

# MOWER COUNTY

AUSTIN, MINNESOTA

55912



December 30, 1986

## MINUTES OF THE MOWER COUNTY PLANNING COMMISSION REGULAR MEETING:

Members Present: Ray Capelle, Joe Monsen, Jen Ulwelling, Richard Cummings, John Hill

Members Absent: Gary Braaten, Bob Werner

Others Present: Daryl W. Franklin, Julie Lewon, Craig Eliason, William C. Buckley

Chairman Capelle called the meeting to order at 8:12 p.m. on Tuesday, December 30, 1986 in Conference Room I in the Mower County Courthouse in Austin, Minnesota. The minutes of the September 30, 1986 meeting were approved as mailed on a motion by Mrs. Ulwelling, seconded by Mr. Monsen and passed unanimously.

Review of CUP 345 - Gravel Pit - Everett S. Haney: Ms. Lewon read the history and staff report. The petitioner owns the gravel pit which is located on twenty-two (22) acres in the NW 1/4 NW 1/4, Section 31, Lansing Township. This permit was approved by the County Board on September 24, 1985 with the following conditions:

- 1) A gate shall be located at the entrance and be 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 run-off 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) When the pit is in operation the petitioner shall be responsible for daily dust control.
- 6) Petitioner shall be required to comply with all conditions of Sections 14-40 and 14-41 of the Mower County Zoning Ordinance.
- 7) This permit will be reviewed in January of 1987 to see if all conditions are being met.

The Planning Department received a complaint about dust control in June, 1986. Ulland Brothers, Inc. were notified of the problem and responded with a letter which was read at this time by Ms. Lewon. The County Auditor does not have a performance bond on file for this site at this time.

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Duane Harrington, who lives near the pit, was present to voice his concerns. He stated that Ulland Brothers only attempted to control the dust twice all summer and they only used water. He also stated that the trucks had badly damaged the road.

Gary Harrington was present to state that the dust control was indeed a problem and the road was badly damaged by the trucks.

Oliver Hillier, Austin Township Board, stated that the road should be monitored for dust control and damage to the road. Mr. Hill replied that the Town Board is responsible for seeing to it that the road is restored to its original condition. Mr. Monsen stated that the Town Board must rely on the residents of the area to inform them, the Town Board members, and that the Town Board members could then stop the haulers.

Ken Johnson of Ulland Brothers was present and stated that they only hauled out of the pit for one (1) day. He stated that the County Highway Department which hauled out of the pit, was informed of the requirements for dust control. He said that the State had designated this road as a haul road and will go to the Town Board when they are done with the road.

Mr. Hill asked why a performance bond was not on file for this site. Ken Johnson, Ulland Brothers, said that this detail was overlooked and that a performance bond would be turned in for this site.

Mrs. Ulwelling stated that she didn't feel water was an acceptable means of dust control and chloride should be used.

William Ryther, Lansing Town Board, stated that the Lansing Town Board was satisfied with the efforts that Ulland Brothers had made to control the dust problems at the gravel pit and with the condition of the road.

Carlton Thompson, Lansing Town Board, asked if it was necessary to renew the conditional use permit because Ulland Brothers was done hauling from the pit. Ken Johnson replied that they wanted the permit renewed because it would give them the option if they wanted to use the pit in the future.

After further discussion, a motion to recommend continuation of Conditional Use Permit #345 for a gravel pit was made by Mr. Monsen with one change being that condition #7 read "This permit will be reviewed in January of 1988 to see if all conditions are being met". The motion was seconded by Mr. Hill and passed unanimously.

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Ms. Lewon announced that the petition would go before the County Board at their January 13th meeting at approximately 3:30 or 4:00 p.m.

Extension of CUP 338 - Ulland Brothers and Gerald Seavey: Ms. Lewon read the history and staff report. The petitioner is requesting an extension of Conditional Use Permit #338 for a gravel pit and demolition landfill which is located on twenty (20) acres in the S 1/2 NE 1/4, Section 26, Lansing Township. The petitioners planned to extract gravel from the site. After the gravel was removed they planned to fill the area with concrete surfacing from either the Interstate 90 or Trunk Highway 218 project. The site was expected to be used for two (2) years as a gravel pit. The County Board approved the Conditional Use Permit on February 5, 1985 with the following conditions:

Gravel Pit:

- 1) The extraction of materials shall remain three hundred (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 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 run-off will be controlled in an acceptable fashion approved by the Mower County Soil Conservation Office.
- 6) A \$2,000.00 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.

Demolition Landfill:

- 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 material in the floodway.
- 4) After the demolition material has been deposited, the site shall be landscaped properly and aesthetically with a minimum of two (2) feet 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.

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- 6) In case of possible damage to County Road #16 a \$25,000.00 performance bond must be posted with the County Auditor if the State does not designate County Road #16 as a haul road.

This site has not been utilized to date. Ulland Brothers and Mr. Seavey are therefore requesting that the conditional use permit be extended for another two years so that it may be used for future projects. This site is presently used for agriculture. Extraction of gravel will stay two (2) feet above the water elevation. After demolition has been deposited, it will be covered and restored to agricultural use.

Ken Johnson of Ulland Brothers was present to state that they desired the permit to be extended to keep their options open for the future.

Following further discussion, a motion to recommend approval of extension of Conditional Use Permit #338 for a gravel pit and demolition landfill was made by Mr. Hill with the following changes to the conditions:

**Gravel Pit:**

- 7) This site shall no longer be used as a gravel pit by December 31, 1988.

**Demolition Landfill:**

- 5) The site shall no longer be used as a demolition landfill and shall be covered and seeded down by December 31, 1988.

The motion was seconded by Mrs. Ulwelling and passed unanimously.

Ms. Lewon announced that the petition would go before the County Board at their January 13th meeting at approximately 3:30 or 4:00 p.m.

Review of Proposed New Zoning Ordinance: Ms. Lewon explained why the Planning Commission wanted to go over the zoning ordinance and encouraged input from those town board members in attendance. She stated that the proposed new zoning ordinance had many more definitions than the present zoning ordinance.

At this time, Ms. Lewon went through suggested changes to the proposed zoning ordinance that the Planning Commission had discussed last month. After some discussion it was decided that: Section 14-87 (b)3) Rear Yard (a) change 40 feet to 35 feet be amended so that (a) remains at 40 feet. Ms. Lewon then explained the new proposed junkyard definition. Following further discussion, it was decided that the Planning Commission would hold a public hearing on the proposed new zoning ordinance at their January meeting and make a recommendation to the County Board at that time.

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Other Business:

Mr. Capelle explained a situation involving a sand pit that the Racine Town Board was having problems with.

Election of Officers: A motion was made by Mrs. Ulwelling that the current chairman, Ray Capelle, be reelected. The motion was seconded by Mr. Hill and passed unanimously.

A motion was made by Mrs. Ulwelling that the current Vice-Chairman, Joe Monsen, be reelected. The motion was seconded by Mr. Hill and passed unanimously.

Review of Proposed Water Well Construction and Abandonment Ordinance: At this time William C. Buckley, Mower County Sanitarian, led a discussion on the comparisons of Draft Water Well Construction Ordinances.

At 10:00 p.m. Mr. Hill excused himself from the meeting.

Following further discussion a motion recommending approval of the proposed Water Well Construction and Abandonment Ordinance was made by Mrs. Ulwelling, seconded by Mr. Monsen and passed unanimously.

There being no further business, the meeting adjourned at 10:07 p.m. on a motion by Mr. Cummings, seconded by Mr. Monsen and passed unanimously.

Respectfully submitted,

*Craig Eliason*

Craig Eliason, Secretary