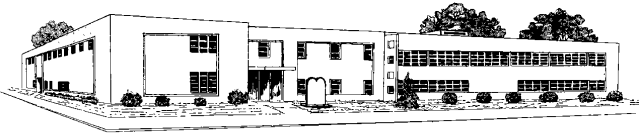


MOWER COUNTY

AUSTIN, MINNESOTA

55912



July 30, 1991

Minutes of the Mower County Planning Commission Regular Meeting

Members Present: Gary Braaten, Don Johnson, MeriJo Lonergan, Don Olson, Oliver Hillier, Keith Voorhees, Herb Hanson, Bob Werner

Members Absent: Julie Lura

Others Present: Pat Oman, Daryl Franklin, Katie Losness-Larson

Chair Hanson called the meeting to order at 8:00 p.m. on Tuesday, July 30, 1991, in the Commissioner's Conference Room of the Mower County Courthouse in Austin, Minnesota. The minutes of the June 11, 1991, meeting were approved as mailed on a motion by Mr. Olson, seconded by Mr. Hillier and passed unanimously.

Conditional Use Permit #426 for Gravel Extraction in the Agricultural District - Adrian Gaard: Ms. Losness-Larson read the staff report. Mr. Gaard is requesting a conditional use permit to allow gravel extraction on his property in SW 1/4, Section 30 of Red Rock Township. His intent is to extract gravel from high spots on his farm to fill in low spots with excess taken off-site by contractor. The existing and surrounding land use is agricultural and zoning is Agricultural District.

Adrian Gaard explained that Mr. Bustad is extracting sandy soil from spots on his property and replacing with better fill for farming. The contours will remain essentially the same when completed and he will be done by fall.

Delmar Ellis, neighboring property owner, expressed concern that the fill brought in may be contaminated and will ultimately contaminate his well which is about fifty feet from the extraction. He said he used to own the land and this has been done before, claiming Mr. Gaard was only doing it for spite.

Chair Hanson referenced he and Mr. Braaten's visit to the site stating that if it is filled in as soon as possible he sees no problem with it. After further discussion, a motion was made by Mr. Braaten to recommend approval of CUP #426 with the following conditions:

- 1) The extraction of materials shall remain at least 20 feet from adjacent property lines and 40 feet from the road right-of-way.
- 2) A \$10,000 performance bond must be posted with the County Auditor.

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- 3) This permit shall expire November 1, 1991, at which time all topsoil shall be replaced on excavated area.

The motion was seconded by Mr. Vorhees and passed unanimously. Ms. Losness-Larson announced that the County Board hearing would be held on August 6, 1991, at 1:45 p.m.

Renewal of Conditional Use Permit #303 for a Demolition Landfill in the Agricultural District - Wallace Bustad: Ms. Losness-Larson read the staff report. Wallace Bustad is requesting renewal of CUP #303 to continue operation of his demolition landfill and temporary storage of concrete at his site in Section 15 of Austin Township (15 acres S 1/2 NE 1/4). The existing land use is demolition landfill and temporary storage of concrete and zoning is Agricultural District. A brief history of the permit was reviewed.

Mr. Bustad spoke in favor of the renewal. Louise Lingbeck stated that her house is within 200 feet from the site and it has only been within the last year that Mr. Bustad has been complying with his permits. She further stated that the storage of concrete is for crushing/recycling and they have already put up with enough noise and dirt from the trucks. She feels it would be ridiculous to change the ordinance to allow crushing/recycling as that is a commercial business and the area is rural residential.

Pat Oman, County Attorney, stated that the issue of recycling is new and the ordinance has not been changed to address this use. Nancy Heimsness, area resident, stated that she feels that stockpiling of concrete is in direct violation of the current permit conditions stating that as areas of the site are brought to elevation they should be covered and seeded. Ms. Losness-Larson clarified that the concrete is being stored on previously filled areas of the site and those conditions refer to areas that have not been filled.

Evan Larson, attorney representing Mr. Bustad, stated that when Mr. Bustad applied for the renewal they included the temporary storage of concrete in their application in order to have it formally acted upon. Prior to this they had received permission from Mr. Buckley and MPCA officials to stockpile. They are requesting formal endorsement of what county and state officials have allowed. He stated that most of the concrete is from county road projects and the intent is to stockpile concrete until such time as they can bring in a crusher to crush for about three to five days. They are requesting the permit be reissued and stockpiling be allowed on the site.

Lee Hanson, local contractor, stated that when he started looking for a site to store concrete he was told he would need to have a demolition landfill permit to recycle which is why this site was chosen.

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Ron Skjevland, area resident, spoke in opposition stating that this has been carrying on further than it needs to be. Art Peck, area resident, stated that he feels the current permit does not allow stockpiling and what the PCA allows is irrelevant. He wanted to know why the permit hasn't been enforced. Nancy Heimsness stated that the purpose of the permit was to allow holes in the ground to be filled and if he is allowed to stockpile it will continue on and on. The purpose of the requirement to cover the concrete is to control rat problems, therefore allowing stockpiling encourages these problems. She feels that the Industrial Park is an appropriate location for this type of use.

Mr. Olson questioned how big an area the stockpile is now and what is anticipated in the future. Mr. Bustad stated that it is approximately 300 square feet, 6,000 cubic yards with an approximate height of 12-15 feet.

Mr. Oman recommended that until a decision is made regarding changing the ordinance to allow recycling/crushing, no additional stockpiling be allowed.

Del Lingbeck, area resident, spoke in opposition to the permit and asked that the Commission not allow this commercial use into their area.

Richard Morgan, area resident, spoke in favor of the petition, stating that he has experienced no problems with the landfill. He stated that this is progress and while it is sometimes inconvenient, progress must be allowed to happen.

Mr. Werner asked the investigating committee if they had seen anything besides concrete. Mr. Braaten stated they did not but if the stockpile was not there, it would be easier to finish the site. Mr. Hillier questioned whether the material is valuable enough to warrant moving it to another site. Lee Hanson again stated that this is the only place to take concrete in the city and county and therefore, it is needed.

After further discussion, a motion was made by Mr. Braaten to recommend approval of renewal of CUP #303 for a demolition landfill with the following conditions:

- 1) The petitioner must comply with regulations of the Minnesota Pollution Control Agency regarding demolition landfills and secure a MPCA demolition landfill permit.
- 2) Petitioner must secure a Mower County Solid Waste Permit.
- 3) The final grade plan, which was previously submitted showing finished elevations, including property line elevations, shall be attached to this permit.
- 4) A gate shall be located at the entrance to the demolition landfill and access restricted by appropriate measures.
- 5) A "No Trespassing" sign shall be posted at the entrance.

- 6) Access to the demolition landfill shall be from County Road #28 only.
- 7) A MPCA certified operator must be on-site whenever a load of demolition debris is brought to the facility.
- 8) The demolition landfill shall operate only between the hours of 7:00 a.m. and 9:00 p.m.
- 9) As areas of the total site are brought to their finished elevation, they shall be seeded down to control erosion in an acceptable fashion.
- 10) Current temporary storage of concrete is allowed but no additional concrete may be brought into the site until such time as a separate permit for storage and recycling/crushing is acted upon.
- 11) Petitioner must have in effect at all times a performance bond in the amount of \$20,000.
- 12) This permit is up for renewal in August, 1993.

The motion was seconded by Mr. Olson and passed unanimously. Ms. Losness-Larson announced that the County Board hearing would be held on August 6, 1991, at 1:45 p.m.

Proposed Amendment to the Mower County Zoning Ordinance Re: Crushing/Recycling of Concrete: Ms. Losness-Larson read the staff report. The County Board had requested the Planning Commission to review and recommend the incorporation of the land use of temporary storage and crushing/recycling of concrete into the Zoning Ordinance. It is staff's recommendation that this use be allowed as a conditional use in the Agricultural District by amending ordinance as follows: add (s) Temporary storage, crushing/recycling of concrete to Section 14-51 of the Mower County Zoning Ordinance.

After some discussion, Mr. Vorhees made a motion to make that recommendation to the Board. The motion was seconded by Ms. Lonergan and passed unanimously.

Discussion of County Building Code - Don Anderson, State of Minnesota: Mr. Anderson related reasons for county adoption of the Uniform Building Code. He stated that several counties have recently adopted the Code. He feels it simply makes sense particularly in Mower County where we have stringent land use controls but no regulations for buildings. Contractors can take advantage of people when there is no Uniform Building Code enforcement. He thinks it is in everyone's best interest to get back to good, consistent, safe construction.

Mr. Anderson referenced the State's position that all public buildings must be regulated by the Uniform Building Code due to previous situations of poor construction resulting in injuries and damage. Steele County adopted the Code effective July 1st and Dodge County is currently considering it.

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Mr. Anderson then told the Commission how enforcement can be handled. It is user-fee based and with a joint-powers agreement among the municipalities and the county the costs can be shared. Inspection can be done by cross-training planners and environmental health officers; government can contract with a certified building inspector for inspection with a percentage of the fees to the inspector and rest to county; or possibly contract with the City of Austin Building Inspector with a joint powers agreement.

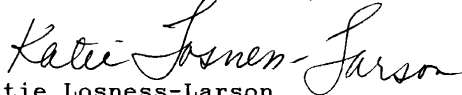
The Uniform Building Code applies to dwellings only; agricultural buildings are exempted from code compliance. Steele County adopted the highest fee structure which amounts to approximately \$500 building permit fee for a \$100,000 house.

After further discussion, it was determined that some members of the audience were opposed to the Building Code because of the cost of the building permit and the time lost waiting for an inspector.

After more discussion, a motion was made by Mr. Johnson to pass this on to the County Board for further study and public hearings. The motion was seconded by Mr. Hillier and passed on a 7-1 vote.

There being no further business to discuss, the meeting adjourned at 10:05 p.m. on a motion by Mr. Werner, seconded by Mr. Olson and passed unanimously.

Respectfully submitted,



Katie Losness-Larson
Planning Director