

MOWER COUNTY

AUSTIN, MINNESOTA

55912



Minutes Mower County Planning Commission

Members Present: Herb Hanson, Greta Kraushaar, Meri Jo Lonergan, Oliver Hillier, Don Olson, Keith Vorhees, Gary Braaten, Robert Werner

Members Absent: None

Others Present: William C. Buckley

Chair Herb Hanson called the meeting to order at 7:00 p.m. on Tuesday, May 25, 1993, in the Conference Room of the Mower County Courthouse, Austin, Minnesota. Minutes of the April 27, 1993, meeting were approved as mailed on a motion by Keith Vorhees, seconded by Robert Werner, passed unanimously.

Conditional Use Permit #424 - Ulland Bros Renewal of the conditional use permit for gravel and sand extraction. Staff report was presented. Mr. Ken Johnson from Ulland Brothers asked for a two year extension of the CUP at which time the pit will be exhausted. Opposition: Mr. Russell Engel opposed the plan because of the dust. He lives straight West of the gravel pit entrance. Mr. Johnson stated that they have attempted various means to keep the dust in control due to the safety hazard posed to the drivers of the trucks. They will attempt more dust control in the future. Ms. Martha Eng complained about the noise in the early morning. Mr. Johnson explained that due to construction schedules that it was impossible to work on a 8:00 to 5:00 day. After some discussion, a motion was made by Gary Braaten, seconded by Don Olson, that the Conditional Use Permit was in accordance with Section 14-31 of the Mower County Code and recommended approval of the CUP with the following conditions:

- 1) Excavation must be in accordance with site and plan drawings and cross sections.
- 2) Excavation must be 40 feet from the road right-of-way.
- 3) This permit will expire June 31, 1995.
- 4) Petitioner will file and maintain a \$9,500 Restoration Bond on the site until June, 1997.
- 5) The petitioner must bring the township road back to the previous condition.
- 6) Petitioner must comply with Section 14-143 Land Rehabilitation.

Motion passed unanimously.

Conditional Use Permit #460 - John Grass - Conditional Use Permit for an additional farm dwelling per farm operation in the Agricultural District. Staff report was read. After some discussion, a motion was made by Don Olson, seconded by Greta Kraushaar, that the Conditional Use Permit was in accordance with Section 14-31 of the Mower County Code and recommended approval of the CUP with the following conditions:

- 1) The site be strictly limited to the parents of Mrs. Grass and that when they no longer need it that it be removed and not be rented to other individuals.
- 2) That the owner comply with memo from William C. Buckley, Environmental Health Director, dated April 20, 1993, concerning the on-site waste disposal system.

Motion passed unanimously.

Change of Zoning #136 - Wally Bustad and Mower County Planning Commission Rezoning of St. Michaels Addition in Section 21 of Lansing Township. Staff report was read. Wally Bustad explained that originally he intended to have a yard-waste transfer site at a location in St. Michaels. The purpose of the rezoning is to bring the zoning into conformance with the usage. Opposition: Mrs. Daniel Pryztarski complained on the pile of pallets stored at a site owned by Wally Bustad. Mr. Buckley explained that this was not allowed under I-1 or B-1 and that action was being taken on this matter. A number of comments were made on the burying of concrete and blacktop in the area. Harold Boverhuis, Chair of Lansing Township, stated that the Township Board feels the rezoning to the residential is correct except the Board objects to the rezoning of B-1 to I-1. The Township Board feel that I-1 could allow for uses that are not necessary next to a residential area. Chair Hanson asked for an informal show of hands in favor and opposition. A motion was made by Greta Kraushaar, seconded by Keith Vorhees that the Conditional Use #136 be tabled until the June meeting of the Planning Commission. Passed unanimously.

Conditional Use Permit #407 - Austin Sanitation - Amendment to the Conditional Use Permit to allow for public access. Staff report was presented. Opposition: Mr. Ronald Noble (lives North of site) complained about rats and flies. Nancy Byam (lives East of site) objects to the traffic on the gravel township road. She feels that the road is unsafe. Mr. Robert Peterson objected to the dust that is created by the trucks on the road. He also stated that he has

a problems with rats also. Mr. Perry Byam objected to changing the permit and the traffic on the road. Dean Anderson stated that he did not feel the traffic was that bad and that he has never seen a rat at the compost pile or at his building site near the site. They need their composting site open to the public to remain competitive with other composting sites. The Anderson's stated that the composting site would be manned when open to the public and that they limited the amount of time they would allow public access to please their neighbors. All composting materials dropped off would be natural - grass, leaves, small twigs. Any garbage brought out would be returned with who attempted to drop it off. Harold Boverhuis, Chair of Lansing Township, stated that the township could put up safety signs on the road. A motion was made by Don Olson, seconded by Mary Jo Lonergan that Conditional Use Permit #407 was in accordance with Section 14-31 of the Mower County Code and recommended approval of the amendments to the CUP:

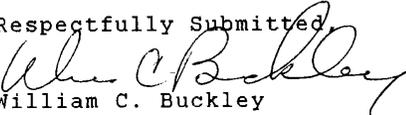
- 1) Amend condition #5 so that permit reads site is open to the public.
- 2) Add that hours of operation shall be as follows:
April 15 to May 15 open 9:00 a.m. to 5:00 p.m.
Monday through Friday.
September 15 to October 31 open 9:00 a.m. to 6:00 p.m.
Monday through Friday and 9:00 a.m. to noon on Saturday.
- 3) Petitioner/Owner shall be responsible for removal of illegally dumped yard-waste in the Township right-of-way for 100 feet north and 100 feet south of the entrance.

Motion passed with a 6-0 vote. Mr. Oliver Hillier abstaining.

Diane Palumbo Sewer Complaint - Property owned by Diane Palumbo in Section 5 of Windom Township on County Road 46. A complaint was received that sewage is overflowing onto the yard and impacting the neighbors as well. Also, there is waste water going into the ditch from a tile. An investigation from the Environmental Health Department found water standing on top of the ground over the septic tank. A test was conducted on this sample and the lab results showed a high fecal count in excess of State and County Standards. The discharge is in violation of County Code because of the bacterial content. Kermit Thomas and two other neighbors were present to comment on the septic tank failure and their concern over children and animals getting in the waste. There was also concern expressed over the smell, flies and pollution. A motion was made by Keith Vorhees, and seconded by Greta Kraushaar to bring the system into compliance by the terms William Buckley sets forth and that he is to take whatever legal action is necessary if it is not brought into compliance. Motion passed unanimously.

There being no further business, the meeting adjourned at 9:10 p.m.
on motion by Keith Vorhees, seconded by Greta Kraushaar, motion
passed unanimously.

Respectfully Submitted,


William C. Buckley
Environmental Health Director

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