also one person from the P & Z board should attend the Scambler Township Board monthly meetings with compensation. The clerk will get an 'unapproved' copy of the latest minutes to have available as 'notes' for the P & Z member for that Township Board meeting.

Stuart Rested has not been up to Stuart Anderson property lately. The large compost pile needs to be moved out and Stuart may know someone that may want the pile. The truck and trailer has been moved to the back yard. Gary Hart will go on to the property for Stuart Restad to take photos and assess the current yard, front and back.

P & Z has two options: #1 to send a letter to Stuart Anderson and give him 10 days to comply or #2 to pursue legal action against him. Mike Ostbye and Stuart Restad will prepare a letter and sent return receipt request.

Stuart Restad will get over to Wane Engkjer's approach and see if it completed to specifications.

Meeting adjourned by Mike Ostbye

No meeting date is set at this time.

Submitted by: Aldie Kelsven, Clerk

Scambler Township Board

Scambler Planning and Zoning Meeting
7:00pm Tuesday, October 27, 2009

Attending: Mike Ostbye, Gary Hart, Stuart Restad, David Kerr, Chris Selvig and Aldie Kelsven
Also attending: Arnie Cox

Meeting was started with the pledge of allegiance.

Arnie Cox added two items to the agenda: Airport and Wind Farms discussions.

Minutes from the August 25, 2009 meeting were discussed. Dave Kerr made a motion to accept the minutes and was 2nd by Gary Hart. Approved.

Reorganization was discussed. Mike Ostbye turned in a letter of resignation. Stuart Restad, with regret, made a **motion** to accept Mike Ostbye's letter of resignation to be in effect on December 31, 2009 and was 2nd by Gary Hart. All accepted. Motion carried.

- Dave Kerr made a **motion** to nominate Gary Hart as chairman and was 2nd by Stuart Restad. All accepted. Motion carried. Gary Hart wanted to inform the board that he will not be in the area from December 31 until February 5, 2010. Dave Kerr asked that Gary start working with Mike now.

- Gary Hart made a **motion** to nominate Chris Selvig as vice-chair. Discussion: Chris is not sure about this position. He would like to pass at this time because of health concerns. Gary Hart withdrew his nomination. Stuart Restad made a **motion** to nominate Dave Kerr as vice-chair with a 2nd by Chris Selvig. All in favor. Motion carried.

- Chris Selvig made a **motion** to nominate Stuart Restad for his current position as treasurer, with a 2nd by Gary Hart. All in favor. Motion carried.

The P & Z Board should recommend names to the Scambler Township Board for nominations to the P & Z board to fill the vacancy because of the Mike Ostbye resignation.

A request for an appeal, at the Scambler Board Meeting on October 8th, on the Pelican Rapids Airport Zoning Ordinance from Don Solga was discussed. The P & Z boards would like to have this request in writing prior to proceeding with any action. The Scambler Ordinance for appeal code #4120.030 and the code #4110.010 were reviewed. Also, does the original presented ordinance need to be adjusted prior to being resubmitted to the Scambler Township Board for this appeal process?

Arnie Cox wondered if the Airport hangars could be taxed. Stuart Restad believes that Otter Tail controls the taxation and that Scambler has no taxing authority or tax benefit.

Arnie Cox also discussed the letters from Aggregate Industries and the well tests that were not completed on time. He believes that Scambler should access the penalty that is provided for in the current c.u.p. Stuart Restad made a **motion** that due to Aggregate Industries recognizing their error and corrected the situation Scambler would not add a penalty at this time, but should write a letter to acknowledge the importance of the water test reports being submitted on time to the property owners and Scambler. 2nd by Dave Kerr. Discussion: Attach a copy of the Conditional use permit with the letter to Aggregate Industries and forward copies to the Town Board as Resolution 2009-P03.

Dave Kerr went to Aggregate Industries the day prior to the meeting and they went through their plan for shutting down pit #126. Also pit #44 in the wetlands will be starting reclamation but is to wet at this time. Aggregate met with Rick West about reclamation on Hwy 23west on the low areas.

The Berg property reclamation will be up to the Berg's and is also too soft to complete this fall. The gravel transport conveyor is being moved farther north to another pit. Aggregate Industries has found a market in Minneapolis for a great deal of class #3 so will not be covering this gravel for reclamation at this time.

The board instructed the clerk to update the official copy of the Scambler Zoning Ordinance with amendments and prepare copies for the P & Z board.

The P & Z Board would like to have a closed meeting with the Scambler Township Board to discuss the separate board duties and communication concerns. Items for discussion:

1. Option for one member from the P & Z to attend the Scambler Township Board meetings monthly.
2. All ordinance concerns should first be addressed to the zoning administrator or the chair of the P & Z board.
3. Trust and Confidence
4. The Township Board should review the minutes from the P & Z board (add to agenda?).
5. Authority and duties.

The Terracon permit for a large wind energy system was handed out along with the Cass County Wind Energy Ordinance. The board will review these papers and come back with comments for the next meeting.

Possible next meeting - Tuesday, November 17th, 2009

Meeting Adjourned by Mike Ostbye.

Submitted by: Aldie Kelsven, Clerk, Scambler Township Board

Scambler Planning and Zoning Meeting 7:00pm Tuesday, August 25, 2009

Attending: Mike Ostbye, Stuart Restad, David Kerr, Gary Hart and Aldie Kelsven

Absent: Chris Selvig Others attending: Bill Bach, Doug Oksendahl, Wayne Johnson

Meeting was started with the pledge of allegiance.

Minutes from the August 11, 2009 meeting were discussed. Stuart Restad questioned that his name was not on the vote, but he actually did not attend that meeting. No changes. Dave Kerr made a **motion** to accept the minutes and 2nd by Gary Hart. Approved.

Stuart Restad will be sending out a certified letter to Stu Anderson giving him one week to clean up his property with a substantial improvement from the July visit. Stuart will take photos now and again in one week. If not up to standard then the Scambler Township Board will proceed with action.

Bill Bach said that the new pit at Aggregate Industries is scaled. The Berg aggregate is scaled separately and sent across the road on the belt with the Scambler aggregate for scaling again. The Aggregate Industries scales are calibrated monthly.

Aggregate Industries does have an agreement with the P & Z Board for temporary terracing where the 4:1 is not being applied. They also have 5' of black dirt to remove from that area prior to completing the reclamation. Stuart Restad should be the contact person with Aggregate to resolve questions.

The water tests still need to be resubmitted to Scambler, as they were not complete when sent in on the last report in April/May 2009.

The 25% open land pertains to each pit being 25% open.

Bill Bach said that they are working with Pelican Coop Elevator for the vegetative cover. They asked if matting or seed with straw should be used. Scambler recommended matting.

The Thibedeau approach is or has been completed by Arntson Construction.

The P & Z feels that there were chastised by the Scambler Township Board for lack of direction. There is also confusion on the individual boards as to board responsibilities.

There was a lot of time and dollars spent by the P & Z Board on the Airport District to have a failed vote by the Scambler Township Board.

Dave Kerr has spent some time gathering information from other townships on wind power. He feels that the P & Z Board needs to start discussing this potential development in our township.

One reason for this P & Z meeting was to discuss the commercial use of business property in Scambler Township. No further discussion needed at this time.

There was also discussion on Seifert Septic Service. No action taken at this time.

No meeting time was set for the next P & Z meeting at this time.

Meeting adjourned by Mike Ostbye

Submitted by Aldie Kelsven, Clerk, Scambler Township Board

Scambler Planning & Zoning Meeting
7:00pm Tuesday, August 11, 2009

Attending: Mike Ostbye, David Kerr, Gary Hart, Chris Selvig and Aldie Kelsven

Absent: Stuart Restad also attending: Wayne Johnson

Meeting was started with the pledge of allegiance.

The agenda was reviewed and accepted with a **motion** from Gary Hart and a 2nd by Chris Selvig.

The minutes from the July 10, 2009 meeting were reviewed and Gary Hart made a **motion** to accept with a 2nd by Chris Selvig. Minutes approved.

The minutes from the public hearing on July 28, 2009 were discussed. Changes were made to 2nd paragraph last sentence: This letter was signed by ~~all~~ some of the landowners directly adjacent to the airport.

Second page, third paragraph last sentence: ~~He does not feel~~ It is his opinion that there would be construction of a hangar on the east side for several years, if at all.

Chris Selvig made a **motion** to approve the minutes with changes and a 2nd by Gary Hart. Approved.

The Thibedeau approach is not yet completed. Robert Thibedeau was injured while trying to complete the removal of the approach, so Scambler will give them more time to complete the removal. Stuart Restad also gave them names of professional contractors that could do the work for them.

Stuart Restad revisited with Stu Anderson about the written complaint sent in by his neighbors. His property is being cleaned up and he may move some of the clutter to the back yard. Stuart will revisit this property again. The clerk will notify the administrator to follow up and report at next meeting.

Dave Kerr made a **motion** that following any public hearing there shall be a regular planning and zoning meeting scheduled and both shall be posted in the press. 2nd by Gary Hart. Approved.

The Planning and Zoning Board visited the Aggregate Industries site last month. They found everything to be operating satisfactorily. There is a new approach on the township road that is not permitted.

Aggregate Industries will rebuild this section of road to our specifications when the mining is completed. So there will not be a permit issued at this time.

There is also a new pit #126 started to the west. Is this aggregate being scaled? It seems to be running under the highway on the conveyor. Ask Stuart to follow up on the scale reading.

Changed to 2060.000 Airport District Zoning Ordinance

2060.030 #1Aeronautics statutes, ~~and~~ Federal Aviation Administration

2060.40 #4 No dwelling shall be construction ~~on~~ in the airport ~~property~~ district.

The P & Z Board considered all of the input presented at the public hearing. The consensus of the set back of 200' is to leave as is. The board did consider the 60' set back to be consistent with the rest of the ordinance.

Screening was discussed and with the reference to the FAA and its recommendation not to do so. There was no further discussion.

No further commercial endeavors shall be allowed other than stated in the ordinance.

Gary Hart made a **motion** that we forward the draft of the Proposed Airport District Zoning Ordinance, with the above changes from this August 11th meeting to the Scambler Township Board by resolution and a 2nd by Chris Selvig.

Discussion: A letter from Les Rotz was read and discussed.

All leased hangars will be along the runway, only the municipal hangar will be nearer the road.

Dave Kerr said that at an earlier meeting he stated that there be no more hangars east of the easterly hangar that is nearer the road. Can this be changed at this time? No further changes.

Wayne Johnson said that the City of Pelican Rapids says that they do not plan to build. But the City of Pelican Rapids can build, as the ordinance does not limit construction.

Vote: Gary Hart – yes, Mike Ostbye – yes, Chris Selvig – yes, Dave Kerr - no.

The clerk reprinted the draft of the Airport Zoning Ordinance to be sent to the Scambler Township Board for approval. The resolution was printed and signed.

Mike Ostbye adjourned the meeting.

Next meeting will be Tuesday, August 25, 2009.

Submitted by Aldie Kelsven, Clerk, Scambler Township Board

**Scambler Planning and Zoning Public Hearing
7:00pm Tuesday, July 28, 2009**

Attending: Mike Ostbye, Stuart Restad, David Kerr, Gary Hart, Chris Selvig and Aldie Kelsven

Mike Ostbye opened the meeting and started with the pledge of allegiance.

The agenda for the public hearing was reviewed and approved.

Mike Ostbye read the Proposed Airport District Ordinance.

Stuart Restad presented why Scambler Planning and Zoning proposed this ordinance change. The City of Pelican Rapids has said that there are residents that want to have hangars available to lease from the City of Pelican Rapids at this airport. The current Scambler Ordinance does not allow leased building on the site, so there was a need for updated zoning ordinance to be written.

Wayne Johnson submitted a letter stating objection to the set back with buildings being constructed too close to adjacent property. He also has concern that natural screening be place on the east side near the highway to protect his property from noise, sight and pollution from the airport. This letter was sign by some of the landowners directly adjacent to the airport.

Mike Ostbye read an e-mail sent in by Don Solga, City of Pelican Rapids Administrator, he stated five concerns on the Proposed Airport District Zoning Ordinance.

Richard Peterson, councilman with the City of Pelican Rapids, said the Pelican Rapids is not interested in growth and is only concerned with the ability to construct hangars for lease. No desire for additional commercial business on site.

Aldie Kelsven read a letter submitted from Wayne and Dena Johnson for the May 12th meeting of Scambler Planning and Zoning. This letter stated again their concern for additional set back and natural screening.

Mike Ostbye read the Finding of Fact that P & Z prepared, in regard to the Johnson property that is directly across from the airport.

Richard Peterson wanted clarification on 2060.030 #6 Commercial Agriculture.

Stuart Restad responded that it referred to the land lease use for farming.

Richard Peterson also questioned 2060.030 #4. He feels that there should be additional types of aircraft mentioned that are not currently licensed, such as: ultra-light planes, and/or construction of new or rebuilding aircraft that are not yet registered.

Gary Hart added that Scambler does not want to limit the City of Pelican Rapids federal funding. That is why Scambler P & Z added the c.u.p. to allow some commercial use.

There is no line item on the Pelican Rapids budget for expenses at the airport. The airport receives income from agricultural land rent, hangar rent and some subsidy from MN for maintenance.

Les Rotz does not want to see commercial development and if so it better be by c.u.p. only. Les feels that the City of Pelican Rapids should have been involved in the planning of the ordinance at every step of the way. They were invited to the meeting by e-mail and phone, yet did not come.

Wayne Johnson is concerned about our attention to 'what Mn/DOT wants' as to minimum set backs and no screening. He also does not agree with our 'Finding of Fact' and the reference to his business.

Richard Peterson has been associated with the airport for many years. The east side hangar has been standing for 30 years and there has not been any interest in developing the airport until now with the desire for more lease hangars to be added to the north of the existing hangars. It is his opinion that there would not be construction of a hangar on the east side for several years, if at all.

Dennis Carlblom asked if there could be a separation of set back, such as 200' for other structures and more set back for the hangars. Stuart Restad replied that there should not be other structures at the airport.

2060.040 #4 should be changed to read. ...airport district instead of airport property.

Stuart Restad said that the proposed set back is 200' and the current ordinance set back is 60'. The taxiing and landing to and from the hangars does not create the noise. The runway and that noise will not be moved closer to the highway. He also stated that MnDOT does not want trees, brush or anything that adds birds or interference of the take-off or landings.

Mike Ostbye thanked everyone for attending and that the Board will meet after a short break to have a regular board meeting.

Dave Kerr motion to adjourn and was 2nd by Gary Hart. Motion carried.

Meeting adjourned

Submitted by Aldie Kelsven, Clerk, Scambler Township Board

Scambler Planning and Zoning Meeting
7:00pm Wednesday, June 10th, 2009

Attending: Mike Ostbye, Stuart Restad, David Kerr, Gary Hart, Chris Selvig and Aldie Kelsven
Also attending was Les Rotz

Mike Ostbye opened the meeting and started with the pledge of allegiance.

The agenda was read and with a **motion** from Gary Hart to accept. 2nd by Chris Selvig.
Agenda accepted.

The minutes from the May 26th meeting were discussed and a **motion** from Chris Selvig and a 2nd by Gary Hart to approve. Minutes approved.

A letter must be sent to Robert Thibedeau with regard to the dirt that is piled on the side of the roadway next to the approach that is being taken out by Mr. Thibedeau. He needs to complete the removal to Scambler guidelines prior to July 1st or Scambler will hire a contractor to do the work.

Jamie Herbold, beach captain on Pelican Lake, has submitted a complaint that has been signed by several neighbors about the safety issue (mess) on Stu Anderson's property. Stuart Restad will follow up.

Stuart Restad want the P & Z board to go out to the Aggregate Industries pit to discuss the scale weight reporting versus the sales of aggregate reporting and payment methods. Aldie will set up this meeting.

From the Hart sign must be removed from the intersection of Hwy #34 and Hwy #9. The P & Z ordinance does not allow this sign to be placed at this site.

2060.000 Proposed Airport District changes

2060.030 #1. After the word (FAA) add *and*

2060.030 #4 Add *Each* before the first word also, change hangars to *hangar*

2060.030 #6 Commercial Use. Discussion: Leave as is, because a C.U.P can restrict development.

2060.060 #2 (ALP) delete completely

Chris Selvig made a **motion** to accept the Proposed Airport District ordinance as is. 2nd by Gary Hart. All in favor. Motion passed.

Next step is to schedule a public hearing for Tuesday, July 28th at 7:00pm, place two notices in the Pelican Press, and send a notice by letter to the property owners that live within one mile of the airport. The board prepared a property owner's list for Aldie to send the mailing.

Meeting adjourned

Submitted by Aldie Kelsven, Clerk, Scambler Township Board

Scambler Planning and Zoning Meeting 7:00pm Tuesday, May 26, 2009

Attending: Mike Ostbye, Stuart Restad, David Kerr, Gary Hart, Chris Selvig and Aldie Kelsven
Also attending was Wayne Johnson

Mike Ostbye opened the meeting and started with the pledge of allegiance.

The minutes from the 7:00pm May 12, 2009 public hearing were discussed. Gary Hart made a **motion** to accept the minutes with the changes: 1.) hangars along the runway to the *east* side. 2.) City of Pelican Rapids will need to apply for a zoning permit at \$2,000. 2nd by Dave Kerr. Approved.

The minutes from the 8:10pm May 12, 2009 regular meeting were discussed. Gary Hart made a **motion** to accept the minutes with the changes: 1.) 2060.010 add legal description to parcels. 2.) 2060.070 1.) to entirety. 2nd by Chris Selvig. Minutes approved.

Stuart Restad reported that Wane Engkjer has responded to the letter requesting changes to the approach and has paid the after-the-fact fine and paid for the permit to complete the approach.

Stuart is still trying to contact Rick Haugrud.

Robert Thibedeau has returned the letter receipt and has until June 1st to remove the approach.

Oberg Farms still needs to be contacted about their approach. We need to come to some kind of agreement on their approach.

John Kvale owns Scott Goettle property, John has talked to Scott about the several vehicles that are on his property and that he needs to comply with the Scambler zoning ordinance and remove some of them.

Chris Selvig has removed the signs from intersection at #9 and #34 but some have already been replaced. The new sign 'From the Hart' needs to be taken down also.

Stuart received information back from Kathy Vesely with MnDOT.

- 1.) Scambler does not have to submit our zoning resolution to the MnDOT because the Pelican Rapids Municipal Airport Zoning Ordinance (approved 5-26-10978) is approved.
- 2.) 2060.020 Scope and Jurisdiction – we should add information about the Pelican Rapids zoning ordinance that applies.
- 3.) 2060.030 1.) need to add Federal Aviation Administration (FAA) back into controlling entities.
- 4.) 2060.040 2.) discuss: an entity that accepts federal or state aid in their contracts must foster commercial use on their property.
- 5.) Noise: MnDOT strongly suggests taking this out of the ordinance completely. Maybe only Refer to the MN code 360.015 or to the Commissioner of Transportation who has complete Authority on noise issues.
- 6.) 2060.070 Transfer of Ownership. Kathy Vesely stated that is wonderful to have both contracts in place, should the City of Pelican Rapids sell their ownership then the Scambler ordinance will stand in place.
 - Set Backs of 200' are greater than the standard set back and she had no comment.
 - No discussion on screening.

Don Solga called Stuart this week to see if we are close to finalizing our zoning ordinance for the airport. Kathy Vesely will contact Don and discuss some of the details.

Scambler Planning and Zoning does not need approval beyond the Scambler Township Board.

Carry forward to the two-year review the information for the sludge on the airport property.

Set the next meeting for Wednesday, June 10th 2009 at 7:00pm.
Public hearing will be scheduled after that meeting.

Planning and Zoning will help Aldie to add the resolutions to the ordinance and set the amendments.

Dave Kerr made a **motion** to approve the 'Finding of Facts' that came from the May 12th meeting. 2nd by Chris Selvig. All in favor. Motion approved. Aldie will retype the draft and file with the airport information.

Meeting adjourned by Mike Ostbye
By: Aldie Kelsven, Clerk Scambler Township Board

Scambler Planning and Zoning Meeting
8:10pm Tuesday, May 12th, 2009

Attending: Mike Ostbye, Stuart Restad, David Kerr, Gary Hart, Chris Selvig and Aldie Kelsven
Also attending were Wayne Johnson and Les Rotz

Minutes from the April 22, 2009 meeting were discussed. Gary Hart made a **motion** to approve the minutes. 2nd by Dave Kerr. Minutes approved.

Stuart discussed the approaches at the Rick Haugrud and he will follow up with him and report next month. Stuart and Aldie will send out certified receipt letters to Robert Thibedeau, Oberg Farms, and Wane Engkjer on the issues on their approaches. If not compliant by June 1st the Scambler Township Board will need to hire someone to remove the approaches and bill the property owner.

Some of the signs that are up at Hwy #9 and Hwy #34 are illegal and Chris Selvig will remove them.

Scott Goettle has a business in a commercial district that has no outdoor storage of unlicensed vehicles allowed. Stuart will bring this to the Scambler Township Board for them to contact Mr. Goettle.

2060.000 - Proposed Airport District (working draft should be double spaced for now)

2060.010 - Purpose

Add a map and the Parcels #55000340239000, #55000340236001, #55000270191001

Also legal description for each parcel.

2060.020 - Okay as is.

2060.030 - 1.) Should be changed from Minnesota State to Minnesota Department of Transportation (Mn/DOT) Aeronautics.

- 2.) Should change 'port' to 'aircraft'

- 3.) Okay as is

Add - 4.) Leased hangars shall have an aircraft that is currently registered.

Add - 5.) City operated aircraft fuel sales.

Add - 6.) Commercial agriculture

2060.040 - 2.) (Stuart will get the information and forward for input here)

4.) At the end of statement, add: Minnesota Rules Chapter 8800.2400 Subp.7.

2060.050 - 1.) Should be: Any use not listed under 'allowed or' prohibited uses.

After much discussion the board will not require screening on the roadside of the airport.

2060.060 - 2.) Set backs (Stuart will ask ALP for input

2060.070 - New Heading Transfer of Ownership (all or in part)

1.) Should the City of Pelican Rapids sell the municipal airport, the Scambler Township zoning ordinance would be enacted in its entirety.

The next Planning and Zoning Board meeting will be scheduled for Tuesday, May 26th at 7:00pm.

Meeting adjourned by Mike Ostbye

Submitted by Aldie Kelsven, Clerk Scambler Township Board

**Scambler Planning and Zoning Public Hearing
7:00pm Tuesday, May 12th, 2009**

Attending: Mike Ostbye, Stuart Restad, David Kerr, Gary Hart, and Aldie Kelsven
Chris Selvig arrived at 7:15pm. Also attending were Wayne Johnson and Les Rotz

The meeting was called to order by Mike Ostbye and started with the pledge of allegiance.

No introductions were needed. Mike Ostbye read the format for this public hearing.

Mike Ostbye recapped the history of the Scambler airport and the revisions needed for the airport-zoning ordinance.

A letter from Wayne and Dena Johnson was read. They are requesting consideration for a greater set back from the road and would like to see some natural screening for the local residences.

Wayne stated that the commercial set back should be 1,320 feet.

Dave Kerr stated that the first hangars to be constructed for private lease are #1 thru #5 and they would be along the runway to the east side. The #6 hangar for the City of Pelican Rapids would be the last of the hangars to be built and it may be placed on the east side nearer Hwy #9.

Les Rotz asked about specifically defining the airport district. The Scambler P & Z board is only concerned at this time with the airport property and the not the zoning areas (1, 2, and 3) affected. The board will need to add the legal description to the ordinance.

Wayne Johnson stated, if this is a new zone ordinance the City of Pelican Rapids will need to apply for a zoning permit at \$2,000. The Scambler P & Z board is dealing with the land use as an airport, and to develop a zoning ordinance for it. No one on the P& Z board feels that an application permit is needed.

The FAA rules address the issue of screening and a buffer zone for sound. Some natural screening is possible.

Discussion on 2060.040 #2. Any commercial or industrial business.

List some prohibited business as an example. No, No changes.

Discussion on 2060.040 #4 Noise. This item could be taken out completely and use the Nuisance Ordinance. Leave as is.

In the existing airport is there a limit as to how many hangars can be put up?

No, But we can limit the number of lease agreement permits issued.

What prohibits a lessee from using the hangar for other storage?

There must be an aircraft in the hangar. This should be stated in the ordinance.

When the airport zoning ordinance is rewritten it will then need to be forwarded to Mn/DOT and FAA before a public hearing. Then it will go to the Scambler Township Board for resolution approval.

No other comments. Adjourned by Mike Ostbye.

Submitted by Aldie Kelsven, Clerk Scambler Township Board

**Planning & Zoning Committee Minutes
Tuesday, May 6th, 2008 @ 7:00pm**

Attending: Michael Ostbye, David Kerr, Gary Hart, Stuart Restad,

Also: Aldie Kelsven, Wayne Johnson

Absent: Chris Selvig

Call to order by Michael Ostbye and the pledge.

Comments from the public concerning the agenda. None
David Kerr made a **motion**: to adopt the agenda, 2nd by Gary Hart. Motion approved
Agenda accepted.

Gary Hart made a **motion**: to accept the minutes of the March 12th Aggregate Meeting.
2nd by Stuart Restad. Motion approved. Minutes accepted.

No tour of the Aggregate Industries site has been set yet. Maybe in June.
The water sampling was missed this spring and will be done now.
The water tests should be done May 1 and will be late at 30 days. Aldie will contact them about this
water test report. To be sent to Clerk and copies available to the board.

Does the planning and zoning board have an 'active permit' file.
That would be the Conditional Use Permits.
Only Pelican View Estates has an active conditional use permit at this time.
Their only entrance for the property is okay for now, during the construction period.
But further along there will need to be changes to the entrance.

Dave Kerr had handouts regarding countywide zoning and shoreland ordinance changes.
Stuart will contact Everett Peterson: "we want township zoning, not the County control.
Dave Kerr made a **motion**: that we do not want the County to come in to our township to enforce their
County ordinances upon Scambler Township. 2nd by Gary Hart. Discussion: Scambler has had 16 years
or ordinances that work well for Scambler Township.
Call for the question: All in favor. Motion carried.

Concerned from the November 7, 2007 Bio Sludge meeting from Pelican Rapids Meeting.
Code #3090.000
#3090.010 Requirements
#6 One Million dollar bond Discussion: No change in the bond necessary.
Stuart Restad made a **motion**: that after reviewing 3090.000 and 3090.010 that no action is taken at this
time. 2nd by David Kerr. Discussion: none. All in favor. Motion carried.

Stuart Restad for discussion: When someone purchases a parcel with good existing buildings on the
property and moves in then wants to put up other buildings for personal use. This is not currently
allowable. Or they want larger buildings in place of the existing buildings. A good exception to this
condition would be to earn \$1,000 a year normally as a farmer and then the new or larger buildings would
be permissible by ordinance.

David Kerr for discussion: Wind towers in the area perhaps on the Aggregate Industries property. Is the
height limit ok? Or is a conditional use permit needed? Commercial height limits are 75' and that is
adjustable with a conditional use permit.

Dave Kerr also discussed: #2040.040 #7 maximum of four lots per plat. Each plat shall have a 300 foot
buffer strip around the plat, except for the Public Road Right of Way.
This line item will be open for review again with further study.

The next Planning and Zoning Board meeting items:

1. Nuisance Ordinances
2. Ordinance #2040.040 line item #7

The board meeting will follow the tour of Aggregate Industries

Mike Ostbye adjourned the meeting

Unapproved Minutes

By Aldie Kelsven, Clerk
Scambler Township

**Scambler Planning and Zoning Meeting
7:00pm Wednesday, April 22, 2009**

Attending: Mike Ostbye, Stuart Restad, David Kerr, Gary Hart, Chris Selvig and Aldie Kelsven
Public Attending: Les Rotz

The meeting was called to order by Mike Ostbye and started with the pledge of allegiance.

There was no agenda presented and there were no additions to the meeting added at this time.

Minutes from the April 8, 2009 meeting were discussed. Gary Hart made a **motion** to approve the minutes. 2nd by Chris Selvig. Minutes approved.

There were six items for discussion from the Scambler Board meeting held April 9, 2009.

1. Airport Zoning Ordinance of 200' needs to be greater set back and needs a natural screening between all of the residences affected by sound and sight. Follow guidelines for boundaries and screening set by the FAA.

Discussion: Dave Kerr found nothing specific in the MN Model Airport Safety Zoning Codes for set back guidelines. Stuart Restad also went on line to look up guidelines that would apply and found nothing. The airport set back may not need to have a greater set back than regular commercial zoning, which is set at 60' from right away. No Change to the ordinance.

- Screening Discussion: Not needed and may be a detriment to the view. Again, there was nothing found in the MN Model pertaining to screening guidelines. (The airport was created May 4, 1978.)

No Change to the ordinance.

2. A private owner of a hangar that has leased land should pay property tax. Possibly add 'Any new building will not be tax exempt'.

Discussion: Taxation is up to Otter Tail County, out of our jurisdiction. All building in Scambler Township needs to have an approved building permit.

3. How much expansion will be allowed.

Discussion: As stated in the ordinance. No Change to the ordinance

4. Can they purchase additional land to expand.

Discussion: The purchase of any additional land would require a zoning map change with public hearings for discussion and approval.

5. The airport zone needs to be defined in this zone ordinance.

Discussion: This is covered in ordinance No.2060.020 and also in No.2060.030.

No Change to the ordinance.

6. Airport land available for application of municipal bio solids.

Discussion: No Change to the ordinance

7. Planning and Zoning Board should also discuss a wind turbine ordinance.

Discussion: No Change to the ordinance

Place an ad in the Pelican Press for two weeks in a row for the public hearing.

Date to be Wednesday, May 13, 2009 at 7:00pm, with a general Planning and Zoning meeting to follow.

(This date was change after the meeting to Tuesday, May 12, 2009.)

Stuart Restad will find out the current right away on Hwy #9.

Wane Engkjer notice was delivered. No response from him.

Scambler will need to hire a contractor to remove his 'non permitted' approach.

He needs to pay for this work, if he does not it will be added to his tax statement.

Bob Thibedeau new approach request was not approved, and the existing approach should be taken out this spring. No action at this time.

Meeting Adjourned by Mike Ostbye

By: Aldie Kelsven, Clerk Scambler Township Board

Scambler Planning and Zoning Meeting 7:00pm Wednesday, April 8, 2009

Attending: Mike Ostbye, Stuart Restad, David Kerr, Gary Hart, Chris Selvig and Aldie Kelsven

Public Attending: Les Rotz

The meeting was called to order by Mike Ostbye and started with the pledge of allegiance.

Gary Hart made a **motion** to approve the agenda. 2nd by Dave Kerr. Agenda approved.

Minutes from the March 24, 2009 meeting were discussed. Dave Kerr made a **motion** to approve the minutes. 2nd by Gary Hart. Minutes approved.

Dave Kerr presented drawings showing approximate placement of a new hangar at the Pelican Rapids Airport. Approximately 75' from existing hangar, building may be 65' long and this would place the new hangar about 260' from the center of Hwy #9.

Normal set back from the centerline is 60'. All set backs on the Scambler Planning and Zoning Ordinance are stated from road right away, not from the centerline. Set back will be 200' from right away.

2060.060 - Set backs

1.) Structural set back shall be a minimum of 200' from any airport-established boundary.

Add to 2060.040 #3Exception being tied down functional aircraft.

Postpone meeting: for preparation of complete proposed Airport District Ordinance to be typed.

Reconvene meeting: All present.

Dave Kerr made a **motion** that the Planning & Zoning Board accepts the Airport Zoning District proposed ordinance as written and forward to the Scambler Township Board for review.

2nd by Chris Selvig. Discussion – none. All approved, Motion carried.

Schedule a public hearing date for Wednesday 7:00pm on April 29, 2009 if the Scambler Township Board approves this ordinance.

Or if needed schedule another Planning & Zoning meeting for Wednesday, April 22, 2009 at 7:00pm.

Meeting adjourned by Mike Ostbye

By Aldie Kelsven, Clerk

**Scambler Planning and Zoning Meeting – Unapproved Minutes
7:00pm Tuesday, March 24, 2009**

Attending: Mike Ostbye, Stuart Restad, David Kerr, Gary Hart and Aldie Kelsven

Absent: Chris Selvig. Other in attendance: Don Solga and Les Rotz

The meeting was called to order by Mike Ostbye and started with the pledge of allegiance.

Gary Hart made a **motion** to adopt the agenda. 2nd by Stuart Restad. Agenda approved.

Minutes from the January 13, 2009 meeting were read. A **motion** from Gary Hart to approve the minutes. 2nd by Dave Kerr. Minutes approved.

Discussion on the Resolution #2008-09 was that it is unanimous not to use conditional use permits to control the residential growth per section.

The current ordinance 2040.040 #6 has 32 plots possible per section and the resolution previously written was dropped to 4 plots per section. Scambler should not write an ordinance to inhibit any development. How much growth will Scambler allow for reasonable development? We must also remember that Minnesota State and Otter Tail County will also have their guidelines on any development in this area. Eight 2-½ acre lots will be the consensus.

Stuart Restad made a **motion** to send to the Scambler Township Board by Resolution 2009-P01

A proposal concerning the Residential District section plots from 4 up to 8 plots per section.

2nd by Dave Kerr. Aldie will make the changes to the this resolution and have it signed by the board at the end of this meeting.

Mike Ostbye said that Scambler Township should follow the FAA guidelines for the Pelican Rapids Airport District.

Dave Kerr handed out guidelines for the Scambler zoning ordinance to be reviewed. There was much discussion on the noise increased at the airport. The noise level will not increase in volume only in more regular use of the airport. The placement of the hangar will not make a difference in noise. Most of the noise is not landing and taxiing, but is on the runway at takeoff.

Don Solga will take measurements from the closest hangar to Hwy #9 and from the proposed placement of the new hangar to Hwy #9. Scambler board is looking at the proper set back. He will e-mail the board these details.

The proposed zoning ordinance has Prohibited Uses Within The Airport District.

2060.040 #2 – Any commercial or industrial business.

Discussion: Some feel that there should be no non-aviation businesses permitted at the airport and other saw permission for aviation related business as okay. There was much discussion on a flight school on site. The current lease agreement set up by the City of Pelican Rapids does not address the 'use' of the hangars, such as commercial use.

The City of Pelican Rapids can change their lease agreement at any time, but what does Scambler Township Board need to set up as 'prohibited uses' for our residents.

Dave Kerr's proposed guidelines are in approval with the board without changes. (attached)

Application for a permit for a new approach at Sand Lake Road was received from Susan and Robert Thibedeau. The original permit from a previous landowner has expired. An approach was put in without a permit in 2008. The Scambler Planning and Zoning Board sent Mr. Thibedeau a letter to remove that approach. He replied to that notice that it would be done after the spring thaw.

Stuart Restad made a **motion** that the Scambler Planning and Zoning board deny Mr. Thibedeau an approach permit off of 205th avenue. 2nd by Gary Hart. Motion approved.

Stuart Restad and the clerk will send a letter to inform them of this denial and why.

Next Planning and Zoning Meeting will be 7:00pm Wednesday, April 8, 2009 at Scambler town hall.

Meeting Adjourned by Mike Ostbye

By: Aldie Kelsven, Clerk
Scambler Township Board.

Scambler Planning and Zoning Meeting 7:00pm Tuesday, January 13th, 2009

Attending: Mike Ostbye, Stuart Restad, Dave Kerr, Gary Hart, Chris Selvig and Aldie Kelsven

The meeting was called to order by Mike Ostbye and started with the pledge of allegiance

Stuart Restad made a **motion** to adopt the agenda. 2nd by Chris Selvig. Agenda approved.

The minutes from the December 9th, 2008 public hearing were read. A **motion** from Gary Hart to approve the minutes, and 2nd by Dave Kerr. Minutes approved.

At the Scambler Township Board meeting they made a recommendation to add a #7 back to the 2040.040 zoning code. Should the Planning and Zoning Board:

1. Leave the Resolution #2008-09 as previously written
2. Amend the resolution as recommended by the Scambler Township Board
3. Make additional changes to that code item.

The board is varied in the choices to approve.

Mike Ostbye entertained a **motion** from Stuart Restad that the Planning and Zoning Board make no changes to the resolution. 2nd by Chris Selvig. Discussion: No need for another public hearing because there was no attendance at the last public meeting. A Conditional Use option should be added. Stuart Restad – yes; Gary Hart – no; Chris Selvig – no; Dave Kerr – no; Mike Ostbye – no.

Stuart Restad would like to see the resolution be per ½ sections to limit larger developments. This would double the density that was in the first resolution. He would also not want continuous developed sections. This will be tabled until the next board meeting.

Scambler Township has an airport and no airport district.

An e-mail from Don Solga, Administrator of the City of Pelican Rapids, was handed out. The city of Pelican Rapids would like to lease airport land to individuals for the purpose of building airport hangars. There was discussion about setting up an airport advisory board to include someone from Scambler Township, City Council and advisory people. An airport district may make the City of Pelican Rapids totally responsible for all activity. MNDOT and the FAA set all the guidelines. All of the Planning and Zoning board is in favor of an airport district.

Copies of the handouts by Don Solga will be made and sent out to the Board by Aldie.

A meeting on February 9th, 2009 at 7:00pm will be held to discuss this further.

Meeting Adjourned by Mike Ostbye

By: Aldie Kelsven, Clerk
Scambler Township Board