

MOWER COUNTY

AUSTIN, MINNESOTA

55912



July 29, 1986

MINUTES OF THE MOWER COUNTY PLANNING COMMISSION REGULAR MEETING:

Members Present: Ray Capelle, Bob Werner, Jen Ulwelling, Joe Monsen, John Hill, Bob Shaw (for Richard Cummings)

Members Absent: Gary Braaten, Richard Cummings

Others Present: Julie Lewon, Bill Buckley, Craig Eliason

Chairman Capelle called the meeting to order at 8:10 p.m. on Tuesday, July 29, 1986 in Conference Room I in the Mower County Courthouse, Austin, Minnesota. The minutes of the June 24, 1986 meeting were approved as mailed on a motion by Mr. Monsen, seconded by Mr. Shaw and passed unanimously.

CUP 361 - Grading and Filling in the Shoreland Area - Randy and Luane Overocker: Ms. Lewon read the staff report. The petitioner is proposing to grade and fill in the shoreland area to the south of their house which is located on the south 480 feet of the west 250 feet in the SW 1/4, SW1/4, Section 20, Windom Township. The area is low and wet with a small creek running through it. The petitioner is unable to keep up the area. Therefore, they are proposing to place fill up to the creek. Bill Huber, Department of Natural Resources, inspected the property with Daryl Franklin. Mr. Huber saw no problem with the filling. He suggested that all filling and grading remain 20 feet from the creek itself.

Mr. Overocker was present to show his support for the petition.

David Morse, who lives east of the Overockers, was present to voice his opposition to the petition. He claims that the fill, which has already been placed in the area, is restricting the flow of water and he has lost approximately three acres of sweet corn for the first time in the seven years he has been farming there. He said several farmers in the area are being flooded also.

After some discussion, a motion was made by Mr. Monsen to table the petition to allow grading and filling in the shoreland area until next month's meeting when the Planning Commission members would have had a chance to inspect the property. The motion was seconded by Mrs. Ulwelling and passed unanimously.

Page two
Mower County Planning Commission Minutes
July 29, 1986

Continued Hearing on CUP 358 - Gravel Pit in the Rural Zone - Bustad Crane Service: Ms. Lewon read the staff report. The petitioner is requesting a conditional use permit to allow a gravel pit in the rural zone and to allow grading and filling in the shoreland area. He is proposing to expand his existing gravel pit into his property which is located on the south 254.3 feet of the north 487.3 feet in the SW 1/4, east of the river, Section 15, Austin Township.

Mr. Bustad was present to state his support for the petition.

Nancy Heimsness, who lives north of the gravel pit, was present to voice her opposition to the petition. She stated that she had contacted the former owner of the property, Dr. Smythe, and he had required Mr. Bustad to erect a new fence because he had dug underneath the old one. She stated that this new fence is now the property line and Mr. Bustad has dug closer than the 10' to the fence.

Louise Lingbeck, who lives in the area, was present to state that Mr. Bustad does not comply with regulations and she felt a conditional use permit should not be granted due to the past circumstances.

Chairman Capelle asked Mr. Bustad where the entrance of the new pit would be located. Mr. Bustad answered they would be using the blacktop on the south side of the property as the entrance.

Ruby Klingfus, who lives in the area, had questions about what type of a gate was required on the old pit. Mr. Shaw informed those in attendance that the purpose of the hearing was on granting a permit for a new pit and had nothing to do with the old gravel pit.

Richard Epley of the Austin Town Board asked whether or not the water test results were back on Mr. Bustad's existing pit. Bill Buckley, County Sanitarian, gave the test results which showed that all results were below the detection levels.

Mrs. Lingbeck asked Mr. Buckley if time might have an affect on the results. Mr. Buckley answered that time should have no affect on the results if they were properly preserved in the lab.

Mr. Epley asked if any nitrate tests had been done on the existing pit. Mr. Buckley answered that a test had been done and the results showed that there was one part per million. He stated that ten parts per million is considered the safe limit.

Page three
Mower County Planning Commission Minutes
July 29, 1986

Nancy Heimsness asked what kind of policing would be done if the permit is granted and also voiced her concerns on the heavy truck traffic past their property.

Dale Rossow of the Groundwater Committee stated that the gravel pit area is a recharge area.

Mr. Werner stated that he didn't think the property had been given the proper attention and said he does not want the operation expanded until he feels more comfortable that Mr. Bustad has followed the regulations on the existing gravel pit.

Mrs. Ulwelling stated that she feels basically the same as Mr. Werner, that the conditions had not been met and she had seen a box spring and mattress and other miscellaneous items on the property.

Mr. Shaw stated that he feels the permit should be granted with the conditions and then be policed carefully.

Mr. Hill stated he generally agrees with Mr. Shaw.

Mr. Monsen made a motion to recommend denial of a gravel pit in a rural zone to Bustad Crane Service because he felt expanding the pit was not compatible with the area. The motion was seconded by Mr. Werner and passed on a 4 - 2 vote. Those voting aye were Mr. Werner, Mrs. Ulwelling, Mr. Monsen and Mr. Capelle. Those voting nay were Mr. Shaw and Mr. Hill.

Ms. Lewon informed those in attendance that the petition would go before the County Board at their August 5th meeting at 4:00 p.m.

Continued Hearing on Renewal of CUP 303 - Demolition Landfill - Wallace Bustad: Ms. Lewon read the staff report. Petitioner is requesting the renewal of a conditional use permit for a demolition landfill in the rural zone and shoreland areas. The location is 15 acres in the S 1/2, NE 1/4, Section 15, Austin Township. This permit was first issued in 1982. The following conditions were placed on the permit at that time:

- 1) The permit is temporary and to be renewed January 1, 1984.
- 2) All requirements of the Pollution Control Agency regarding demolition landfills must be met.
- 3) All non-demolition materials must be removed prior to operation of the landfill.
- 4) Demolition materials present now shall be covered prior to the operation of the landfill.

Page four
Mower County Planning Commission Minutes
July 29, 1986

Through no fault of the petitioner, the permit was not renewed until August of 1984. At that time the following conditions were placed on the permit:

- 1) The permit is temporary and to be renewed August of 1986.
- 2) All requirements of the Pollution Control Agency regarding demolition landfills must be met.

The Planning Department and Environmental Health Department have received several complaints about the demolition landfill from neighboring property owners in the past months.

Mr. Bustad was present to show his support for the petition.

Mrs. Lingbeck, who lives in the area, asked if Mr. Bustad had a solid waste permit at the present time. Bill Buckley, County Sanitarian, answered yes, he does.

Ruby Klingfus, a resident of the area, asked what the hours of operation were on the pit under the proposed new conditions. She was informed that the proposed hours of operation were from 7:00 a.m. to 9:00 p.m.

Nancy Heimsness, who lives in the area, asked if the finished elevation could be higher than the original elevation. Mr. Buckley informed her that no mounds or pits are allowed once the demolition landfill is covered.

Mrs. Ulwelling stated that a secure gate should be placed at the entrance as to not allow entrance to the landfill.

Mr. Werner stated that he felt the conditions placed on the demolition landfill should suffice.

Mrs. Ulwelling stated the need for demolition landfills in the county.

Mr. Mosen stated the conditions should suffice but noted that perhaps more policing is needed.

After some discussion, a motion to recommend approval of the renewal of a conditional permit for a demolition landfill in the rural zone and shoreland areas was made by Mr. Shaw, seconded by Mr. Hill and passed unanimously.

Ms. Lewon informed those in attendance that the petition would go before the County Board on August 5th at 4:00 p.m.

Page five
Mower County Planning Commission Minutes
July 29, 1986

Environmental Health Problems

Sunset Motel: Mr. Buckley informed the Planning Commission that the owner of the Sunset Motel has dug up and repaired the sewer system and he will be performing dye tests this summer.

Stardust Apartments: Mr. Buckley informed the Planning Commission that the Stardust Apartments are now owned by Norwest Bank. Mr. Buckley has been in contact with the president of Norwest Bank and he was assured that the new system will be installed during this construction season.

Patricia Jacobson: Mr. Buckley made note of a letter he had sent to Ms. Jacobson on July 2, 1986 and that he has also made an inspection of the system. One-half of the system has been torn out and repaired.

After some discussion, a motion was made by Mr. Monsen instructing Mr. Buckley to write a letter to Ms. Jacobson, giving her thirty days to finish the sewer system or appear before the Planning Commission to explain the difficulties. The motion was seconded by Mrs. Ulwelling and passed unanimously.

Groundwater Ordinance: Mr. Buckley informed the Planning Commission that the Groundwater Committee has basically completed discussion on the groundwater ordinance and it is ready for the Planning Commission review.

Proposed Junkyard Definition: Ms. Lewon informed the Planning Commission that she has been instructed by the County Attorney to prepare a definition of a junkyard so that an ordinance may be drawn up concerning them.

Other Business: There being no further business, the meeting adjourned at 10:10 p.m. on a motion by Mr. Hill, seconded by Mr. Monsen and passed unanimously.

Respectfully submitted,

Craig Eliason

Craig Eliason
Secretary