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# **Le Sueur County, MN**

**Thursday, May 10, 2018**

**Regular session**

## **Item 1**

**Approved May 10, 2018 Meeting Minutes**

Staff Contact: Joshua Mankowski or Michelle R. Mettler

**LE SUEUR COUNTY PLANNING AND ZONING COMMISSION**  
**88 SOUTH PARK AVE.**  
**LE CENTER, MINNESOTA 56057**  
**May 10, 2018**

**MEMBERS PRESENT:** Don Reak, Jeanne Doheny, Don Rynda, Shirley Katzenmeyer, Doug Krenik, Al Gehrke, Pam Tietz,

**MEMBERS ABSENT:** Commissioner King

**OTHERS PRESENT:** Joshua Mankowski, Michele Mettler

1. The meeting was called to order at 7:00 by Chairperson, Jeanne Doheny.
2. Agenda. Motion to approve agenda was made by Shirley Katzenmeyer. Second by Doug Krenik. Approved.
3. Minutes from April 12<sup>th</sup>, 2018 Meeting. Motion to approve minutes., was made by Al Gehrke. Second by Pam Tietz. Approved.
4. Applications

**ITEM #1:** CAMAS INC, LE CENTER, MN, (APPLICANT); YELLOW REAL ESTATE LLC, LE CENTER, MN, (OWNER): Request that the County grant a Conditional Use Permit to allow the applicant to establish and operate a value-added agriculture use business of developing, processing and selling farm animal nutritional supplements in an Agriculture "A" District. Property is located in the NW 1/4 and the SW 1/4, Section 1, Cleveland Township.

Joshua Mankowski presented power point presentation. Michael Hopkins, Director of Operations was present for the application.

TOWNSHIP: Notified. Response None.

LETTERS: Amy Beatty, Environmental Programs Specialist regarding recommended conditions to be placed on Conditional Use Permit if approved.

PUBLIC COMMENT: None

Discussion was held regarding: Michael Hopkins stated that their intent, if they receive approval, will to consolidate at the new site. They currently have locations in Mankato and Le Center. Discussion was held about what material will be held in the 10,000 gallon holding tank and weather it can be land applied. The tank will hold egg shell, water, and cleaner/sanitizer, mostly water. There is no plan to do land application. Shirley Katzenmeyer is the they had obtained the SDS permit. They have not but it is in process. Jeanne Doheny asked about the planned timeframe. Michael Hopkins stated it was their plan to move operation in June and begin production this fall. There is no interior wall movement, they need to add refrigerators and some plumbing. Discussion about the past Conditional Use Permits that have been issued for this property. Discussion about access off of MN State Highway 99 and County Road 112 and the type of traffic that will be expected. Access off of County Road 112 will be primarily used by staff and they anticipate two semis per week to use the access off of MN State Highway 99. Jeanne Doheny inquired about the anticipated waste. The amount of waste generated will be documented as part of the SDS permit. Jeanne Doheny stated that any changes to signage would need to comply with Le Sueur County Planning and Zoning Ordinance.

Findings by majority roll call vote:

1. *The conditional use will not be injurious to the use and enjoyment of other property in the immediate vicinity*

*for the purposes already permitted, nor substantially diminishes and impairs property values within the immediate vicinity.*

2. *The establishment of the conditional use will not impede the normal and orderly development and improvement of surrounding vacant property for uses predominant in the area.*
3. *Adequate utilities, access roads, drainage and other facilities have been or are being provided.*
4. *Adequate measures have been or will be taken to provide sufficient off-street parking and loading space to serve the proposed use.*
5. *Adequate measures have been or will be taken to prevent and control offensive odor, fumes, dust, noise and vibration, so that none of these will constitute a nuisance, and to control lighted signs and other lights in such a manner that no disturbance to neighboring properties will result.*
6. *Is the Conditional Use Permit consistent with and supported by the statement of purposes, policies, goals and objectives in the Ordinance?*
7. *Is the Conditional Use Permit consistent with the Comprehensive Land Use Plan?*

Motion was made by Doug Krenik to approve the application with conditions.

1. Camas, Inc. shall apply to the MPCA for coverage under an SDS Permit for its IBP storage and land application.
2. Le Sueur County Environmental Services Department shall receive copies of all SDS Permit Coverage Letters for the life of the business's operation in Le Sueur County.
3. Le Sueur County Environmental Services Department shall receive copies of all annual reports submitted to the MPCA for the life of the business's operation in Le Sueur County.
4. Camas, Inc. shall abide by its SDS Permit pertaining to the construction, installation, operation, and maintenance of its IBP storage area.
  - a. Le Sueur County Environmental Services Department shall receive all storage area construction information submitted to the MPCA (for example, the engineered drawing(s) of the storage tank, notification of when the storage tank is installed and the name of contractor, and final as-built of the storage tank's installation).
5. Camas, Inc. shall abide by its SDS permit regarding the land application of its IBP as to where it can be applied, when it can be applied, who can apply it, notification of the application to the county and township(s) where it is applied, and sampling and analysis of the IBP.
6. Camas, Inc. shall notify Le Sueur County Environmental Services Department of any non-compliance issues pertaining to any permits and/or licenses issued for the operation and manufacturing of its farm animal nutritional supplements.
7. If the disposal of the egg shells changes from what is proposed in the application (placed in a dumpster and managed at a solid waste facility), Camas, Inc. shall contact the Le Sueur County Environmental Services Department.
8. Provide the County with a Professional Engineer Certification on the planned Tank.
9. Obtain an SDS permit from MPCA

Second by Shirley Katzenmeyer. Motion approved. Motion carried.

**ITEM #2:** CHRIS KUBES-KUBES REALTY, NEW PRAGUE, MN, (APPLICANT); D & D MEYER FARMS INC, NEW PRAGUE, MN, (OWNER): Request that the County grant a Conditional Use Permit to allow the applicant to transfer the development right from the NE 1/4 SW 1/4 to the SW 1/4 SW 1/4 in an Agriculture "A" District. Property is located in the SW 1/4, Section 5, Lanesburgh Township.

Joshua Mankowski presented power point presentation. Chris Kubes, Kubes Reality was present for the application.

TOWNSHIP: Notified. Response None

LETTERS: None

PUBLIC COMMENT: None

Discussion was held regarding: Chris Kubes stated that the reason for the transfer of development rights is to allow for a building site for the property owners' son. Both quarter/quarters are under the same ownership. Pam Tietz inquired about other development in the quarter quarter and road access. Chris Kubes stated that the development in the quarter quarter is the applicants home and access for the new building site would be off the same road. Pam Tietz also inquired if there were going to be shared or separate wells and septic systems. Chris Kubes stated that both will be individual. Jeanne Doheny was concerned that the change in the Planning and Zoning Ordinance that allowed for the transfer of development rights might hinder agriculture in the future. Michelle Mettler read from the goals in the County Comprehensive Plan that would support development in this matter, allowing homes to cluster and leave larger tracks of land undeveloped.

Findings by majority roll call vote:

1. *The conditional use will not be injurious to the use and enjoyment of other property in the immediate vicinity for the purposes already permitted, nor substantially diminishes and impairs property values within the immediate vicinity.*
2. *The establishment of the conditional use will not impede the normal and orderly development and improvement of surrounding vacant property for uses predominant in the area.*
3. *Adequate utilities, access roads, drainage and other facilities have been or are being provided.*
4. *Adequate measures have been or will be taken to provide sufficient off-street parking and loading space to serve the proposed use.*
5. *Adequate measures have been or will be taken to prevent and control offensive odor, fumes, dust, noise and vibration, so that none of these will constitute a nuisance, and to control lighted signs and other lights in such a manner that no disturbance to neighboring properties will result.*
6. *Is the Conditional Use Permit consistent with and supported by the statement of purposes, policies, goals and objectives in the Ordinance?*
7. *Is the Conditional Use Permit consistent with the Comprehensive Land Use Plan?*

Motion was made by Pam Tietz to approve the application.

Second by Shirley Katzenmeyer. Motion approved. Motion carried.

**ITEM #3:** RICHARD STANGLER, KILKENNY, MN, (APPLICANT\OWNER): Requests that the County grant a Conditional Use Permit to allow the applicant to transfer the development right from the NE 1/4 SE 1/4 to the SE 1/4 SE 1/4 in an Agriculture "A" District. Property is located in the SE 1/4, Section 27, Kilkenny Township.

Joshua Mankowski presented power point presentation. Richard Stangler was present for the application.

TOWNSHIP: Notified. Response None

LETTERS: None

PUBLIC COMMENT: None

Discussion was held regarding: Don Reak asked if a Conditional Use Permit would be required to build on the site. Joshua Mankowski stated that it would depend on site plan and home design. It might require a Conditional Use Permit if there is a sufficient amount of material movement.

Findings by majority roll call vote:

1. *The conditional use will not be injurious to the use and enjoyment of other property in the immediate vicinity for the purposes already permitted, nor substantially diminishes and impairs property values within the immediate vicinity.*
2. *The establishment of the conditional use will not impede the normal and orderly development and improvement of surrounding vacant property for uses predominant in the area.*
3. *Adequate utilities, access roads, drainage and other facilities have been or are being provided.*
4. *Adequate measures have been or will be taken to provide sufficient off-street parking and loading space to serve the proposed use.*
5. *Adequate measures have been or will be taken to prevent and control offensive odor, fumes, dust, noise and vibration, so that none of these will constitute a nuisance, and to control lighted signs and other lights in such a manner that no disturbance to neighboring properties will result.*
6. *Is the Conditional Use Permit consistent with and supported by the statement of purposes, policies, goals and objectives in the Ordinance?*
7. *Is the Conditional Use Permit consistent with the Comprehensive Land Use Plan?*

Motion was made by Don Reak to approve the application.

Discussion was held regarding: The goals in the Comprehensive Plan also support this application for Transfer of Development Rights. Shirley Katzenmeyer inquired about the driveway as shown on the proposed plan. Joshua Mankowski offered clarification that a driveway longer than 150 feet would require a 60x60 turnaround.

Second by Al Gehrke. Motion approved. Motion carried.

**ITEM #4:** BERNARD AKEMANN-WATERVILLE FOODS & ICE, WATERVILLE, MN, (APPLICANT); ABRA LLC, WATERVILLE, MN, (OWNER): Request that the County grant a Conditional Use Permit to allow grading, excavating, and filling of approximately 1,957 cubic yards of material movement a Business "B" District. Property is located in the SE 1/4 SW1/4, Section 26, Waterville Township.

Joshua Mankowski presented power point presentation. Bernard Akemann was present for the application.

TOWNSHIP: Notified. Al Gehrke (Township Supervisor) stated Waterville Township has no issues with the proposal.

LETTERS: None

PUBLIC COMMENT: None

Discussion was held regarding: Discussion was held regarding: Don Reak asked if the business and the adjacent field were under the same ownership. Bernard Akemann said they were. Bernard Akemann stated that this is a 46-year-old business and needs to expand to continue to create the same produce and stay within FDA standards. Don Reak inquired about connecting to city services. Bernard Akemann state that they were not able to do so. Don Reak then asked what type of waste products are produced. Bernard Akemann stated that they were mainly just plastic bags. Doug Krenik then inquired about the anticipated timeline. Bernard Akemann stated

that, if they receive the Conditional Use Permit, they will then finalize building blueprints and begin working and would anticipate pouring concrete by September 1<sup>st</sup>.

Findings by majority roll call vote:

1. *The conditional use will not be injurious to the use and enjoyment of other property in the immediate vicinity for the purposes already permitted, nor substantially diminishes and impairs property values within the immediate vicinity.*
2. *The establishment of the conditional use will not impede the normal and orderly development and improvement of surrounding vacant property for uses predominant in the area.*
3. *Adequate utilities, access roads, drainage and other facilities have been or are being provided.*
4. *Adequate measures have been or will be taken to provide sufficient off-street parking and loading space to serve the proposed use.*
5. *Adequate measures have been or will be taken to prevent and control offensive odor, fumes, dust, noise and vibration, so that none of these will constitute a nuisance, and to control lighted signs and other lights in such a manner that no disturbance to neighboring properties will result.*
6. *Is the Conditional Use Permit consistent with and supported by the statement of purposes, policies, goals and objectives in the Ordinance?*
7. *Is the Conditional Use Permit consistent with the Comprehensive Land Use Plan?*

Motion was made by Al Gehrke to approve the application with Conditions.

1. Compliance Inspection for the septic by June 1<sup>st</sup>, 2018
2. As Built must be completed by a licensed Surveyor or Engineer and submitted to the County.

Second by Done Reak. Motion approved. Motion carried.

**ITEM #5:** KENNETH & LINDA FULLER, KASOTA, MN, (APPLICANT/TOWNER): Request that the County grant a Conditional Use Permit to allow the applicant to move in a temporary dwelling for the elderly in an Agriculture "A" District. Property is located in the West Half of NE 1/4, Section 16, Kasota Township.

Joshua Mankowski presented power point presentation. Linda Fuller was present for the application.

TOWNSHIP: Notified. Response None

LETTERS: None

PUBLIC COMMENT: None

Discussion was held regarding: Linda Fuller stated that the property has been in the family since the 1960s. Her husband has health issues and she has a chronic illness and they can no longer keep up with the property. Her daughter and her three children plan to purchase the property and live in the house. Jeanne Doheny stated that that if approved, there would need to be a timeframe for removal. Doug Krenik asked if they will both reside in the temporary dwelling. Jeanne Doheny asked if they will share the septic and the well. Linda Fuller stated that they will need to replace the septic and they will either construct a shared system or two separate systems. They plan to share the well. Michelle Mettler offered clarification that they would most likely have individual tanks and then a shared absorption area. There was then discussion on the appropriate timeframe for removal of the temporary dwelling and when the timeframe would start.

Findings by majority roll call vote:

1. *The conditional use will not be injurious to the use and enjoyment of other property in the immediate vicinity for the purposes already permitted, nor substantially diminishes and impairs property values within the immediate vicinity.*
2. *The establishment of the conditional use will not impede the normal and orderly development and improvement of surrounding vacant property for uses predominant in the area.*
3. *Adequate utilities, access roads, drainage and other facilities have been or are being provided.*
4. *Adequate measures have been or will be taken to provide sufficient off-street parking and loading space to serve the proposed use.*
5. *Adequate measures have been or will be taken to prevent and control offensive odor, fumes, dust, noise and vibration, so that none of these will constitute a nuisance, and to control lighted signs and other lights in such a manner that no disturbance to neighboring properties will result.*
6. *Is the Conditional Use Permit consistent with and supported by the statement of purposes, policies, goals and objectives in the Ordinance?*
7. *Is the Conditional Use Permit consistent with the Comprehensive Land Use Plan?*

Motion was made by Doug Krenik to approve the application with conditions.

1. The temporary dwelling must be removed within six months after it is no longer occupied by either Kenneth or Linda Fuller.

Discussion was held regarding: Discussion was held on the appropriate amount of time to designate for removal and to clarify that when the timeframe should start.

Second by Shirley Katzenmeyer. Motion approved. Motion carried.

**ITEM #6:** TRICIA DENN, NEW PRAGUE, MN, (APPLICANT\OWNER): Request that the County grant a Conditional Use Permit to allow the applicant to establish and operate a Special Event for wedding/receptions venue in an Agriculture "A" District. Property is located in the NE 1/4, Section 23, Lanesburgh Township.

Joshua Mankowski presented power point presentation. Tricia Denn was present for the application.

TOWNSHIP: Notified. Response None

LETTERS:

Jeremy Tikalsky, New Prague Fire Chief regarding his concerns for the facility. 1. Interconnected smoke detectors. 2. Lighted exit signs. 3. Panic hardware on the exit doors.

Mike Bunnell, Department of Labor and Industry regarding the minimum requirements for code administration, permits, plan reviews, and inspection with the Minnesota Department of Labor and Industry. At a minimum the owner needs to hire/employ a state licensed architect to do a code analysis/code review/code record for the planned wedding event/barn structure. At a minimum the code analysis must determine the occupant load for the use determined by the architect. Since it will be open to the public and not just an ag use the building needs to comply with the Minnesota State Building Code. Architectural, structural, accessibility, sprinklers, plumbing, and mechanical codes, etc. If it determined by the architect that the occupant of the converted barn contains a room or space having occupant load of 200 or more then it will fall under the authority of the Department of Labor and Industry.

PUBLIC COMMENT: Wayne & Patrice Schanus regarding concerns with permitting this use across the road from their property. In 2016 there were at least three big events held out at the property. A lot of garbage, balloons, paper plates ended up on their property. Dust was an issue caused by the number of cars traveling down the gravel road. There were issues with moving farm equipment on the road. They have also had issues with the noise.

Discussion was held regarding: Tricia Denn gave a brief overview of their current business giving carriage rides for 20+ years at events. She has been asked at different times if she would do wedding events at her location. Jeanne Doheny asked if the barn was an existing building, to which Tricia Denn stated that it was. Jeanne Doheny then asked why the applicant thought this type of venue was needed. Tricia stated that it isn't needed but it was something she would like to do. Doug Krenik asked for some clarification on the number of people. The number of people changes throughout the application. Discussion on the number of people that will attend the events. Staff stated that, in order to qualify for a Conditional Use Permit, the event needs to be for more than 300 people per the Le Sueur County Zoning Ordinance. Michelle Mettler then discussed the new requirements from the Department of Labor and Industry. These new requirements are triggered if the building is determined to have a capacity of 200 or more people. A licensed architect is required to determine the capacity of the structure. There needs to be 300 plus people to qualify as a special event under the Zoning Ordinance. Department of Labor and Industry requirements are triggered at 200 plus people. Doug Krenik asked if the applicant could get a variance for the number of people. Michelle Mettler state that that would be a use variance and use variances are not allowed. Don Reak then listed his issues with the proposal. He had issues with the amount of dust that would result from the increased travel on the gravel road for the neighbors, rain causing issues with parking cars on a hillside, there were contradictions on every page of the application, issues with the location of the parking being on a hillside and safety for people both driving and walking when it rains. Issue with the size of the current septic system. It was sized for the house and not for the flow from the barn during events. Doug Krenik inquired about the use of portable toilets. Don Reak then voiced concern with the inconsistencies in the planned hours of operation. They change from one area to another within the application. For fire prevention, exit doors were listed. This is not fire prevention so none were listed. The application had inconsistencies when addressing retail sales. At one point the application says yes and then later states none. Again, the issue of inconsistencies with the planned number of people. Issues with sound applications. The application states that there will be none after 9:00 p.m. The music will not be turned off at a wedding reception at 9:00 p.m. if the reception is going until midnight. When the road authority is looking at an access, they are looking at sight lines, not the number of cars using the access. Doug Krenik voices concern with the lack of lighting in the parking area. Don Reak stated that the proposed site is a beautiful location but doesn't think that it is appropriate for this type of venue. Shirley Katzenmeyer asked if there have been requests to hold events at the locations. Tricia Denn state that she has received requests. Pam Teitz stated that she has seen the carriage ride business at both off-site events and on-site. Michelle Mettler stated that it is a permitted use to operate the business off-site only. On-site would be a level 2 home occupation and is not permitted. Shirley Katzenmeyer inquired, if they received approval, would they continue the carriage ride business. Tricia Denn stated that they would. Pam Tietz asked about clarification on using portable toilets for events. Joshua Mankowski stated that they can be used. Doug Krenik asked if there were any plans or a kitchen. Tricia Denn stated no, all food is catered. There was continued discussion on parking lot size and access. Tricia Denn stated that there is a field access that could be utilized for the parking area. It was then stated that the other access was not review or included in the permit application and can't be considered. The applicant did not access for comment form the road authority about the field access.

Findings by majority roll call vote:

1. *The conditional use **will be** injurious to the use and enjoyment of other property in the immediate vicinity for the purposes already permitted, nor substantially diminishes and impairs property values within the immediate vicinity.*

*The increased traffic on the gravel road will cause increase dust and will be a nuisance to the neighbors and those on the road. The use of a PA system for music at an event will all be a cause of nuisance to the immediate vicinity.*



2. *The establishment of the conditional use **will** impede the normal and orderly development and improvement of surrounding vacant property for uses predominant in the area.*

*Increased traffic on the road will impede normal development in this area. This as it may be avoided.*

3. *Adequate utilities, access roads, drainage and other facilities **have not** been or are **not** being provided.*

*The access road is insufficient for this type of use and the increased traffic that will ensue. Rain would cause a number of issues with the access and parking area. Lighting is not being provided for safety purposes. The plan was not thought out and sufficient evidence was not presented.*

4. *Adequate measures have **not** been or will **not** be taken to provide sufficient off-street parking and loading space to serve the proposed use.*

*The area designated for parking is not a good area for parking. It is located on a side hill. Issues will arise if it rains. Terrain may prove unstable for parking cars.*

5. *Adequate measures have **not** been or will **not** be taken to prevent and control offensive odor, fumes, dust, noise and vibration, so that none of these will constitute a nuisance, and to control lighted signs and other lights in such a manner that no disturbance to neighboring properties will result.*

*There are no controls to address dust from the increased traffic on the unpaved road and noise from the sound system.*

6. *The Conditional Use Permit **is not** consistent with and supported by the statement of purposes, policies, goals and objectives in the Ordinance?*

*Similar types of venues not allowed on gravel roads. This use would pose a nuisance for the neighbors. Would need the right conditions to operate under.*

7. *The Conditional Use Permit **is not** consistent with the Comprehensive Land Use Plan?*

*As presented, the application is not consistent with the Comprehensive Land Use Plan for the reasons stated above.*

Motion was made by Done Reak to Deny the application. Reason for denial were inconsistencies in the application, access and parking issues, issues with nuisance to surrounding area, and that this use does not conform to the use in the area.

Second by Shirley Katzenmeyer. Motion approved. Motion carried.

5. Discussion Items: We will be scheduling training with the Department of Natural Resources hopefully in the next few weeks. We also need to continue the discussion on ordinance revisions for short-term transient rental. We will contact you to set up meeting dates and times.

6. Warrants/Claim-signatures.

7. Motion to adjourn meeting by Shirley Katzenmeyer. Second by Doug Krenik. Motion approved. Motion carried.

Respectfully submitted,

Joshua Mankowski

**Approved July 12, 2018**

**Tape of meeting is on file in the**

***Le Sueur County Environmental Services Office***