

MOWER COUNTY

AUSTIN, MINNESOTA

55912

September 11, 1985



MINUTES OF THE MOWER COUNTY PLANNING COMMISSION SPECIAL MEETING:

Members Present: Ray Capelle, Bob Werner, Joe Monsen, Gary Braaten, Mary Keenan, John Hill

Members Absent: Jen Ulwelling

Others Present: William C. Buckley, Daryl W. Franklin

Chairman Capelle called the meeting to order at 8:08 p.m. on Tuesday, September 10, 1985 in the Commissioners Conference Room in the Mower County Courthouse, Austin, Minnesota. Minutes of the August 27, 1985 meeting were approved as mailed with a motion by Mr. Monsen, seconded by Mr. Werner and passed unanimously.

Petition for a Conditional Use Permit for a Gravel Pit - CUP 345 - Everett Haney: It was explained that this was a continuation of the last Planning Commission meeting. Mr. Capelle called upon Ken Johnson of Ulland Brothers and Bob Murphy of Lansing Township to please discuss some of the concerns that were raised by the neighbors such as access and dust control. Many of the citizens raised questions and stated that life is miserable when the gravel pit is in operation. Mr. D. Harrington stated that it was not fit to live around the area when the trucks were hauling. Other residents spoke that dust is a problem. A resident, Robert Belden, spoke that when he moved there ten years ago, he knew it was a gravel road and that the road was not in good condition; however, at the present time the road has never been in better condition. Mr. Monsen directed a question to Mr. D. Harrington, "does the hauling situation and gravel pit create a health hazard for your wife?" Mr. Harrington answered, "yes". Ken Johnson from Ulland stated that the dust is a correctable solution. After further discussion, a motion was made by Ms. Keenan, seconded by Mr. Braaten to approve the conditional use permit as listed, but in addition that there be daily dust control when operating. Mr. Monsen moved to amend the motion to require that all trucks go north because of the potential health problems. The motion died for lack of a second. Mr. Monsen made another amendment that the motion be amended to include that the petitioner would comply with Section 14.40 and 14.41 of the Mower County Zoning Regulations. A vote was taken on the amendment with following roll call results: Braaten, yes; Hill, yes; Keenan, yes; Werner, yes; Capelle, yes; Monsen, no. Vote was taken on the Final motion which included the conditions that:

- 1) A gate shall be located at the entrance and closed and locked when the gravel pit is not in operation.
- 2) An approved, authorized, reflectorized "No Trespassing" sign shall be posted at the entrance.

- 3) Soil erosion and runoff will be controlled in an acceptable fashion approved by the Mower County Soil and Water Conservation office.
- 4) A \$2,000.00 performance bond must be posted with the County Auditor.
- 5) There must be daily dust control when the pit is in operation.
- 6) Petitioner must comply with Section 14.40 and 14.41 of the Mower County Zoning Regulations.
- 7) The permit will be reviewed in January of 1987 to see if all the conditions are being met.

The motion passed on a 5 to 1 vote, ayes; Braaten, Hill, Keenan, Werner, Capelle; nays; Monsen.

Petition for a Conditional Use Permit for Demolition Landfill - Cup 347 - Norbert Jech and F.F. Mengel: Petitioner wishes to establish a demolition landfill on a 3.1 acre site in the SE 1/4 SW 1/4, Section 34, Dexter Township. Mr. Norbert Jech and Mr. F.F. Mengel were present to explain what they were proposing to do and answered questions. Neighbors raised questions on the deposit of blacktop that was in the site, would it be a potential source of contamination to wells and the creek. Mr. Buckley explained that to the best of his knowledge, the procedure that was used was acceptable with Minnesota Pollution Control Agency and Mower County standards. After some discussion, a motion was made by Mr. Werner, and seconded by Ms. Keenan that the permit of F.F. Mengel and Norbert Jech be approved with the following conditions:

- 1) The final grade plan which shows finished elevations including property lines shall be submitted by F.F. Mengel and attached to this permit, the perimeter slopes of the total demolition landfill site will not exceed a 4 to 1 slope.
- 2) After the demolition material has been deposited, the site shall be landscaped properly and aesthetically and covered with a minimum of one foot of earthen fill suitable for growing vegetation.
- 3) The area shall be seeded down to control erosion in an acceptable fashion approved by the Mower County Soil and Water Conservation district.
- 4) A temporary gate shall be located at the entrance to the demolition landfill while the landfill is being operated.
- 5) An approved, authorized, reflectorized "No Trespassing" sign shall be posted at the entrance.

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- 6) Only demolition material and clean earthen fill from the I-90 project shall be deposited.
- 7) Petitioner must post a \$10,000.00 bond effective to November 30, 1986.
- 8) The permit is non-transferable.
- 9) There will no temporary stockpiling of materials between the pit and the creek and within fifty feet of the property lines.

The motion passed unanimously.

Petition for a Conditional Use Permit for a Gravel Pit - CUP 350 - Fraser Construction Company, Inc. - Norbert Jech: The petition was read. The petitioner wishes to extract gravel from this site for use on the I-90 Project. The site is an old abandoned gravel pit. Mr. Steve Preston and Norbert Jech were present to answer questions. After some discussion a motion was made Mr. Monsen, seconded by Mr. Braaten to approve the permit with the following conditions:

- 1) There shall be no temporary stockpiling of materials between the pit and the creek.
- 2) There shall be no temporary stockpiling of materials within fifty (50) feet of the property line.
- 3) A gate will be located at the entrance and closed and locked when the pit is not in operation.
- 4) An approved, authorized, reflectorized "No Trespassing" sign will be posted at the entrance.
- 5) Soil erosion runoff will be controlled in an acceptable fashion approved by the Mower County Soil and Water Conservation Office.
- 6) The permit is non-transferable.
- 7) A \$2,000.00 performance bond shall be posted with the County Auditor.

Conditions for a Conditional Use Permit for Demolition Landfill - CUP 348 - Rudy Jech and F.F. Mengel: The petition was read. The petitioner wishes to place demolition material from I-90 on a strip of land 150 feet in width, and 300 yards in length extending over and across the old Chicago Great Western Railroad Company. A map was presented showing the site and a plan was presented by F.F. Mengel showing the site and explaining how the demolition material would be placed in this site.

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After some discussion, a motion was made by Mr. Monsen, seconded by Mr. Hill to approve the conditional use with the following conditions:

- 1) An existing elevation site plan must be submitted by the owner and petitioner.
- 2) A final grade plan which shows finished elevations shall be submitted by F.F. Mengel and attached to this permit.
- 3) After the demolition material has been deposited, the site shall be landscaped properly and aesthetically and covered with a minimum of one foot of fill.
- 4) The area shall be seeded down to control erosion in an acceptable fashion, approved by the Mower County Soil and Water Conservation District.
- 5) A gate shall be located at the entrance and closed and locked when the landfill is not in operation.
- 6) An approved, authorized, reflectorized "No Trespassing" sign shall be posted at the entrance.
- 7) Only demolition materials and clean earthen fill from road and street construction projects shall be deposited.
- 8) Petitioner must post a minimum of a \$10,000 bond.
- 9) This permit is not valid until the petitioner and owner have secured a Minnesota Pollution Control Agency Demolition Landfill permit.
- 10) This permit expires when the MPCA demolition landfill permit expires.
- 11) This permit is non-transferable.

The motion passed unanimously.

During the meeting, it was brought out that it may be appropriate to change the order of the agenda. A motion was made by Mr. Hill, seconded by Mr. Werner to act upon CUP 351, Fraser Construction Company and Rudy Jech for a gravel pit before acting upon CUP 347 F.F. Mengel and Rudy Jech for a demolition landfill. The motion passed unanimously.

Petition for a Conditional Use Permit for a Gravel Pit - CUP 351 - Rudy Jech and Fraser Construction: The petitioner wishes to extract gravel from this site for use on the I-90 Project. Part of it is marginal farm land in a low area. After the gravel is removed, demolition materials from I-90 would be deposited. After some discussion, a motion was made by Mr. Hill, seconded by Ms. Keenan to approve the petition with the following conditions:

- 1) There shall be no temporary stockpiling of materials between the pit and the creek.
- 2) There shall be no temporary stockpiling of materials within fifty (50) feet of the property lines.
- 3) A gate will be located at the entrance and closed and locked 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 \$2,000.00 performance bond must be posted with the County Auditor.
- 7) The permit expires January 1, 1988.
- 8) The permit is non-transferable.

The motion passed unanimously.

Petition for a Conditional Use Permit for a Demolition Landfill - CUP 347 - F.F. Mengel and Rudy Jech: Petitioner wishes to operate a demolition landfill at this site. After some discussion a motion was made by Ms. Keenan, seconded by Mr. Monsen to approve the conditional use permit with the following conditions:

- 1) An existing elevation site plan must be submitted by the owner and petitioner.
- 2) A final grade plan which shows finished elevations shall be submitted by F.F. Mengel and attached to this permit.
- 3) After the demolition material has been deposited, the site shall be landscaped properly and aesthetically and covered with a minimum of one foot of earthen fill suitable for growing vegetation.
- 4) The area shall be seeded down to control erosion in an acceptable fashion, approved by the Mower County Soil and Water Conservation District.

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- 5) A gate shall be located at the entrance and closed and locked when the landfill is not in operation.
- 6) An approved, authorized, reflectorized "No Trespassing" sign shall be posted at the entrance.
- 7) Only concrete demolition materials and clean earthen fill from road and street construction projects shall be deposited.
- 8) This permit is not valid until the petitioner and owner have secured a Minnesota Pollution Control Agency Demolition Landfill permit.
- 9) This permit is not valid until the petitioner and owner have secured a Mower County Solid Waste Permit.
- 10) Petitioner must post a \$10,000 bond.
- 11) This permit expires when the MPCA demolition landfill permit expires.
- 12) This permit is non-transferable.
- 13) There shall be no temporary stockpiling of materials between the pit and the creek.
- 14) There shall be no temporary stockpiling of materials within 50 feet of the property lines.

The motion passed unanimously.

There being no further business to come before the Planning Commission, the meeting adjourned at 10:43 p.m. on a motion by Mr. Werner, seconded by Mr. Hill and passed unanimously.

Respectfully submitted,

Daryl W. Franklin
Secretary