

Zoning Commission Minutes

August 17, 2009
4:00 pm

Chairman Russ Hoff called the meeting of the Stark County Zoning Commission to order. Members present were Ron Hauck, Leo V. Kuntz, Frank Emch, Duane Grundhauser, Russ Hoff, Jay Elkin, Sue Larsen and Joe Frenzel. Also present were States Attorney Tom Henning, Zoning Director Diane Brines and Auditor Alice Schulz.

Jay Elkin made a motion to approve the minutes from the August 3, 2009 meeting. Joe Frenzel seconded. All voted Aye and motion carried.

Chairman Hoff opened the public hearing on a proposed amendment of Sec. 9.05 (4) (c) of the Stark County Zoning Ordinance. Chairman Hoff began by reading Section 9.05 (4) (c) as it is currently stated and then he read the proposed amendment. Chairman Hoff then asked if there was anyone against the amendment.

Mark Trechock, Dakota Resource Council spoke out against and offered an alternative proposal. Others speaking against the amendment were Derrick Bratten, Frank Hurt, Nancy Eberts, Laura Tangen, Mary Hodell, and Neil Tangen.

Chairman Hoff asked if there was anyone to speak for the amendment. Those speaking in favor were Mike Maus, Neal Messer, George Nodland, Bob French, Steve Finsaas, Kelly Armstrong, and Bob Kuylen.

Chairman Hoff closed the public hearing.

State's Attorney, Tom Henning told the board that is a procedural matter to change the language from permissive to notice, it could have been an oversight or mistake but the intention was to make sure the neighbors are notified.

Ron Hauck made a motion to table the discussion for three items. (1) see how the City of Dickinson ordinance reads. (2) get copies of the District Court opinion. (3) have a chance to review mandates or alternatives presented to the board. Frank Emch seconded. Joe Frenzel feels the Zoning Board should not table it and delay it for 30 days, the board should pass it and recommend to the County Commission and let them decide. Russ Hoff also feels there is no need to table it, the change is needed. Roll call vote. Frenzel-no, Larsen-no, Elkin-no, Grundhauser-no, Emch-yes, Kuntz-no, Hauck-yes, Hoff-no. Motion failed.

Joe Frenzel made a motion to have the Planning & Zoning Board go on record requesting the County Commission approve the proposed zoning ordinance change to Exhibit A, section 9.05 (4) (c) as follows:

In cases where a proposed amendment to the Zoning Ordinance and Map affects a property use, the zoning administrator shall notify all owners of properties within 200 feet of the property in question by personal service or by certified or registered mail, addressed to the owner and mailed to his or her last address as shown on the records of the Stark County Treasurer. The costs of the service shall be borne by the applicant.

Duane Grundhauser seconded. Sue Larsen commented that the old ordinance read approval instead of acknowledgement and feels the intent was acknowledgement and certified mail is a very good way to be notified, therefore she is in favor of the change. Jay Elkin commented that the proposed change is not just about the coal plant, it is about building and working together in this county. As it is now you cannot build on a specific piece of property without the signatures of everyone surrounding the property. The process will work because there will still be a public hearing to give the people a chance to voice their opposition or approval of a specific project, therefore he is in favor of the change. Duane Grundhauser also is in favor, he said we need to move forward. Roll call vote. Frenzel-yes, Larsen-yes, Elkin-yes, Grundhauser-yes, Emch-no, Kuntz-yes, Hauck-no, Hoff-yes. Motion carried.

Ron Hauck would still like copies of the opinion. State's Attorney Tom Henning will get the copies to the members.

Sue Larsen moved to adjourn. Joe Frenzel seconded.