
Le Sueur County, MN

Thursday, September 11, 2014

Regular Session

Item General3

Approved Minutes

Staff Contact: Kathy Brockway or Michelle Mettler

LE SUEUR COUNTY PLANNING AND ZONING COMMISSION
88 SOUTH PARK AVE.
LE CENTER, MINNESOTA 56057
September 11, 2014

MEMBERS PRESENT: Jeanne Doheny, Don Rynda, Shirley Katzenmeyer, Steve Olson, Doug Krenik, Al Gehrke, Betty Bruzek, Pam Tietz

MEMBERS ABSENT: Don Reak, Chuck Retka

OTHERS PRESENT: Kathy Brockway, Commissioners Connolly, Wetzel, Rohlfing

The meeting was called to order at 7:00 PM by Chairperson, Jeanne Doheny.

ITEM #1: OMG MIDWEST DBA SMC, MANKATO MN (APPLICANT\OWNER): Requests that the County grant a Conditional Use Permit to allow mineral extraction of 89 acres in Agriculture "A", Conservancy "C" & Special Protection "SP" District, on Shanaska Creek. Property is located in Sections 28 & 33, Kasota Township. *Application was tabled at the September 14, 2012 due to mandatory EAW.*

Kathy Brockway presented power point presentation. Terry Overn, representative for SMC and Nick McCabe, Engineering Consultant, I & S Engineering were present for the application.

TOWNSHIP: Joe Kienlen, Kasota Township Board Member, township has a good working relationship with SMC, no problems with the proposal. **DNR:** N/A **LETTERS:** none

PUBLIC COMMENT: Debra Bauernfiend, questioned whether work would be done on State Hwy 22, safety concerns, left turns can be dangerous. Terry Overn responded that there is a turn lane off 22 to County Road 102.

Discussion was held regarding: Utilizing the existing accesses, mining below water table, would require permitting from the MPCA and DNR, no plans at this time, bond set by the county board, life expectancy of the pit, depends on the demand, hours of operation, environmental review.

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. Agreed*
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. Agreed*
3. *Adequate utilities, access roads, drainage and other facilities are being provided Agreed*
4. *Adequate measures will be taken to provide sufficient off-street parking and loading space to serve the proposed use. Agreed*
5. *Adequate measures 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. Agreed*

Motion was made by Doug Krenik to approve the application as written with the condition that the hours of operation follow the zoning ordinance, and should the need arise to deviate from the hours, the applicant must notify the Department. Seconded by Betty Bruzek. Motion approved. Motion carried.

ITEM #2: GENESIS COOPERATIVE, LE SUEUR, MN, (APPLICANT\OWNER): Requests that the County rezone of 21.19 acres from an Agriculture "A" District to a General Industry "I" District. Property is located in the NE 1/4, Section 31, Lexington Township.

Don Rynda, removed himself from the discussion due to a conflict of interest with the application.

Kathy Brockway presented power point presentation. Chris Baker, Tim Griep and Bill Rynda were present for application.

TOWNSHIP: No comments CITY OF LE CENTER: No Comments DNR: N/A
LETTERS: None

PUBLIC COMMENT: none

Discussion was held regarding: business has been established at this site since the early 70's, Conditional Use Permit granted in 1978 that included bulk storage; rezoning the property brings the property into compliance.

Findings by majority roll call vote:

1. *The proposal reflects and is consistent with the goals and policies of the Le Sueur County Land Use Plan. Agreed*
2. *The proposal is compatible with the overall character of existing development in the immediate vicinity of the affected property. Consideration shall be made if there are similar land uses nearby or if the proposed use would be isolated. Agreed*
3. *The proposal will not have an adverse effect on the value of adjacent properties. Agreed*
4. *The proposal will not be injurious to the use and enjoyment of other property in the immediate vicinity for the uses already permitted. Agreed*
5. *The proposal will not impede the normal and orderly development of surrounding vacant property for predominant uses in the area. Agreed*
6. *The density of the proposal is not greater than the density of the surrounding neighborhood or density indicated by the applicable Zoning District. Agreed*
7. *Adequate utilities, access roads, drainage, and other necessary infrastructure are being provided. Agreed*
8. *Soil conditions are adequate to accommodate the proposal. Not applicable*
9. *The proposal will not create a potential pollution hazard. Not applicable*
10. *The proposal will not degrade the water quality of the County. Agreed*
11. *The proposal will not have a negative impact upon natural resource areas such as bluffs, wetlands, water bodies, agricultural land, woodlands, and aggregate resource deposits. Agreed*
12. *The proposal will not negatively affect the protection of the public health, safety, and general welfare. Agreed*

Motion was made by Al Gehrke to approve the application as presented. Seconded by Shirley Katzenmeyer. Motion approved. Motion carried.

ITEM #3: ALLIANCE PIPELINE, EDEN PRAIRIE, MN, (APPLICANT); WAYNE TIMM, KASOTA, MN & UNIMIN MINNESOTA CORPORATION, LE SUEUR, MN (OWNER): Request that the County grant a Conditional Use Permit to allow grading, excavating and filling of approximately 3400 cubic yards of material movement for a bank stabilization project in a Special Protection "SP" District on the Minnesota River, and also in a Mineral Resources "MR" Overlay District & Floodway "FW" Overlay District. Property is located in Sections 7, 12 & 18, Kasota Township.

Kathy Brockway presented power point presentation. Randy Phillips, Alliance Pipeline and Beth Wentzel, Inter-fluve were present for application.

TOWNSHIP: Joe Kienlen, Kasota Township Board, township has no issues with the proposal
DNR: Working with the applicants on the project, permitting from the DNR is required. LETTERS: Lauren Klement, LSC Resource Specialist (see file)

PUBLIC COMMENT: none

Discussion was held regarding: construction timeframe, 1 month or less to complete the project, once all permits are in order, safety issues, halt erosion of the bank towards the 36" natural gas line, addressed Lauren Klement's concerns regarding native plantings, working with the Army Corp of Engineers, most of the work is going to be below the Original High Water level, therefore is not the County's jurisdiction, 1000 cubic yards of material outside shore impact zone, 2400 cubic yards of material within the shore impact zone, riprap placement, necessity of the project to protect the community and to protect infrastructure.

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.* Agreed
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.* Agreed
3. *Adequate utilities, access roads, drainage and other facilities are being provided.* Agreed
4. *Adequate measures 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.* Agreed

Motion was made by Shirley Katzenmeyer to approve the application as written. Seconded by Don Rynda Motion approved. Motion carried.

ITEM #4: PAUL ARDISON, ST PETER, MN, (APPLICANT\OWNER): Requests that the County grant a Conditional Use Permit to allow grading, excavating and filling in a Recreational Residential "RR" District, on a Recreational Development "RD" lake, Lake Emily. Property is located at Lot 1, Selly Bay Estates, Section 26, Kasota Township.

Kathy Brockway presented power point presentation. Paul Ardison, landowner and Jim Thomas contractor were present for application.

TOWNSHIP: Joe Kienlen, Kasota Township Board member, not part of the townships jurisdiction, however, the Ardison's did go over the proposal with the township prior to meeting. DNR: No comments LETTERS: Lauren Klement, LSC Resource Specialist (see file), Jim and Amy Card, neighbors and Dianne Selly, neighbor, in favor of the proposal (see file).

PUBLIC COMMENT: none

Discussion was held regarding: access to lake would be safer and easier, unique piece of property, retaining wall will be screened by natural vegetation, no removal of vegetation that is existing, disturbance to the shoreline was due to natural causes, 2006 tornado, type of vegetation to be planted, path grass way, no other options for placement of stairways, all work to be done within the shore impact zone.

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.* Agreed
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.* Agreed
3. *Adequate utilities, access roads, drainage and other facilities are being provided.* Agreed
4. *Adequate measures 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.* Agreed

Motion was made by Steve Olson to approve the application with the condition that a vegetation plan be developed and approved by Lauren Klement, Le Sueur County Resource Specialist. Seconded by Pam Tietz. Motion approved. Motion carried.

ITEM #5: ERIC & DIANA LOMEN, ST PAUL, MN, (APPLICANT\OWNER): Request that the County grant a Conditional Use Permit to allow the applicant grading, excavating and filling of approximately 693 cubic yards of material for the construction of a detached garage in a Recreational Residential "RR" District, on a Recreational Development "RD" lake, Lake Tetonka. Property is located in Government Lot 2, Section 28, Waterville Township.

Kathy Brockway presented power point presentation. Eric Lomen was present for application.

TOWNSHIP: no comments

DNR: no comments

LETTERS: no comments

PUBLIC COMMENT: none

Discussion was held regarding: addressed Lauren Klement's concerns, will be incorporating rain gardens and installation of gutters on his structure, placement of garage will help with the current erosion problem on the site, due to the relocation of the road, the new structure will help screen the headlights into his home, size of garage, bathroom facilities proposed in garage, lengthy discussion on placement of structure.

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. Agreed **
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. Agreed*
3. *Adequate utilities, access roads, drainage and other facilities are being provided. Agreed**
4. *Adequate measures 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. Agreed*

**(possible drainage issues for the neighbors)*

Motion was made by Al Gehrke to approve the application with the condition that a plan to direct water to an area be developed and approved with Lauren Klement, Le Sueur County Resource Specialist. Seconded by Steve Olson. Motion approved. Motion carried.

Motion was made by Doug Krenik to approve the minutes from the August 14, 2014 meeting by Seconded by Steve Olson. Motion approved. Motion carried.

Motion to adjourn meeting by Al Gehrke. Seconded by Betty Bruzek. Motion approved. Motion carried.

Meeting Adjourned.

Respectfully submitted,
Shirley Katzenmeyer
By Kathy Brockway

*Tape of meeting is on file in the
Le Sueur County Environmental Services Office*