

## Mower County Planning Commission

### Minutes of the Mower County Planning Commission

Members Present: Bev Weness Harold Boverhuis, Brian McAlister, Myles Bendtsen and Len Miller

Members Absent: Vance Larson, Diane Benson and Sheldon Lukes

Others Present: Citizens, Lee Bonorden (Austin Daily Herald), Amy Olson (Austin-Post Bulletin) Glen Jacobsen (Mower Co. Asst. Attorney), Denise Mudra and Daryl W. Franklin

Chair Len Miller called the regular meeting to order at 7:00 p.m. on Tuesday, February 29, 2000 at the Mower County Courthouse, 201 1st Street NE, Austin, Minnesota. Minutes of the December 29, 1999 minutes were approved as mailed on a motion by Harold Boverhuis seconded by Myles Bendtsen. The motion passed unanimously.

Len Miller welcomed the newest member Bev Weness she is replacing Mary Jo Lonergan.

Election of Vice Chair- Chair Miller Explained the need to elect a Vice Chair. A motion was made by Harold Boverhuis to nominate Brian McAlister, Len Miller called for additional nominations three times a motion was made by Myles Bendtsen and seconded by Harold Boverhuis to cast a unanimous ballot for Brian McAlister.

The motion passed unanimously.

**CUP #554 Tim & Linda Koch.** Condition use permit #554 to operate a quarry applicable to section 14-51 (l) of the Mower County Zoning Ordinance, SE1/4 SW1/4 of section 35 Leroy Township, 49 acres.

***Staff Presentation: Reference*** was made to the site investigation performed by the Planning Commission on February 24, 2000. Staff report, map and narrative as required under County Code was presented. Staff walked through the detailed maps with the Planning Commission & Citizens. ***Applicant's Presentation:*** Mr. Koch stated that from his perspective, everything was presented in a reasonable fashion. ***Statement from the Public:*** There were several citizens present and spoke against the petition. Jerry Brandau raised the following concerns, lowering his property value, blasting, potential well interference and traffic & dust on the road. Darlene Lestrude had similar

concerns. Tim Kock asked if LeRoy Township would do dust control. Bill McClain stated that the Townboard would have to consider this request. **Conclude the Public Hearing:** Len Miller closed the public hearing. A motion was made by Brian McAlister, seconded by Harold Boverhuis to recommend approval of CUP #454 because it is in accordance with Section 14-31 of the County Code with the following conditions.

1. The quarry operation including stockpiles of material must remain out of the floodplain of the Upper Iowa River.
2. A \$3,500 Restoration Bond (\$2,000 Restoration Bond for the first acre, plus \$750 for each additional acre or part of an acre based on 3 acres) must be posted with the county Auditor valid through June 30, 2010. The bond doesn't need to be posted until operation starts.
3. A "No Trespassing" sign shall be posted at the entrance.
4. Comply with Article IV Excavation of Earth Products of the Mower County Code
5. Extraction of materials shall be limited to areas as delineated on the site plan.
6. The quarry operation shall be limited to the site plan. Modifications shall require an amendment to this CUP.
7. Extraction of gravel/sand/limestone shall remain at least twenty (20) feet from all adjoining property lines and forty (40) feet from the road right-of-way.
8. Access to & from the quarry shall be limited to the west on the township road (stateline) with all trucks going directly to CSAH.
9. Hours of operation 7:00 A.M. to 7:00 P.M. Monday - Saturday
10. Blasting will be performed by a licensed and bonded operator.
11. Secure DNR Appropriations permit.
12. Secure MPCA NPDES permit.
13. Mower County staff shall inspect the site at least once a year to guarantee compliance with conditions.
14. Permit will expire on December 31, 2009.
15. Access/Driveway to be cost of petitioner.
16. Petitioner/Owner shall be required to cure the violations under procedures of the Mower County Zoning Ordinance as it exists or may hereafter be amended. Mower County shall have all rights to abate any violations by such remedies as may be available to it under any applicable statute.

Motion Passed Unanimously

It was stated that the County Board will be acting on the petition at the March 7<sup>th</sup>. Meeting at 1:30 p.m.

**CUP #555- Loyd Van Buskirk.** Conditional use Permit #555 for maintenance of farm machinery, other activities associated with the commercial Services of Sargeant, MN, and dynamic testing of automotive, industrial and agricultural engines applicable to Section 14-51 (m) & (u) of the Mower County Zoning Ordinance, NE1/4 of Section 7, Dexter Township, 2.68 acre parcel.

**Staff Presentation: Reference** was made to the site investigation performed by the Planning Commission on February 24, 2000. Staff report and map were presented. **Applicant's Presentation:** Mr. Van Buskirk explained the operation and its relationship to the sites plan. He explains how the 2.68 parcel would be used. He called upon his attorney Dick Bell to explain how they would be in compliance with MPCA noise regulation. He stated he had discussed the proposal with Brian Timmerson of MPCA. **Statement from the Public: Len Miller** called upon Vern Bergstrom from Dexter Township Board for their position. Mr. Bergstrom stated the Township didn't have any concern about the proposal usage. Dale Richardson also spoke in favor of this proposal. **Conclude the Public Hearing:** Len Miller closed the public hearing. A motion was made by Harold Boverhuis, seconded by Bev Weness to recommend approval of CUP #555 because it is in accordance with Section 14-31 of the County Code with condition.

1. The operation is limited to the 2.68 parcel as shown on the submitted site plan. .
2. All testing will be in an enclosed building.
3. Noise levels will not exceed MPCA standards.
4. Limit outside storage to no more than 40 pieces of equipment.
5. Permit will expire March 1, 2010.
6. Petitioner/Owner shall be required to cure the violations under procedures of the Mower County Zoning Ordinance as it exists or may hereafter be amended. Mower County shall have all rights to abate any violations by such remedies as may be available to it under any applicable statute.

The Motion Passed Unanimously

It was stated that the County Board will be acting on the petition at their March 7th, 2000 meeting at 1:30 p.m.

There being no further business, the meeting adjourned at 8:20 p.m. on a motion by Harold Boverhuis, seconded by Sheldon Lukes. The motion passed unanimously.

Respectfully Submitted,



Daryl W. Franklin  
Mower Co. Planning Director

drz