

MOWER COUNTY

AUSTIN, MINNESOTA

55912



January 29, 1985

MINUTES OF THE MOWER COUNTY PLANNING COMMISSION REGULAR MEETING:

Members Present: Jen Ulwelling, Conrad Stenson, Joe Monsen, Ray Capelle, Bob Werner
John Hill

Members Absent: Mary Keenan

Others Present: Julie Lewon, Craig Eliason

Chairman Capelle called the meeting to order at 8:00 p.m. on Tuesday, January 29, 1985 in the Commissioners Conference Room of the Mower County Courthouse. Minutes of the December 18, 1984 meeting were approved as mailed on a motion by Mrs. Ulwelling, seconded by Mr. Werner and passed unanimously.

Petition for Rezoning from Rural to Commercial - Douglas Durst and Steven Durst:

Ms. Lewon read the staff report. The petitioner would like to use this property for the sale of used motor vehicles and farm equipment. The location of this site is approximately one quarter mile east from the Grand Meadow city limits, just east of the Durst Grain Company property. The land has been tilled in the past and there is a farm site across the road to the north. The other land around the site has been tilled and property on all sides of the site is zoned rural.

Mr. Douglas Durst was present to pass out maps and explain what he wished to do.

Mrs. Russ Goodrich asked if the site would remain commercial if Mr. Durst sold the property and what effect zoning the property commercial would have on their taxes. Chairman Capelle replied that once the property was zoned commercial it could be sold and used for any commercial business and that the County Assessors would have to be contacted about the taxes.

Herb Hanson, chairman of the Frankford Township Board, asked if it were possible for the Commission to grant a conditional use permit. Chairman Capelle explained that used car lots can't be granted a conditional use permit and must be rezoned to commercial. Mr. Hanson added that he'd received several calls against the rezoning.

Robert Skaran was present and stated that he was against granting the rezoning because of what could happen in the future if Mr. Durst sold the property.

Seevert Gronvold was also present and expressed his concerns about turning the rural setting into a commercial one and the future problems which could arise.

Mr. Werner said that he had received several calls stating opposition to the rezoning. Mr. Monsen stated that in the six years he had served on the Commission they had not spot zoned commercial in a rural setting. He also stated that the purpose was to protect the City as well as the County.

Page two
Mower County Planning Commission Minutes
January 29, 1985

Roger Jahns stated that he was neutral in the matter but stressed that it was a used truck business, and not a car business.

After further discussion, a motion to recommend denial of the conditional use permit was made by Mr. Monsen. His reason for this was that rezoning the property would constitute a spot zone. The motion was seconded by Mrs. Ulwelling and passed unanimously.

Ms. Lewon explained that the petition would go before the County Commissioners at their February 5, 1985 meeting at 3:00 p.m..

Petition for Demolition Landfill - Norbert Jech and Ulland Brothers, Inc.: Ms. Lewon read the staff report. The petitioner wishes to operate a Demolition Landfill on 3.1 acres in the SE $\frac{1}{4}$, SW $\frac{1}{4}$, Section 34, Dexter Township. This site is an old abandoned gravel pit. The fill would come from the reconstruction of Interstate 90. They expect to use the landfill for only the 1985 year.

When Chairman Capelle asked if any one was present to speak in favor of the petition, nobody came forward.

Ken Pinke was present to ask what materials would be deposited in the landfill since he was concerned about the water quality of the nearby creek which served his cattle. Carl Srock and Bruce Emerson from Ulland Brothers stated that just concrete and not asphalt would be deposited in the landfill.

Laverne Bergstrom and Duane Skov from the Dexter Town Board asked about access to the landfill. Mr. Srock and Mr. Emerson stated that they were in the process of talking to a farmer about leasing a right-of-way to the landfill straight from I-90. No county or township roads would be used.

George Davis asked if the landfill would handle all of the concrete being taken up on that stretch of I90. Mr. Srock said it would not take all of the concrete.

Mr. Stenson asked how much dirt would be put on top of the fill and Mr. Srock answered at least one foot of top soil would be deposited over it.

Mr. Monsen thought two conditions should be added to the petition. The first was the recommendation of Bill Buckley, County Sanitarian, that any solid waste that is currently in the gravel pit must be removed and buried above the water table. There must be three feet of fill between the water table and the bottom of the landfill. The second condition would be that at least one foot of top soil is to be replaced on top of the landfill.

Mr. Hill made a motion to recommend granting the conditional use permit with these seven conditions placed on it:

1. The site shall no longer be used as a demolition landfill and shall be covered and seeded down by the end of the 1985 construction season;
2. After the demolition material has been deposited, the site shall be landscaped properly and aesthetically and the area seeded down to control erosion in an acceptable fashion approved by the Mower County Soil and Water Conservation office.
3. A gate shall be located at the entrance and closed and locked when the landfill is not in operation.
4. An approved, authorized, reflectorized "No Trespassing" sign shall be posted at the entrance.
5. There shall be no temporary stockpiling of demolition material between the site and Rose Creek.
6. Any solid waste that is currently in the gravel pit must be removed and buried above the water table, and three feet of fill must be placed between the water table and the bottom of the landfill.

7. At least one foot of cover shall be placed on the landfill when it is done.

The motion was seconded by Mr. Stenson, and passed unanimously.

Ms. Lewon stated that the petition would go before the County Board at their February 5, 1985 meeting at 3:00 p.m..

Petition for Gravel Pit and Demolition Landfill - Gerald Seavey and Ulland Brothers, Inc.:
Ms. Lewon read the staff report. The petitioner wishes to extract gravel from 20 acres in the S $\frac{1}{2}$, NE $\frac{1}{4}$, Section 26, Lansing Township. After removal of the aggregate, the excavated area will be filled with demolition material. The material will be concrete surfacing from either the Interstate 90 project or trunk Highway 218 project. They plan to use the site as a gravel pit for two years.

Gerald Seavey was present to state that he was in favor of the conditional use permit.

Ad Teigen was present to state his concern about the dust that would be created in the area.

Harlan Griese was present and stated his concerns about the traffic, dust, and the possibility of accidents in the area.

Gary Hackbarth was present and voiced his concerns on the narrowness of the road and the condition of the road being so poor now, what would it look like after Ulland Brothers were done hauling on it? Mr. Srock stated that the State specifies that the contractor must restore the road when they are done using it.

Mr. Hill asked Mr. Srock what hours they would be hauling. Mr. Srock answered they would go from approximately 7 a.m. to 5:30 p.m..

Mr. Stenson asked the area of the gravel pit. Mr. Emerson responded it was approximately 20 acres and would be approximately six to seven feet deep. Bruce Alma was present and stated that a lot of people weren't aware of the meeting and urged Ulland Brothers to look at an alternate route. George Davis stated that Ulland Brothers did not need another gravel pit so close to town.

Mr. Werner stated that it was not the Planning Commission's place to decide who can drive on the roads since they are public and anyone can use them if they wished. His comment was backed by the rest of the Planning Commission.

A motion to approve the gravel pit conditional use permit was made by Mr. Monsen, with the following conditions;

1. The extraction of materials shall remain 300 feet from the creek;
2. There shall be no temporary stockpiling of materials in the floodway;
3. A gate will be located at the entrance and closed when the pit is not in operation;
4. An approved, authorized, reflectorized "No Trespassing" sign will be posted at the entrance;
5. Soil erosion and runoff will be controlled in an acceptable fashion approved by the Mower County Soil and Water Conservation office.
6. A \$2,000. performance bond must be posted with the County Auditor;
7. This site shall no longer be used as a gravel pit by December 31, 1986.

Mr. Monsen also made a motion to approve the conditional use permit for the demolition landfill with the following conditions;

Page four
Mower County Planning Commission Minutes
January 29, 1985

1. A gate will be located at the entrance and closed and locked when the landfill is not in operation;
2. An approved, authorized, reflectorized "No Trespassing" sign shall be posted at the entrance;
3. There shall be no temporary stockpiling of demolition materials in the floodway;
4. After the demolition material has been deposited, the site shall be landscaped properly and aesthetically with a minimum of four inches of soil placed on top;
5. The site shall no longer be used as a demolition landfill and shall be covered and seeded down by December 31, 1986.

Both motions were seconded by Mrs. Ulwelling and passed unanimously.

Ms. Lewon stated that the petitions would go before the County Board at their February 5, 1985 meeting at 3:00 p.m..

Election of Officers: A motion was made by Mr. Monsen to nominate Ray Capelle as Chairman, the motion was seconded by Mrs. Ulwelling, and passed unanimously.

A motion was made by Mr. Stenson to nominate Joe Monsen as Vice-Chairman, the motion was seconded by Mr. Hill and passed unanimously.

Other Business: Ms. Lewon collected the mileage reimbursement forms and also made note of the 1984 annual report of the Austin-Mower County Environmental Health Unit.

Ms. Lewon passed out brochures on a seminar being held in Owatonna on February 14 concerning rural issues. She said that anyone wishing to go should contact her before February 6th.

There being no further business, the meeting adjourned at 9:50 p.m. on a motion by Mr. Hill, seconded by Mr. Monsen, and passed unanimously.

Respectfully submitted,

Craig Eliason
Craig Eliason, Secretary