

**OFFICIAL PROCEEDINGS OF THE  
RICE COUNTY PLANNING COMMISSION  
Commissioner's Room / Government Services Building  
Thursday, April 5, 2018 at 7:00 p.m.**

**I. Call to Order**

- A. Roll Call - The meeting was called to order by Chair Tom Sammon at 7:10 p.m. Members present were: Tom Sammon, Preston Bauer, Michael Streiff, Aramis Wells. Commissioners present were: Jeff Docken. Staff present were: Director Julie Runkel, Zoning Administrator Trent McCorkell, Planner Nicole Bonde-Jones, Administrative Coordinator Anna Aguilar. Others present: see sign-in sheet.

**B. Reading of Notice**

**Motion by Bauer, seconded by Streiff, to read the notice into the minutes.**

<b>RESULT:</b>	Approved [Unanimous]
<b>AYES:</b>	Streiff, Bauer, Sammon, Wells
<b>ABSENT:</b>	Peters

**C. Motion by Streiff, seconded by Bauer, to approve the agenda as presented.**

<b>RESULT:</b>	Approved [Unanimous]
<b>AYES:</b>	Streiff, Bauer, Sammon, Wells
<b>ABSENT:</b>	Peters

**D. Motion by Bauer, seconded by Streiff, to approve the minutes of March 1, 2018.**

<b>RESULT:</b>	Approved [Unanimous]
<b>AYES:</b>	Streiff, Bauer, Sammon, Wells
<b>ABSENT:</b>	Peters

**II. Old Business**

**1. WOP/Perkins (Kuelbs) - Section 18, Webster Township**

Yvonne Perkins, on behalf of landowner Joseph Kuelbs, has applied for a Waiver of Plat to create a 2.5 acre single-family dwelling site through the use of Transfer Development Right. The property is described as: Part of the SE1/4 of the SW1/4 of Section 18, Webster Township, Rice County, Minnesota. PID #: 02.18.3.75.002. The property is Zoned A, Agricultural.

**Motion by Streiff, seconded by Bauer, to table until May 3<sup>rd</sup> the Waiver of Plat for Yvonne Perkins on behalf of landowner Joseph Kuelbs. This property is located in Section 18 of Webster Township.**

<b>RESULT:</b>	Tabled [Unanimous]
<b>AYES:</b>	Streiff, Bauer, Sammon, Wells
<b>ABSENT:</b>	Peters

**Perkins (Kuelbs) - Waiver of Plat**

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**Hearing Minutes:**

Zoning Administrator Trent McCorkell (TM) presented the applicants request to table this

until the May 3, 2018 Planning Commission (PC) meeting.  
Yvonne Perkins contacted staff by email asking that the item be put off until the May meeting because she is out of town.

Motion to table this request until May 3, 2018 made by Streiff, seconded by Bauer, and approved.

### III. New Business

#### 1. TEPP/Kiellmeyer (Webster) - Section 34, Webster Township

Corey Kiellmeyer, on behalf of Kiellmeyer Construction Inc, has requested a Temporary Equipment Placement Permit to place and operate an aggregate crushing operation during the 2018 construction season. This property is described as: The NW1/4 of the NE1/4 of Section 34, Webster Township, Rice County, Minnesota. The property address is: 8127 Chester Ave, Northfield, MN 55057. PID #: 02.34.1.25.001. The property is Zoned A, Agricultural.

**Motion by Streiff, seconded by Bauer, to recommend approval of the Temporary Equipment Placement Permit with the following conditions and findings for Corey Kiellmeyer, on behalf of Kiellmeyer Construction Inc. This property is located in Section 34 of Webster Township.**

<b>RESULT:</b>	Referred for Approval [Unanimous]
<b>AYES:</b>	Streiff, Bauer, Sammon, Wells
<b>ABSENT:</b>	Peters

#### **CONDITIONS OF APPROVAL - Kiellmeyer - Temporary Equipment Placement Permit**

1. The permittee shall comply with all rules, regulations, requirements, or standards of the Minnesota Pollution Control Agency, Minnesota Department of Natural Resources, Army Corps. Of Engineers and other applicable federal, state or local agencies.
2. The applicant or operator shall furnish a one-year \$50,000 bond or other financial surety for haul road and site restoration.  
All financial surety shall be reviewed and approved by the Rice County Attorney's office.
3. This TEPP is to allow for an aggregate crushing operation and shall be valid from April 24, 2018 until December 24, 2018.
4. The hours of operation shall be limited to between the hours of 7 a.m. and 7 p.m., Monday through Friday, and 7 a.m. to 3 p.m. on Saturdays. Warming and maintenance of equipment shall be allowed one-hour prior to operation starting hours.
5. Applicant to be responsible for repair of county, state and township roads adjacent to the site due to damage hauling from the site. Roads to be restored to their original condition after the aggregate crushing operation ceases.
6. All access drives within the pit and to the paved area of Chester Ave shall be treated with a dust control product (such as calcium chloride), or shall have water applied. Treatments or applications for dust control shall be applied and maintained in a condition to prevent airborne dust, originating from the pit access drives, from leaving the property during times of mining or processing activities on the property.
7. Applicant to strictly adhere to all Rice County codes and ordinances.

8. "Trucks Hauling" signs with red flags are to be posted in locations to be determined by the County Highway Engineer when hauling from the site and to be removed when hauling is not taking place.

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**Hearing Minutes:**

Zoning Administrator Trent McCorkell (TM) presented the request to the Planning Commission (PC).

PB - Have there been any issues with none compliance with the prior permit?

TM - I have not received anything recently, no.

MS - Was there a permit on this last year?

TM - Yes, there were similar permits 2015 through 2017. The last three years there have been. I am not sure if they actually operated out of that site any of those times but the permits were issued so they could.

The PC asked the applicant, Corey Kielmeyer (CK), to come forward to add comments or answer questions regarding the request.

CK - We are looking to put up stock piles for local work. Nothing big, just my yearly permit.

TS - You are aware of the 8 conditions?

CK - Yes.

JD - There is some concern about getting real close to 60th Street there? Do you have some ideas on how you are going to handle that before it falls into the pit?

CK - Yes, we got that close because we are going to start reclaiming in that corner. As the years go, it will get filled in. Right adjacent to that, to the east, is a big clay bank. We are going to take it over.

Chair Sammon opened the public testimony portion of the item to the public and the following spoke:

Dewey Harnack (DH) - Webster Township - The only concern we have is on the application is that we ask something be put in about maintaining our blacktop road so it does not get broke up. We have had this issue many times over.

TS - I am going through the conditions, I thought there was one in here that covered that.

PB - Which road is that?

DH - Chester Avenue. Just off of HWY 19.

PB - Do you know what the specs are for that road?

DH - When Joe White first started operating out of there, he black topped the road for his trucks to haul out of there and keep the dust down so he wouldn't have to water it. Since then the blacktop is starting to get broke up because of the heavy loads. We would like to make sure that gets taken care of maintenance wise.

PB - Does the Township have an agreement with the owner, or White prior?

DH - No, White took it upon himself to blacktop it and ever since we have been trying to keep the blacktop there because some of the neighbors don't like the dust.

TS - Condition #5 states that they applicant is responsible for repair of County, State, and Township roads adjacent to the site due to damage hauling from the site. I think we have that covered.

Chair Sammon closed the public testimony portion of the item to the public.

Discussion:

PB - Regarding the road, condition #2 is the bond for haul road and site restoration.

MS - I think between conditions #2 and #5, everything is covered.

Motion to recommend approval with stated conditions and findings made by Streiff, seconded by Bauer, and approved.

**2. TEPP/Kiellmeyer (Wheeling) - Section 10, Wheeling Township**

Corey Kiellmeyer, on behalf of Kiellmeyer Construction Inc, has requested a Temporary Equipment Placement Permit to place and operate an aggregate crushing operation during the 2018 construction season. This property is described as: The NE1/4 of the NW1/4 of Section 10, Wheeling Township, Rice County, Minnesota. The property address is: 15905 Johnson Trl, Nerstrand, MN 55053. PID #: 12.10.2.00.001. The property is Zoned A, Agricultural.

**Motion by Bauer, seconded by Wells, to recommend approval of the Temporary Equipment Placement Permit with the following conditions and findings for Corey Kiellmeyer, on behalf of Kiellmeyer Construction Inc. This property is located in Section 10 of Wheeling Township.**

<b>RESULT:</b>	Referred for Approval [Unanimous]
<b>AYES:</b>	Streiff, Bauer, Sammon, Wells
<b>ABSENT:</b>	Peters

**CONDITIONS OF APPROVAL - Kiellmeyer - Temporary Equipment Placement Permit**

1. The permittee shall comply with all rules, regulations, requirements, or standards of the Minnesota Pollution Control Agency, Minnesota Department of Natural Resources, Army Corps. Of Engineers and other applicable federal, state or local agencies.
2. The applicant or operator shall furnish a one-year \$50,000 bond or other financial surety for haul road and site restoration.  
All financial surety shall be reviewed and approved by the Rice County Attorney's office.
3. This TEPP is to allow for an aggregate crushing operation and shall be valid from April 24, 2018 until December 24, 2018.
4. The hours of operation shall be limited to between the hours of 7 a.m. and 7 p.m., Monday through Friday, and 7 a.m. to 3 p.m. on Saturdays. Warming and maintenance of equipment shall be allowed one-hour prior to operation starting hours.
5. Applicant to be responsible for repair of county, state and township roads adjacent to the site due to damage hauling from the site. Roads to be restored to their original condition after the aggregate crushing operation ceases.
6. Within the pit property all access drives shall be treated with a dust control product (such as calcium chloride), or shall have water applied. Treatments or applications for dust control shall be applied and maintained in a condition to prevent airborne dust, originating from the pit access drives, from leaving the property during times of mining or processing activities on the property.
7. The access drive from the pit property to the paved county roadway shall be treated with calcium chloride or another similar performing dust control product. Application shall be done a minimum of two times per year, once before May 31<sup>st</sup> and again in August. In addition to the placement of the dust control materials, water will be applied to dampen the surface of the access drive in times of high truck traffic or when deemed necessary by a Township or County representative
8. Applicant to strictly adhere to all Rice County codes and ordinances.
9. "Trucks Hauling" signs with red flags are to be posted in locations to be determined by

the County Highway Engineer when hauling from the site and to be removed when hauling is not taking place.

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**Hearing Minutes:**

Zoning Administrator Trent McCorkell (TM) presented the request to the Planning Commission (PC).

PB - No issues with prior compliance?

TM - No.

The PC asked the applicant, Corey Kielmeyer (CK), to come forward to add comments or answer questions regarding the request.

CK - This pit has been fairly dormant. We are just waiting for some work out in that area. It is more of a storage yard. We do not have plans to crush there this year but if I do, I would rather have the permit.

Chair Sammon opened the public testimony portion of the item to the public and no one spoke.

Chair Sammon closed the public testimony portion of the item to the public.

Discussion:

PB - With the 9 conditions it looks like we have everything covered.

Motion to recommend approval with stated conditions and findings made by Bauer, seconded by Wells, and approved.

**3. TEPP/Kielmeyer - Section 12, Walcott Township**

Corey Kielmeyer, on behalf of Paul Donkers, has requested a Temporary Equipment Placement Permit to place and operate an aggregate crushing operation during the 2018 construction season. This property is described as: the S1/2 of the SE1/4 of Section 12, Walcott Township, Rice County, Minnesota. The property address is: 22762 Gates Ave, Faribault, MN 55021. PID #: 15.12.4.75.001. The property is Zoned A, Agricultural.

**Motion by Streiff, seconded by Wells, to recommend approval of the Temporary Equipment Placement Permit with the following conditions and findings for Corey Kielmeyer, on behalf of Paul Donkers. This property is located in Section 12 of Walcott Township.**

<b>RESULT:</b>	Referred for Approval [Unanimous]
<b>AYES:</b>	Streiff, Bauer, Sammon, Wells
<b>ABSENT:</b>	Peters

**CONDITIONS OF APPROVAL - Kielmeyer (Donkers) - Temporary Equipment Placement Permit**

1. The permittee shall comply with all rules, regulations, requirements, or standards of the Minnesota Pollution Control Agency, Minnesota Department of Natural Resources, Army Corps. Of Engineers and other applicable federal, state or local agencies.

2. The applicant or operator shall furnish a one-year \$50,000 bond or other financial surety for haul road and site restoration.

All financial surety shall be reviewed and approved by the Rice County Attorney's office.

3. This TEPP is to allow for an aggregate crushing operation and shall be valid from

April 24, 2018 until December 24, 2018.

4. The hours of operation shall be limited to between the hours of 7 a.m. and 7 p.m., Monday through Friday, and 7 a.m. to 3 p.m. on Saturdays. Warming and maintenance of equipment shall be allowed one-hour prior to operation starting hours.

5. Applicant to be responsible for repair of county, state and township roads adjacent to the site due to damage hauling from the site. Roads to be restored to their original condition after the aggregate crushing operation ceases.

6. All access drives within the pit and to the paved area of Gates Ave shall be treated with a dust control product (such as calcium chloride), or shall have water applied. Treatments or applications for dust control shall be applied and maintained in a condition to prevent airborne dust, originating from the pit access drives, from leaving the property during times of mining or processing activities on the property.

7. Applicant to strictly adhere to all Rice County codes and ordinances.

8. "Trucks Hauling" signs with red flags are to be posted in locations to be determined by the County Highway Engineer when hauling from the site and to be removed when hauling is not taking place.

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**Hearing Minutes:**

Zoning Administrator Trent McCorkell (TM) presented the request to the Planning Commission (PC).

TM - I should point out the difference in the ninth condition on the other permits and this one has eight. That has to do with the haul road. The one with the nine conditions has a gravel roadway that requires treatment, where the ones with eight conditions haul directly out to a paved roadway.

The PC asked the applicant, Corey Kielmeyer (CK), to come forward to add comments or answer questions regarding the request.

CK - This pit we are reclaiming along the line with the neighboring property, where the other mining operation is going. Once we get to the end of that property line, it will be done and reclaimed and they will be back farming it again.

TS - Is that asphalt plant on your pit or the other pit?

CK - The other one. We do share a driveway.

Chair Sammon opened the public testimony portion of the item to the public and no one spoke.

Chair Sammon closed the public testimony portion of the item to the public.

Motion to recommend approval with stated conditions and findings made by Streiff, seconded by Wells, and approved.

**4. TEPP/Crane Creek Asphalt - Section 12, Walcott Township**

Crane Creek Asphalt, on behalf of landowners Robert & Amy Gehrke, has requested a Temporary Equipment Placement Permit to place and operate a portable asphalt plant during the 2018 construction season. This property is described as: Part of the N1/2 of the SE1/4 of Section 12, Walcott Township, Rice County, Minnesota. PID #: 15.12.4.25.001. The property is Zoned A, Agricultural.

**Motion by Bauer, seconded by Streiff, to recommend approval of the Temporary Equipment Placement Permit with the following conditions and findings for Crane Creek Asphalt, on behalf of Robert & Amy Gehrke. This property is located in Section 12 of Walcott Township.**

<b>RESULT:</b>	Referred for Approval [Unanimous]
<b>AYES:</b>	Streiff, Bauer, Sammon, Wells
<b>ABSENT:</b>	Peters

**CONDITIONS OF APPROVAL - Crane Creek Asphalt (Gehrke) - Temporary Equipment Placement Permit**

1. The permittee shall comply with all rules, regulations, requirements, or standards of the Minnesota Pollution Control Agency, Minnesota Department of Natural Resources, Army Corps. Of Engineers and other applicable federal, state or local agencies.
2. The applicant or operator shall furnish a one-year \$50,000 bond or other financial surety for haul road and site restoration.  
All financial surety shall be reviewed and approved by the Rice County Attorney's office.
3. This TEPP is to allow for a portable asphalt operation and shall be valid from May 1, 2018 until December 31, 2018.
4. The hours of operation shall be limited to between the hours of 5 a.m. and 7 p.m., Monday through Friday, and 5 a.m. to 3 p.m. on Saturdays.
5. Applicant to be responsible for repair of county, state and township roads adjacent to the site due to damage hauling from the site. Roads to be restored to their original condition after the asphalt operation ceases.
6. All access drives within the pit and to the paved area of Gates Ave shall be treated with a dust control product (such as calcium chloride), or shall have water applied. Treatments or applications for dust control shall be applied and maintained in a condition to prevent airborne dust, originating from the pit access drives, from leaving the property during asphalt plant operation or hauling activities on the property.
7. Applicant to strictly adhere to all Rice County codes and ordinances.
8. "Trucks Hauling" signs with red flags are to be posted in locations to be determined by the County Highway Engineer when hauling from the site and to be removed when hauling is not taking place.

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**Hearing Minutes:**

Zoning Administrator Trent McCorkell (TM) presented the request to the Planning Commission (PC).

The PC asked the applicant, Wayne Gieseke (WG), to come forward to add comments or answer questions regarding the request.

WG - I am representing Crane Creek Asphalt. We did a number of Rice County projects out of that location last year. We finished up the season with Highway 60 and decided to go dormant with the plant and leave it in place. That worked out as a good thing for the County because we were able to solidify more work out of that location. As far as all the exciting conditions go, the 8 conditions I am OK with. This early in the season our goal is to try to be

done and out of there by the beginning of July. Under condition #4, we would like to request a 5 a.m. start time verses the 6 a.m. start to allow for time to fire up the generators and get things going.

Chair Sammon opened the public testimony portion of the item to the public and no one spoke.

Chair Sammon closed the public testimony portion of the item to the public.

Discussion:

TS - With the request for the extra hour?

PB - With condition #4, I have no issue changing that to an earlier start.

MS - It is a pretty remote site, there is nothing out there.

Motion to recommend approval with stated conditions revising #4 from 6 am to 5 am made by Bauer, seconded by Streiff, and approved.

**5. CUP/McDonough - Section 18, Cannon City Township**

Thomas McDonough, on behalf of McDonough Farms LLC, has applied to amend the current Conditional Use Permit to include the addition of an aggregate crushing operation and to include bringing offsite materials to the site for grading and reclamation. The property is described as: Part of the E1/2 of the SW1/4 and part of the W 1/2 of the SE 1/4 of Section 18, Cannon City Township, Rice County, Minnesota. The property address is: 17613 Alvey Trl, Faribault, MN 55021. PID #: 11.18.3.00.001. The property is Zoned UR, Urban Reserve.

**Motion by Streiff, seconded by Bauer, to table until May 3<sup>rd</sup> the Conditional Use Permit for Thomas McDonough, on behalf of McDonough Farms LLC. This property is located in Section 18 of Cannon City Township.**

<b>RESULT:</b>	Tabled [Unanimous]
<b>AYES:</b>	Streiff, Bauer, Sammon, Wells
<b>ABSENT:</b>	Peters

**McDonough Farms LLC - Conditional Use Permit**

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**Hearing Minutes:**

Zoning Administrator Trent McCorkell (TM) presented the request to the Planning Commission (PC).

MS - It is a 5 year CUP?

TM - The Conditional Use Permits for Mining are typically 5 years. The previous items you saw, three of them were for pits that were grand fathered in, so they do not have to obtain mining permits. With those, they are allowed to get the crushing permits on a one year temporary basis. The last item was a mining for 5 years, with that permit they were asking for an asphalt plant which can only be done on a one year basis. With mining operations that have Conditional Use Permits, crushing is allowed to go during the 5 year period of the permit if it is part of the request. It was not part of the original request with this site but that it is what they are requesting to be added.

TS - So the time frame is the original 5 years but adding the crushing to it.

TM - It is a 5 year permit, so essentially it is being renewed but adding crushing to it.

TS - So it would go for 5 years?

TM - Yes, 5 years from this point. The only other thing I should point out with this site is the haul road is restricted to going north out of the site. They are not to be going south off of this roadway.

PB - Anything else to include regarding bring offsite materials?

TM - I am not really sure what is proposed with that, there are grading and excavation plans. They are required to follow that. I believe they are proposing to bring some other materials in from other job sites as they do some of that grading work in there. It is important to note that they do need to discuss that with the Soil & Water district, to make sure the wetland issue doesn't become a problem.

TS - Is there a condition that requires they talk to Soil & Water?

TM - Condition #1 requires that they follow all rules and regulations. Wetland is one of those. Soil & Water has been on site with a company representative. There is some disagreement between the company and the Soil & Water district on some of that area and they need to work that out.

TS - So it is covered?

JR - Condition #20.

TM - Yes, condition #20 is specific to verifying wetland compliance prior to any additional mining or grading on site.

PB - Any issues with non-compliance with the current Conditional Use Permit?

TM - There have been issues raised with the property line and material encroaching on it. I am not sure of the current status. I believe they did have to take some materials out of there and there was silt fence put in along that area I have not received any recent complaints on that but it was an issue in the past.

PB - With the County plan, is there a stipulation or definition of what fill material is defined as?

TM - With fill material, it does need to be clean material. It does not allow contaminated petroleum or any soils that way to be brought onto the site.

MS - Condition #15, about the application of calcium chloride, the dates for application, was that requested?

TM - Those have been amended in more recent permits to include specific dates. There were issues with the previously worded conditions in most of our Conditional Use Permits with not being specific enough. These were kind of the standardized dates that were put in. Those certainly could vary if you feel it is appropriate. These specific dates have been laid out to have it done by.

MS - If it was necessary beyond the two applications, then were it says "deemed necessary by the Township", they could request it to be done again if they deem it needs more, right?

TM - Yes, the request by the Township or County is for watering the roadway. If there is an issue where there is too much dust, they can require watering not typically the application of more calcium chloride.

The PC asked the applicant's representative to come forward to add comments or answer questions regarding the request.

Zach Steeves (ZS), on behalf of Tom McDonough. On the previous application there were issues raised regarding bringing in materials. That is why I am here, to change the permit to be able to bring in material because we cannot restore the site without it. We do have some material piled up to the southeast, but we will need to bring some more material in. As of right now, the site is not super active like it was during Faribault Foods. Week to week there may be some people out there moving material but we do not have a current job out of there right now. We do not believe there is any class 5 there right now, just sand. We just want to make sure we are covered. As far as wetland just to the west, I think we may have shown on the grading plan that it is to be filled. I do not believe that is the plan. We are not going to the west, we are going to the north and east. Where there are trees to the left on the access road, I do not believe we are touching that area. As far as materials coming close to the property line, we do have that material piled up. There were some slides. We do have silt fences up and when we were able to we did come and pull that material back to compliance.

MS - You understand the requirement to work with Soil & Water?

ZS - Yes.

MS - You are actively doing that and it is heading in the right direction?

ZS - Yes, I believe we are there or will get there.

PB - With the amendment, do you have an estimate of traffic for daily use?

ZS - It is hard to say. This past fall, some of the sand was used for the Faribault Senior Center. We had four or five trucks a day for that week and then that was it. If we are not doing any big jobs in the area, which is hard to say if we will be or not, the traffic will be minimal. Down to the traffic of moving material onto the deck. There has been a load or two out for BCM. I do not see a large building like Faribault Foods coming anytime soon.

TM - Sorry. I did not take from the application that additional offsite fill would be coming in. The conditions do not allow for additional offsite fill. If that is what is proposed, that will need to be amended. In the current Conditional Use Permit it is condition #20. In the new proposed conditions, it is #21. You will need to address that if that is part of the request.

PB - So that is not allowed?

TM - The current Conditional Use Permit prohibits offsite fill materials from being brought onto the property.

PB - It is not an amendment to the Condition Use Permit.

TM - Yes, it would be an amendment to the Conditional Use Permit if they are proposing to bring offsite materials onto the site. I did not take that from the application, but it does sound like that is what is being proposed.

ZS - We will use what material we have onsite to fill but to get to our final grade, we may need to bring material in to finish restoration when we are done.

MS - So you don't need us to amend this right now?

ZS - No, we would like to fix it now. As we go towards the northeast, we have a huge hole there, we need to have the ability.

PB - Access points, what is the proposed plan?

ZS - We do not plan on changing it. Off of Alvey Trail, they will have to go to the north to come out on Acorn Trail. We are not allowed to go south through Alexandria Avenue.

PB - Does MetCon propose anything for the road?

ZS - We have taken care of the road during the Faribault Foods time. We built it up and maintained it for our trucks.

PB - How about dust control measures?

ZS - Yes, that is a condition.

PB - I mean in regards to what capabilities you guys have provided?

ZS - We have a guy come in multiple times a year, not only for this site but for the Ames Trail site too.

TS - So your request is to delete condition #21 which does not allow offsite materials to be brought onto the property.

ZS - Yes.

Chair Sammon opened the public testimony portion of the item to the public and the following spoke:

Jon Perron - I live in the development just southeast of the site. When we were here last year, we thought we had the conditions in place for 5 years and now we are back to add a rock crushing operation in. That is going to be a real nuisance to the neighborhood. There are a lot of kids and people that like to use that area for walking dogs. Having trucks going up and down that road will be a safety issue and a nuisance as far as noise. The rock crushing is the biggest issue for us. He did not say how often they would be doing the rock crushing. With bringing the fill in, with the trucks coming and the tailgates slamming all day long, it gets to be a nuisance. We are much closer than people realize. I just think it will be a big nuisance for the neighborhood to have that dust and lots of loud noise. It is a wildlife area back there and a place where people like to go. They have adhered to the conditions. Lately it has been pretty good but they were not bringing fill in, just bringing stuff out. There wasn't a lot of traffic, we would like it to stay like that.

Steve Boeur - My backyard pretty much borders this. It was my understanding that fill was going to be taken out and nothing would be brought in. My concern is that site has not been used for many years. That was one of the selling points when I bought that house in 2004. Now we have been fighting this, as far as the noise, because they did not get a Conditional Use Permit for bringing fill in the first time, when they were doing Faribault Foods. We woke

up every morning, 7 a.m. with tailgates slamming. My wife worked third shift, now I'm working second shift. I had to take off work tonight just to come do this again. I don't know where this is going to end up stopping. This is a rural residential area with Urban Reserve. Two years ago we had the understanding, we came together as a community, to fight this. A few of you are new and a few were here for the last fight but nobody really took the understanding of would you want this to be within 100 yards of your house. We don't know what the sound level is going to be. I know. I have been around them while working construction. They are very loud. For them to come in and not have an understanding as when they are going to use it, when they are not going to use it, what times. How we had it last year was very good. What you put on for stipulations was awesome because there was not much traffic there last year. My concern is if I have to sell my house in a year or so, and this is going, how much is that going to devalue my house. It devalues it quite a bit. We voted for you to represent us and think of our better interests, not what is better for Tom McDonough. It seems like Tom gets whatever he wants in this community. I am here to say I want to get what I want now. I came in here in 2006 to ask you for permission to build a 30-ft by 40-ft shop and it was deemed that I didn't need to have that big of a shop in my yard. I said OK, that is fine. But I say it is time now for Tom to say, or someone to tell Tom, he doesn't need that. You have all the land out by MetCon. There is an open piece of property right next to his house. Why not put it there? I am trying to understand why it always has to be someone else's place, someone else's problem. We did not buy our property to have a commercial operation in our backyard.

John Brewer - I agree with what Steve said. I am a local realtor in Faribault and Rice County. That is going to drastically reduce the value of homes. Outside of the values of the homes, when I moved into that area 15 years ago, they were considering annexing us in to the city. If we were city would this be taking place? Tom does have other property he can do this on. Tom told me last year that he had no intent to put in a rock crusher in. There are a bunch of people who ride bikes up there, motorcycles. With the rock crushing going and all the dust, someone is going to lose their life or leg. It will not be safe. I agree and hope you see that we are the ones out there and it is close to home. We do not need it in our yards.

PB - Can you describe what it is like when they were bringing fill in?

JB - I am a little further back. There was noise and more traffic. I saw a minimum of four trucks go through our neighborhood. From what I am seeing, they are doing what they want. They hire a new guy who doesn't know the rules. He drives through there, who do you call? I have grandchildren and dogs who like to play outside and run the streets. I do not want anyone to get hit. They have the whole stretch of gravel they can take down. To me, I don't see why they would even go down Alvey Trail. The road is not rated for that equipment.

Steve Green - My concern is the noise of tailgates slamming, possible rock crushing and dust. If there is a lot of dust and loud noise, I would rather not live next to that. I remember when they were first bringing fill in, they would get so loud with slamming the tailgates of the dump trucks. If I was standing in my house, I could feel the tailgate slamming in my floor. That is something I am hoping I do not have to live next to.

Clayton Mechura - I am on the Cannon City Town board. As you can see, the residents are not very happy with this coming through the way it is. I understand that you cannot say no to everything. My only concern is that we did have complaints about the dust control and maintenance of the road. I have one of their pits on my road also and it seems like their idea of dust control and my idea of dust control are two different things. I don't know if there are any stipulations that you can put in to help regulate that. Are we supposed to call Trent or one of the Commissioners every time there is a problem? The dust control does not get applied until June or July and it does not get re-applied in a timely manner or they do not have water trucks. When I call down there it seems like they should know when they are going to have trucks come in and out of the pit or that the truck drivers would see the dust cloud behind them and call in and say it needs to be re-applied. That does not seem to happen. Is there anything you can do to help with this situation?

Chair Sammon closed the public testimony portion of the item to the public.

Discussion:

TM - It sounds like the applicant is proposing a change with the grading and mining plan. They indicated they would not be going as far west as the existing plan. I really suggest that we get new drawings to show the extent of the proposed mining and grading on this site. The plans submitted are the exact same ones submitted last time, not proposing any additional fill material coming in. If there is fill needed to achieve what was approved before, I think it needs to be clarified on how much material needs to come in and the extent of the grading and mining on the site at this point.

TS - I take it you are suggesting we table it and ask for updated application material?

TM - Yes.

JD - I have some questions too. It was stated that all of their mining was sand, so I am not sure what the crusher is for. If you are only going to mine sand, you are not going to crush sand. The other worry or thought in my mind is, if you are allowed to bring in material, are you bringing in material to crush and blend to make some type of other product. There is a difference in bringing in material for reclamation verses bringing it in material to crush. I know they haul in material to crush to make sure they can make whatever they need to make. There would be some concerns in addition to updated plan. If you are talking about a plan that is different then what is there, then we need to see it. There is no reason that you cannot control the dust, it can be controlled and there is no excuse for going anywhere but the haul road. Even the newest truck driver should know they cannot go the other way. That is simple management practices. If you are a good neighbor, you do not get complaints.

PB - I have a question on item #21 with the offsite fill material. Did you recommend striking that?

TS - That is what the applicant is asking for.

PB - To strike condition #21 from the Conditional Use Permit?

TS - Yes. With what Trent is saying, the plan needs to be updated. We need a more specific application.

Motion to table this request until May 3, 2018 made by Streiff, seconded by Bauer, and approved.

**6. CUP/Cannon Garden LLC (Klapperich) - Section 18, Walcott Township**

Cannon Garden LLC, on behalf of landowners Dale & Julie Klapperich, has applied for a Conditional Use Permit (CUP) for a 1-MW solar energy production facility. The property is described as: Part of the NW1/4 of the SE1/4 of Section 18, Walcott Township, Rice County, Minnesota. The property address is: 23765 Albers Ave, Faribault, MN 55021. PID #: 15.18.4.75.003. The property is Zoned A, Agricultural..

**Motion by Bauer, seconded by Streiff, to recommend approval of the Conditional Use Permit with the following conditions and findings for Cannon Garden LLC, on behalf of landowners Dale & Julie Klapperich. This property is located in Section 18 of Walcott Township.**

<b>RESULT:</b>	Referred for Approval [Unanimous]
<b>AYES:</b>	Streiff, Bauer, Sammon, Wells
<b>ABSENT:</b>	Peters

**CONDITIONS OF APPROVAL - Cannon Garden LLC (Klapperich) - Conditional Use Permit**

1. The landowner and operators shall comply with all rules, regulations, requirements, or standards of the Minnesota Public Utilities Commission, Minnesota Pollution Control Agency, Minnesota Department of Natural Resources, Army Corps of Engineers, and other applicable federal, state or local agencies.

2. The Conditional Use Permit (CUP) is for a 1-MW solar energy production site as

shown on the approved site plan, subject to meeting all setback and access requirements.

3. Security fence shall consist of fencing meeting state and federal electrical code requirements.

4. All required permits shall be obtained prior to onsite construction.

5. Verification of compliance with wetland regulations shall be submitted to Rice County Environmental Services prior to issuance of any building permits.

6. As soon as onsite construction is completed all areas of the site, excluding the access roads and electrical equipment pads, are to be established and maintained in Agricultural crop production or a perennial vegetative cover.

7. All electrical lines internal to the site shall be buried underground.

8. An easement, for the driveway and utility use, crossing the separate 1.5-acre parcel shall be recorded prior to issuance of any construction permits.

9. The applicant or operator shall furnish Rice County with a \$50,000 bond or other approved financial surety to ensure proper site decommissioning/restoration and to ensure road repair or other off-site damages caused by construction or operation of the facility. Financial surety shall be reviewed and approved by the Rice County Attorney's office prior to any work on-site.

10. The entire site shall be restored to a condition suitable for agricultural crop production within 18-months after the cessation of onsite electrical production.

11. Failure to comply with conditions may result in revocation of the conditional use permit.

12. This Conditional Use Permit shall expire and be considered null and void if no construction has begun within one year from the County Board approval date.

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**Hearing Minutes:**

Zoning Administrator Trent McCorkell (TM) presented the request to the Planning Commission (PC).

With solar operations, we have had various discussions on screening needs or requirements, so there is a condition drafted with some blanks. If you choose to require screening, we can fill in some details on that.

The PC asked the applicant, Nokomis Energy (NE), to come forward to add comments or answer questions regarding the request.

Brendan Dillon (BD) - I am with Nokomis Partners, the LLC that will be operating the solar garden. I do not have a lot to add. We are a locally based clean energy developer. We have been working with landowners in the Faribault area for about a year now to identify good sites for these projects. We think this site and the next one are good sites for solar projects.

PB - What do you propose for screening of this site?

BD - We are not proposing any screening for this site because any neighbors are far away from the site so we need not feel the need to add any additional screening.

PB - What about fencing?

BD - For fencing, we are proposing an agricultural fence. Wooden posts with square mesh in-

fill.

TS - You are aware of the conditions and the easement for that driveway?

BD - Yes.

Chair Sammon opened the public testimony portion of the item to the public and no one spoke.

Chair Sammon closed the public testimony portion of the item to the public.

Discussion:

TS - I am familiar with that site and there is no need for screening

PB - It looks like a good place for a solar garden.

TS - So if we go with my suggestion, we would need to delete condition #8.

PB - Correct. I will make a motion to recommend for approval with striking condition #8 to make a total of 12 conditions.

MS - I'll second.

Motion to recommend approval with stated conditions, striking #8, and findings made by Bauer, seconded by Streiff, and approved.

**7. CUP/Roberds Garden LLC (Carver) - Section 28, Cannon City Township**

Roberds Garden LLC, on behalf of landowners Russell & Rita Carver, has applied for a Conditional Use Permit (CUP) for a 1 MW solar energy production facility. The property is described as: Part of the SW1/4 of the SW1/4 of Section 28, Cannon City Township, Rice County, Minnesota. The property address is: 3119 197th ST E, Faribault, MN 55021. PID #: 11.28.3.50.005. The property is Zoned UR, Urban Reserve.

**Motion by Bauer, seconded by Streiff, to recommend approval of the Conditional Use Permit with the following conditions and findings for Roberds Garden LLC, on behalf of landowners Russell & Rita Carver. This property is located in Section 28 of Cannon City Township.**

<b>RESULT:</b>	Referred for Approval [Unanimous]
<b>AYES:</b>	Streiff, Bauer, Sammon, Wells
<b>ABSENT:</b>	Peters

**CONDITIONS OF APPROVAL - Roberds Garden LLC (Carver) - Conditional Use Permit**

1. The landowner and operators shall comply with all rules, regulations, requirements, or standards of the Minnesota Public Utilities Commission, Minnesota Pollution Control Agency, Minnesota Department of Natural Resources, Army Corps of Engineers, and other applicable federal, state or local agencies.
2. The Conditional Use Permit (CUP) is for a 1-MW solar energy production site as shown on the approved site plan, subject to meeting all setback and access requirements.
3. Security fence shall consist of fencing meeting state and federal electrical code requirements.
4. All required permits shall be obtained prior to onsite construction.
5. Verification of compliance with wetland regulations shall be submitted to Rice County Environmental Services prior to issuance of any building permits.

6. As soon as onsite construction is completed all areas of the site, excluding the access roads and electrical equipment pads, are to be established and maintained in Agricultural crop production or a perennial vegetative cover.

7. All electrical lines internal to the site shall be buried underground.

8. All onsite septic systems shall be shown to be compliant and suitable future septic replacement locations shall be identified prior to issuance of any construction permits for the proposed solar energy use.

9. An easement, for the driveway and utility use, crossing the separate neighboring parcels shall be recorded prior to issuance of any construction permits.

10. The applicant or operator shall furnish Rice County with a \$50,000 bond or other approved financial surety to ensure proper site decommissioning/restoration and to ensure road repair or other off-site damages caused by construction or operation of the facility. Financial surety shall be reviewed and approved by the Rice County Attorney's office prior to any work on-site.

11. The entire site shall be restored to a condition suitable for agricultural crop production within 18-months after the cessation of onsite electrical production.

12. Failure to comply with conditions may result in revocation of the conditional use permit.

13. This Conditional Use Permit shall expire and be considered null and void if no construction has begun within one year from the County Board approval date.

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**Hearing Minutes:**

Zoning Administrator Trent McCorkell (TM) presented the request to the Planning Commission (PC).

PB - The property that the driveway goes through, is that the owner of the land?

TM - The driveway is proposed on the neighboring parcel. I believe the utility coming out is proposed to cut through the two neighboring properties. I am not sure of the connection of the landowners, it appears they might be relatives. We have it in a condition that they need to show easements for crossing the other parcels.

TS - For both the driveway and power lines?

TM - Yes, for both. Condition #10 states "easement, for the driveway and utility use, crossing the separate neighboring parcels".

The PC asked the applicant, Nokomis Energy (NE), to come forward to add comments or answer questions regarding the request.

Brendan Dillon (BD) - *applicant handed out proposed plan packet*. I work for Nokomis Partners, the company that will be operating this solar garden.

TS - Did you want to go through this handout?

BD - We can walk through the potential easements. When we submit a plan to the County, we submit the most complex option. There are options to simplify this plan. We can stick only on the landowner's property if we need to, if easements become an issue. With the road easement, we have talked to Mr. Dietz, the neighbor to the right of the property. He is open to it. We are basically going to upgrade his road in return for having access to it. I don't think that will be an issue. The actual path of the interconnection will be determined by Xcel Energy. We will know that in a few weeks. It may or may not require an easement but in either case, we do not think it will be an issue.

PB - Just to clarify for staff and the public, you plan on using the long driveway furthest to the east off the northeast corner of the property?

BD - Correct. Our current plan is to stay only on the parcel where the solar system will reside.

PB - I see you have named the projects after lakes within the county. I am curious to why you have an LLC for each one?

BD - It is more with financing. Having the ability to borrow money against a separate company is something that is common in development. Just to talk to lenders and financiers about a single business as opposed to multiple projects that might be under a single company. It is for the bankers to have clarity.

TS - Under condition #8, do you have a plan for screening?

BD - Again, we are not proposing any screening. We have met with all the immediate neighbors and all are already pretty much screened from the site as is with the current vegetation. We are open to discussing it.

PB - From what it looks like, the grade slopes southward?

BD - Yes. From the road you really will not be able to see the system because it is behind a ridge and line of trees.

TM - I just want to make sure I have the understanding right on the driveway. On the site plan, there was some discussion of the far east driveway. That is actually not the one being proposed for use. The driveway proposed for access is on a neighboring property but it is the one directly north of the site, not the property to the east with the long driveway. The driveway would use the current road to access and then have a new construction driveway going back into the site.

BD - That is the same owner. We will stay on the Carver's properties. We have talked to Mr. Dietz about eventually doing something going that way if he was open to it. It would be a little cheaper for us and he would get a new road. It is another option that we may have but we are proposing to stay on the parcel.

TM - The second part, for the power lines coming through, those will be new underground lines coming through the two neighboring parcels. I just want to make sure we have a clear understanding of everything.

Chair Sammon opened the public testimony portion of the item to the public and no one spoke.

Chair Sammon closed the public testimony portion of the item to the public.

Discussion:

PB - I am familiar with this area. The site plan seems to work out in regards to the southward slope and the natural tree lines. It definitely looks like a good site for a solar garden.

TS - Are you saying we should delete condition #8 with the screening?

PB - Yes, I have not heard any objections to it.

Motion to recommend approval with stated conditions, striking #8, and findings made by Bauer, seconded by Streiff, and approved.

#### **8. CUP/Kluzak - Section 22, Forest Township**

Keith Kluzak has applied for a Conditional Use Permit to allow for land grading and filling to place 7500 cubic yards of sediment materials from Wolf Creek to the subject parcel. The subject property is described as: Part of the N1/2 of the SE1/4 of Section 22, Forest Township, Rice County, Minnesota. PID #: 06.22.4.00.001. The property is Zoned RDS, Recreational Development Shoreland.

**Motion by Streiff, seconded by Bauer, to table until May 3<sup>rd</sup> the Conditional Use Permit for Keith Kluzak. This property is located in Section 22 of Forest Township.**

<b>RESULT:</b>	Tabled [Unanimous]
<b>AYES:</b>	Streiff, Bauer, Sammon, Wells
<b>ABSENT:</b>	Peters

## CONDITIONS OF APPROVAL - Kluzak - Conditional Use Permit

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**Hearing Minutes:**

Zoning Administrator Trent McCorkell (TM) presented the request to the Planning Commission (PC).

TM - The sediment removal area is proposed on the south side of Circle Lake. That is not part of our approval on this project. That material is being removed from within the protected water body. Those permits are done through the DNR and the Corps of Engineers mainly. Our part of the permitting is dealing with the placement of the material outside of the water body. Also, as I mentioned in the staff report, we did not get any further detailed information on exactly where that is proposed to be placed onto that field. I am not sure what depth is proposed or the exact area it is to be spread on. The other question that I do not have an answer to is the proposed route to pump the materials there. We did ask for information on how that was eventually going to be de-watered to keep water and sediment from leaving the site and what the routing would be of that system. Is the pipe going through other landowners' properties or down roadways or what the exact plan is for that. I do not have answers to that. Another question we asked of the applicant and have not received a complete response, my understanding is that this field may be in CRP and it would take approval from the Farm Service Agency. The applicant states he has that approval but we have not received any documentation showing that.

PB - Out of curiosity, if the applicant was denied that site, would they need to reapply to have it on another site or parcel?

TM - Yes, this is specific to this parcel.

PB - So they could not include an alternate site nearby for this application?

TM - Not at this point. That would be a separate application or an amended application possibly. Most likely a separate application.

The PC asked the applicant, Keith Kluzak (KK), to come forward to add comments or answer questions regarding the request.

KK - Which question would you like to start off with? Or I have a couple things with the conditions on the permit. I could start there first. There are 12 conditions. With condition #4, it states that the water not leave the subject property. If we do it right, the water should leave the subject property. It is not designed to be in overland discharge. It is supposed to seep down through the proposed site. I don't know if we need that to be reworded because the intent is for the water to seep away and for the spoils to remain behind. Condition #7 says that seeding should be done within 72 hours of the completion of the project. I request permission to have that restated. It is our desire to conduct this work in September and the desirable time for re-seeding would be the following spring, not that fall. We are envisioning about a 30 day work time and October may not be the best growing time. We can throw the seeding out in October if it is mandatory, but the preference would be to see in the spring. The last one is with condition #11, the permit is good for one year from the date of approval. If we get the approval, it is a self-funded project through the Circle Lake Association. What we really have in front of you is a water quality initiative through the Circle Lake Association and if funding endeavors fall short, we may need an additional year and would have the exact same plan but for the following fall. So if we could have a two year time frame instead of one. Questions that Trent brought up, as far as placement of the spoil, the intent and desire is to utilize the east area of the parcel. That would be the de-watering zone. Around that de-watering zone we would have silt fence put up to try and keep the silt in that area. The land does slope from west to east on this parcel. It is currently in CRP, so there are some possible overland seepage from west to east but the sediment should remain in the area with the silt fence. As far as the

placement of the pumping, the dredge would run up and down the creek and go through a pipe and pumping system. The pumping system is very similar to what farmers use when pumping manure with that type of tubing and piping. The tubing would come along the south side of a parcel near the creek and run along Culver Trail in the ditch and cut across one landowner to get to the discharge site. As far as permission to lay the pipe, I have one landowner to work with and verbal conversations have been amicable to that. Trent mentioned that what the County is granting with this Conditional Use Permit is permission to place the spoils on the parcel. What he is not able to give permission for is the removal of the sediment. That is someone else's jurisdiction. I have been in touch with Todd Piepho with DNR Waterways. He has told us what can be done, what cannot be done, what needs to be done and what he needs from me to get it done. I do have some documentation that I need to get to Todd that I will be doing later on this spring. Part of it is a survey which is difficult to do with the ice on the lake. Another concern that was brought up is that this parcel is in CRP. The conversation we had with the Farm Service Agency, with the current CRP contract in the primary placement site, would be to buy out about five acres of the contract and that would give us the authorization for the placement of the spoil. The exact size is to be measured and plotted out with the Farm Service Agency but we are envisioning about five acres and that is our plan is to buy out so we can get that out of the contract and put the spoils there. We have been in contact with all the other departments, agencies, and divisions. There are a lot of people to visit with and I believe I have been in touch with all of them and addressed their concerns and will be able to comply. A lot of what is on the Conditional Use Permit eludes to the fact that I am in touch with these folks and abide by their rules as well. I do believe that we are more than capable of satisfying everyone's concerns.

JD - Is that spot is a depression? Or why is it darker?

KK - The spot is a lower area which is one of the reason why we would contemplate that as one of our primary de-watering areas. We can get the spoils pumped up into that area and let the water slowly bleed out from that one pool. Talking with Justin Fuchs, if that delineations prove that is a wetland then we cannot leave the spoils there which is fine because once the water recedes away, we can spread the spoils around. As far as a de-watering basin, that would be ideal to utilize the area for that.

JD - How deep is 7500 yards on five acres?

KK - Let's look at the 7500 yards to start off with. If you took from the mouth of the channel up to 130th Street, the volume of that entire area would be 7500 cubic yards. The reality is that we would not be moving that much material. Todd and I talked about what we would have for a starting point as far as how wide, deep, and long to dig. We are actually going to be coming closer to, the exact calculation was 3,333 cubic yards. As far as the number of inches that would equate out to be, I do not know that off of the top of my head. That would be about 50 truckloads with about 17 yards per truckload.

PB - I would imagine you would want to get it that far up on CRP land to keep from not coming back into that water way?

KK - It is a two-fold purpose. One is that it is in CRP, so that helps to not let the sediment runoff. The other part is that it is not always easy to get a willing landowner to accept your spoils.

AW - To answer the question from earlier, at 17 cubic yards, that would be 196 truckloads.

KK - For 3,300 cubic yards?

AW - I know our responsibility is more for placement of the dirt but is there any concern for noise levels of the pump and hours of pumping? Can we place restrictions on that?

TM - You certainly could place restrictions on hours.

KK - If you have concerns about the noise, I have multiple adjacent landowners in the room that are looking forward to have this project completed. Maybe I should share a little bit of history as well. This particular channel of Wolf Creek was originally dredged in the fall of 1977. It has since filled back in with sediment, so it is our desire to go back in and clean it out to where it was back in the late 70's. You mentioned how many cubic yards of dirt that is, well that is in this channel basin and those cubic yards have settled out right here before they got into the greater Circle Lake. That is why it is a water quality issue on behalf of the Circle Lake Association. What we are really doing here is restoring the opportunity for sediment

from upstream to settle before it gets into the lake. I have lived on the lake long enough to remember what the water quality was like back in the 1980's and we had some of the most pristine water quality at that time. It seems that the water quality in Circle Lake has degraded since. The last couple years have been better. I also think the last couple of years are because of other Circle Lake initiatives that we have endeavored upon with other erosion control measures and water treatments that we have performed over the past decade.

TS - To move that much silt, how much water will you have to move or what dilution rate are you going to use to pump that?

KK - We are envisioning an 80/20 mix coming out of the lake. 80% water and 20% silt to keep it flowing.

TS - With the silt coming out with that much water, is that silt going to seal over this depression and limit the amount of filtration there is?

KK - One thing I am envisioning is putting in a couple stand pipes in the lower area. As the silt kind of stacks up, the water could get into the stand pipes and continue to flow out that way. There is a tile line under this area to assist with de-watering process.

PB - Other than the CRP buyout, if you would have had the entire CRP area to use, is that what you would have done, broadcast over the entire CRP parcel?

KK - Even if that was an option, I do not think that would be the best option. I do believe that using this de-watering basin is the best option. We can keep everything contained in a smaller area and let the water seep out slowly as opposed to trying to shooting it out over 37 acres. With that de-watering basin in place and with the tile line in place, putting stand pipes in place that gives us the best opportunity for the water to drain back out leaving the spoils behind. As far as the volume of water going up to the field, we are looking for this to take place over 30 day window. In that 30 days, we would contemplate pumping for about eight hours a day and then letting water recede for 16 hours and coming back the next day and doing it again.

Chair Sammon opened the public testimony portion of the item to the public and the following spoke:

Dale Petelinsek - I live on the north side of the lake. It is interesting when you look at this lake. You can see algae bloom. What we have done as an association is put in holding ponds. When I first moved on the lake, it was six feet deep and now it is about six inches deep. The silt is coming from the agricultural land around it and going right into the lake. We are pulling five times the EPA regulated phosphorus and nitrogen levels from the lake. We are doing our best to contain that. By my measure we have 21 holding facilities just in this picture. To get here, we had to go through several different agencies and I know it is easy for you to put another barrier in place to make sure this is done right. That is the natural reaction and that is the position you are in but I would like to recommend that instead of putting up barriers, call the people that work for us at the County and help them remove barriers. Then I would like you to take it one step further. We are coming up with \$80,000 to do this. We are doing this by asking for people to give us money to help pull this off. I would like the County to recognize what we are doing. Use us as a model for other lakes in the County and help us come up with this funding and back us to get this work done. I know that enticing the members of Soil and Water to work with us and not against us which is not typically the way it works. I know that working and trying to figure out how to get money to help us do this is not typically the way this goes but I would like to see this happen. This work needs to be done. We have been at this for ten years and you are the last approval we need. Also, work with Soil and Water County employees, get them to help us and let's figure out a way to where you are helping fund us rather than having this all come out of our pockets.

Jason Wood - I am on the creek. I have been very active in the lake association trying to mainly control invasive species and increase water quality. I have talked to almost all of the neighbors that live on the creek. Several of them are here. Everybody is in favor of this project. I think it is a great project.

David Russler - I live on the other side of Wolf creek. I am also in favor of this.

Amy Borsy - I am also in favor. I am not worried about noise or anything like that.

Wayne Gieseke - Culver Trail, I am not familiar with the project but we do have some

dedicated individuals here. With my construction background, dredging this operation in means of truck loads is probably the most efficient and effective way to do this. It is a long way to pump the material but if they do proper displacement up on the field, they will be able to contain it.

Chair Sammon closed the public testimony portion of the item to the public.

Discussion:

PB - With the logistics of moving it, I am surprised the farmer around there would not want his topsoil back on the field closest to the creek. It sounds like a great project and will improve water quality.

TS - One request was on condition #11, can we increase that to two years?

TM - The County Ordinance does have standards that deal with allowable time of a Conditional Use Permit. It is slightly different than that condition but it actually says that a Conditional Use Permit shall expire and be considered null and void one year after the County Board of Commissioners final decision to grant the Conditional Use Permit if no construction has begun. It could be altered to allow for the initiation of some type of construction project but it does have a one year time limit to get started.

PB - They wanted to wait until Spring to reseed.

TS - Yes.

TM - It is very difficult to write conditions applicable when we do not have those details such as when anything is planned or even the area of where it was to be applied. Looking at the site plan that was submitted, it is just an outline of a field. For it being placed on a five acre portion of that field, the first time I am hearing about that is now. Again, it is very difficult to try and address those properly in the conditions. Based on the numbers that I am hearing, on a five acre site, that is about 9\10 of a foot of sediment over that entire five acres. If it is an 80/20 mix of water verses sediment, that is almost 4-ft of water placed on that five acre site. I am not saying that is not appropriate, I just do not have the details to address that conditions wise just to make sure we are not causing other problems offsite. It would be helpful if some of those items were detailed out such as here is our area, here is our plan, and here is how much we are planning to put on, it is expected to seep in at this rate. Those details are the key to make this project work. Without them, the conditions are just a shot in the dark.

PB - I can see how that would make it hard. Since this item is planned for fall, I would be willing to make a motion of tabling this until the next meeting just regarding the CRP authorization or approval from the Farm Services Agency and to get a narrowed down site plan. We do have a little bit of time with this. Personally, it would be interesting to see why the adjoining landowner with the crop land wouldn't want their topsoil back on their land where it came from. Logistically to have it close by would be slick, but I don't know the personal details with that.

JD - The details as far as what they are going to release from CRP, and it sounds like they are working with Soil & Water. Justin will make sure everything gets done the right way. Having a drawn out plan would not be asking too much. We do have time if the project is not supposed to start until fall. I do not see any issues on the County end at all as far as placing the sediment up there. My biggest question was how you were going to overcome being in CRP and that hurdle but paying out the contract for it would make sense. That would make sense to make sure we have good, detailed plans as to where it is going to go before approving.

TS - We are not opposed to the project.

*Applicant requested to come back up.*

KK - If we have the opportunity to address questions, I would like to do it now if we could. Where there questions you have that I didn't address as far as placement? If the question is to where and how, I thought I outlined that this evening.

JD - If that is designated wetland, then it has to go someplace else. We do not have a set five acre parcel that you putting the spoil on. So if that gets designated as wetland, then you will have to have an alternate plan. My question to you, is there a time crunch for another part of this permit or what is the situation?

KK - No. We are not in a time crunch for it. Like I said, we are not envisioning doing the work prior to this fall. Should Justin confirm through delineations that it is deemed a wetland and the spoils are not permitted to remain there, the desire would still be to use it as a de-watering basin because of the topography. Then once the water settles out, the spoils residing in that basin would have to be scattered about.

JD - I understand that, but if it is designated wetland and it is two acres, then you need another however many acres outside of that to spread the spoils. They are looking for a specific site plan and I don't think this group would grant any permit to anybody saying it is going to go on this 40 acres someplace. Speaking for myself, it makes sense. It is a good spot for it but that is what they are asking for.

KK - So you are looking for, if this is deemed a wetland and the spoils cannot stay there, then where. That is the question?

TS - And how big of an area it is going to be in detail. Is it going to be two acres, five acres, eight acres?

PB - With exact site location.

JR - The plan basically needs to be written out. We need something in writing showing where you are going to put this, how you are going to do it. Kind of like you explained tonight but we cannot go off of a recording of a verbal this is what we are going to do. It would be like a mining company coming in saying they were going to mine a certain 40 acres, and we are going to verbally tell you that we will restore it to a certain grade but not tell you exactly where it will be. We have to have something for the record.

KK - OK.

JD - With the figure coming out to 9/10 of a foot over five acres, is Soil & Water concerned about the depth of sediment that is being spread on the field? My guess is there would be some kind of concern as far as how much sediment over how many acres. Those details do not need to be worked out here, they need to be worked out with Soil & Water.

KK - When I look at the 12 conditions, they elude to the fact that I comply with the other entities involved such as Soil & Water Conservation, the DNR Waterways, the Minnesota Pollution Control Agency, and the Army Corps of Engineers. Maybe I am a little naive but if I have their approval, then I took care of the conditions for your approval.

TS - What you do not have is the details on the number of acres, where this is all going to go. This is just a blanket. We need to see more of the details.

KK - OK.

PB - Did we want to address condition #4? Where it has the water from the dredged material staying on the property.

TM - You mean in condition #4 where it says water will not leave the property? We can certainly rewrite that condition to clarify better. Certainly it is the intent that the water would soak into but not run off of the site. Once we get more detail, I will refine that condition.

MS - I motion to table for staff to work with the applicant to clarify the site plan and other details of the plan.

Motion to table this request until May 3, 2018 made by Streiff, seconded by Bauer, and approved.

#### **IV. Adjournment**

Hearing no other items before the PC, a motion was made by Bauer, second by Streiff, to adjourn the meeting at 8:58 pm. Motion carried 4-0.

**Respectfully Submitted**

**Planning Commission**

**Anna Aguilar**  
**Administrative Coordinator**

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**Tom Sammon, Chair**