

Coordinated Development In

MOWER COUNTY

AUSTIN, MINNESOTA

55912



507-437-9527

AUSTIN-MOWER COUNTY PLANNING DEPARTMENT

Minutes of the Mower County Planning Commission Meeting

Members Present: Joe Monsen, John Hill, Bob Werner, Herb Hanson, Steve Wieland, Oliver Hillier, Jen Ulwelling, Gary Braaten, Bob Shaw

Members Absent: none

Others Present: Bill Buckley, Jeff Weaver, Daryl Franklin, Katie Losness

Chair Monsen called the meeting to order at 8:00 p.m. on Tuesday, June 28, 1988, in Conference Room I of the Mower County Courthouse in Austin, Minnesota. Mr. Hanson made a motion to correct the minutes of the May 31, 1988, meeting to reflect that Mr. Hill seconded Mr. Hanson's motion to table the hearing for CUP 382. The amended minutes of the May 31, 1988, meeting were approved on a motion made by Mr. Braaten, seconded by Mr. Hillier and passed unanimously.

The first order of business was the presentation of Certificates of Recognition to Joe Monsen and John Hill by Mr. Shaw on behalf of the County Board of Commissioners for the completion of 3 terms of service.

Continuation of hearing for CUP 382 - Conditional Use Permit for Filling in the Floodway - Kathleen and Luke Wesley: Ms. Losness told the Commission that Bob Bezek from the Department of Natural Resources had passed on the DNR's opinion that a conditional use permit could be issued if no new fill were brought in and if they maintained the general contours of the area.

Mrs. Wesley told the Commission that Mr. Bezek had also spoken to her husband and they were under the impression that they could bring in fill.

Mr. Monsen felt that bringing in fill would affect the flow of floodwaters and didn't think that would be a good idea. Mr. Hill, who had also been to the sight with Mr. Monsen, felt that using the existing fill would be the least disruptive.

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Although there was confusion as to what the DNR recommended the Commission didn't want to table the hearing for another month. Therefore, Mr. Wieland made a motion to recommend approval of the conditional use permit to fill in the floodway with the condition that no additional fill be brought in unless approved by the DNR. The motion was seconded by Mrs. Ulwelling and passed unanimously. Ms. Losness announced that the petition would go before the County Board on July 5, 1988, at 2:00 p.m.

CUP 383 - Conditional Use Permit for an Additional Farm Dwelling - Roger and Connie Levy: Mr. Franklin read the staff report. The Levy's would like to build a new home on their property in Section 12 of Lansing Township (S 1/2, SW 1/4 & 4.9 acres SE Corner N 1/2, SW 1/4). The existing and surrounding land use is agricultural and zoning is rural. The Levy's are farming the land and would like to build a house on the property to reside in. Mr. Levy's grandfather would remain in the existing home until he is unable to do so at which time the Levy's plan to tear down the old house.

After some discussion, Mrs. Ulwelling made a motion to recommend approval of the conditional use permit for an additional farm dwelling with the following conditions:

- 1) The residents of the additional dwelling must be associated with the farm operation.
- 2) The permit is void if building and sewer permits are not applied for and granted.

The motion was seconded by Mr. Hanson and passed unanimously. Ms. Losness announced that the petition would be heard by the County Board on July 5, 1988, at 2:00 p.m.

CUP 384 - Conditional Use Permit for a Gravel Pit - Rochester Sand & Gravel/Kendall Klaehn: Mr. Franklin read the staff report. Rochester Sand & Gravel is requesting a conditional use permit to remove base for the I-90 project from a 6.3 acre piece of property owned by Kendall Klaehn in the W 1/2 of NW 1/4 and the SW 1/4 of Section 24 in Dexter Township. The existing land use is agricultural and zoning is rural. Surrounding land use is as follows: North is agricultural, zoned rural; South is I-90, zoned rural; East is I-90, zoned rural; and West is Agricultural, zoned rural.

Matt Hinderman, representing Rochester Sand & Gravel, told the Commission that they plan to remove 58,000 cubic yards of base and 15,000 yards of topsoil to use in the I-90 project. They will reuse some of the topsoil on the site when finished and after restoration will have 6 to 1 and 4

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to 1 slopes. Mr. Hinderman said he didn't think Mr. Klaehn plans on farming on the site in the future although there are oats planted there now. The deepest section will be eight to nine feet deep. They chose the site as it is close to the dump site in the low-lying area and the proximity is important. He said there is a possibility they may not need it until next spring.

Mr. Monsen said he was not comfortable taking tillable acres out of production when there are other alternatives. There was some discussion regarding whether Kendall Klaehn actually owns the land or whether it was being foreclosed upon.

Following further discussion, Mr. Wieland made a motion to recommend approval of the conditional use permit for a gravel pit with the following conditions attached:

- 1) A gate will be located at the entrance and closed and locked when the pit is not in operation.
- 2) A "No Trespassing" sign will 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 Officer.
- 4) A detailed plan of regrading and revegetation of the site at the conclusion of operations per Article IV of the Code.
- 5) The gravel pit sides, when restored, will have a slope no greater than 3:1 (horizontal:vertical).
- 6) Extraction of gravel shall remain at least twenty (20) feet from all adjoining property lines.
- 7) Extraction of gravel shall be no closer than forty (40) feet from the road right-of-way.
- 8) A \$10,000 performance bond must be posted with the County Auditor.
- 9) The permit will expire June, 1991.

The motion was seconded by Mr. Hill and passed on a 7-2 vote with Mr. Hanson and Mr. Monsen votin nay. Ms. Losness announced that the petition would be heard by the County Board on July 5, 1988, at 2:00 p.m.

CUP 385 - Conditional Use Permit for a Gravel Pit - Osmundson Brothers/Steve Pitzen: Mr. Franklin read the staff report. Osmundson Brothers are requesting a conditional use permit for a gravel pit on property owned by Steve Pitzen in the W 1/2 NW 1/4 N of Hwy exc .01 ac Hwy, Section 10, Adams Twp to extract gravel from a knoll on the site. The existing land use is agricultural and zoning is

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rural. Surrounding land use and zoning is as follows:
North - Agricultural, zoned rural; South - Adams Country
Club, zoned rural; East - Mixed, zoned Commercial; West -
Agricultural, zoned rural.

Jim Osmundson explained that they will use the gravel for
fill purposes. They need 2 - 10,000 yards in the vicinity
of Pitzens.

Mrs. Ulwelling asked if they would be taking the fill out or
stockpiling. Mr. Osmundson said they would be mostly taking
it out but possibly piling on the pasture. They can exit
the property on Hwy 56 or the township roads.

Mr. Shaw made a motion to add a condition that the
petitioner be responsible for maintaining and repairing any
damage that is done to the township road during the
operation of the gravel pit to the satisfaction of the Adams
Township Board. The motion was seconded by Mr. Hillier and
passed unanimously.

Mr. Shaw then made a motion to recommend approval of the
conditional use permit to operate a gravel pit with the
following conditions:

- 1) A gate will be located at the entrance and closed
and locked when the pit is not in operation.
- 2) A "No Trespassing" sign will be posted at the
entrance.
- 3) Soil erosion and runoff will be controlled in an
acceptable fasion, approved by the Mower County Soil and
Water Conservation Officer.
- 4) A detailed plan of regrading and revegetation of the
site at the conclusion of operations per Article IV of the
Code.
- 5) The gravel pit sides, when restored, will have a
slope no greater than 3:1 (horizontal:vertical).
- 6) Extraction of gravel shall remain at least twenty
(20) feet from all adjoining property lines.
- 7) Extraction of gravel shall be no closer than forty
(40) from the road right-of-way.
- 8) The petitioner shall be responsible for maintaining
and repairing any damage that is done to the township road
during the operation of the gravel pit to the satisfaction
of the Adams Township Board.
- 9) A \$10,000.00 performance bond must be posted with
the County Auditor.
- 10) The permit will expire June, 1991.

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The motion was seconded by Mr. Hill and passed unanimously. Ms. Losness announced that the petition would be heard by the County Board on July 5, 1988, at 2:00 p.m.

CUP 386 - Conditional Use Permit for a Gravel Pit - Osmundson Brothers/James A. Bergene: Mr. Franklin read the staff report. Osmundson Brothers are requesting a conditional use permit to operate a gravel pit on property owned by James A. Bergene in the NW 1/4 NE 1/4 of Section 1 in Adams Township. The existing and surrounding land use is agricultural and zoning is rural.

Mr. Osmundson told the Commission that there is about 30,000 yards of usable material of which 17-20,000 will be used for blacktopping Mower County. They expect to be done by fall or next spring. The restoration will contour into the existing hole at the site. They plan to treat the roads to control the dust problem.

Mr. Shaw made a motion to recommend approval of the conditional use permit for a gravel pit with the following conditions:

- 1) A gate will be located at the entrance and closed and locked when the pit is not in operation.
- 2) A "No Trespassing" sign will 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 Officer.
- 4) A detailed plan of regrading and revegetation of the site at the conclusion of operations per Article IV of the Code.
- 5) The gravel pit sides, when restored, will have a slope no greater than 3:1 (horizontal:vertical).
- 6) Extraction of gravel shall remain at least twenty (20) feet from all adjoining property lines.
- 7) Extraction of gravel shall be no closer than forty (40) feet from the road right-of-way.
- 8) The petitioner shall be responsible for maintaining and repairing any damage that is done to the township road during the operation of the gravel pit to the satisfaction of the Adams Township Board.
- 9) A \$10,000.00 performance bond must be posted with the County Auditor.
- 10) The permit will expire June, 1991.

The motion was seconded by Mr. Werner and passed unanimously. Ms. Losness announced that the petition would be heard by the County Board on July 5, 1988, at 2:00 p.m.

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Petition for Rezoning from Rural to Commercial - Thomas Bartholomew: Mr. Franklin read the staff report. Thomas Bartholomew is requested that his property in Section 12 of Austin Township (W 2178 feet, N 200 feet, S 1084 feet, SW 1/4) be rezoned from rural to commercial to allow him to sell crafts and used merchandise from the barn on his property. The existing land use is residential and zoning is rural. Surrounding land use and zoning is as follows: North-Agricultural, zoned rural; South-Agricultural, zoned rural; East-Agricultural, zoned rural; West-Residential, zoned rural.

Mr. Bartholomew told the Commission that he plans to sell used furniture and new and used jewelry which he feels will generate only about four to five cars at a time. It would be his own merchandise.

Larry Bunker, adjacent property owner to the south, told the Commission that rezoning the property commercial would do nothing to enhance his property values and he is against it. He pointed to the many available lots already zoned commercial and didn't feel any more commercially zoned property was needed.

Kurt Potach, area resident, also spoke against the rezoning citing property devaluation and the loss of control when a property is zoned commercial as it could be used for almost anything.

Wayne Boldner, area resident, spoke against the petition because once the land is zoned it could be used for any commercial use.

Dorothy Byam, area resident, spoke against the petition saying it would disrupt the residential nature of the area.

Mrs. Ulwelling stated that this would be a spot zone which the Commission is opposed to allowing.

Mr. Werner made a motion to deny the rezoning because it would be a spot zone and would be incompatible with the surrounding land use. The motion was seconded by Mr. Braaten and passed unanimously.

Bill Buckley - Sewer Complaint: Mr. Buckley presented the Commission with a letter to Lorraine Heus who owns property on County Road #16 north of Austin which has waste water discharging into the right-of-way. He asked the Commission to instruct the property owner to reconstruct the entire sewer system within thirty days.

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After some discussion, Mr. Werner made a motion to instruct Mr. Buckley to order that the system be in compliance with the Mower County Code within thirty days. The motion was seconded by Mr. Shaw and passed unanimously.

There being no further business to discuss, the meeting was adjourned at 9:40 p.m. on a motion made by Mr. Braaten, seconded by Mr. Hill and passed unanimously.

Respectfully submitted,


Katie Losness