

SALEM TOWNSHIP PLANNING AND ZONING MEETING

July 18, 2018

Members Present:

Drew Moessner
John Donovan
Sonya Mansfield
Lisa Munis
Teresa Carstensen
Greg Reich
Vincent Hoover

Alternates Present:

Kate Herness
David Rassel
Brenda DeCook

Alternates Absent:

Matt Petersen

Call Meeting to Order

The meeting was called to order at 7:00 PM by Sonya Mansfield.

Pledge of Allegiance

Secretary's Report Drew made a motion to approve the minutes, Greg seconded, minutes approved.

Nomination and Appointment of Planning and Zoning Officers for 2018-2019 (Vice-Chair held from last meeting) John Donovan nominated Greg Reich. Teresa moved that nominations cease, seconded by Drew. Greg Reich was elected Vice-Chair.

Zone Change and CUP request – Public Hearing

Daniel DeCook - Ag Resource Mining for Sand pit

7:03 Roger Ihrke presented staff report. G-Cubed, Mark Welch spoke with county, they would accept the haul road shift 150 feet to the west of existing farm road. They would also have berms and trees in accordance to CUP. Common buffer would be pine trees. Roger mentioned that on the CUP conditions #38-43 are the newest.

Sonya commented on #5 Bond compliance, the bond or security must be provided prior to any pit operations beginning with others on this parcel and be continuing to be held until the reclamation has been completed and approved by township board. #13 Erosion control, slopes on berms of the pond and going into pond for the first 10 feet of no greater than 5 to 1 ratio of banks. #18 specify finish, do we need to specify finished slopes of banks and berms, the finished slopes of the banks and berms shall be graded to a slope of not less than 4:1. Berms established around and close to pond, would this effect Decorah edge? The road and around the pit, those berms must now be a part of the erosion control and grading permit. John Donovan asked about #41 Pit operator responsibility on road cleanup. Daniel responded, that is what they currently do.

Lisa asked if it is in Township interest to have pits finish up reclamation first? Yes. Lisa asked about traffic on roads, public safety? Roger responded that this is the County's domain, the safety engineer at the department of transportation. Lisa asked about #4 limiting time of CUP? Roger said the State of Minnesota ruled on this, interim permits, they can have time limits. Salem township does not have them. Lisa asked about pits finishing and reclamation? Roger responded that the bonds are the best incentive. Lisa read directly from the ORDINANCE SECTION 4.02 #1 which states:

"1. The proposed use will not be injurious to the use and enjoyment of other property in the neighborhood and will not significantly diminish or impair the values of such property;"

John asked about dredges and if residential mufflers could be added to CUP? Drew asked Roger about spills on road, is it in CUP? #41, could we include clearing access lanes? Yes. Drew asked Daniel if they are not washing sand, is there anything left to be brought out? Daniel responded that yes, there is still some product, when that is gone reclamation will start at any time. Ground water level is a concern as it fluctuates and kills the planted grasses. No erosion is coming into pit from surrounding area. Daniel is in compliance. Drew asked if the wash plant is moved out? Daniel responded that hopefully it will be moved to new site. John asked if they are at the bottom of the deposit? Daniel said yes.

Meeting opened to public comment- John made a motion to open meeting to public, seconded by Greg, passed, 7:43 p.m.

Dallas Oudekirk, neighbor, talked to Daniel before meeting, saw alternate haul road, thought it would work better with his property. His concerns will be there until it is a fact, not certain about length of time pit will be operating. Serena Oudekirk, neighbor, concerned about property values, assessors tell tax value not market value. They run a horse boarding facility and horses tend to shy at noises. They would like this to be looked at. Dallas asked Mark, G-Cubed about 2 rows of pine trees not necessarily berm. Mark said that berms run along haul roads, road moved 300 feet from property line. Trees may be all that is needed, neighbors are zoned ag not residential, the topography is also a factor. Brenda DeCook, sister-in-law of Daniel and pit owner, #5 bond and definition of open acres, land that is disturbed counts as open, not water. Bond is protection of property owners. Berms for holding black dirt for reclamation. Pine trees are great, help with noise and dust.

William Mahler, neighbor, Jim Paulson was required to put in berms and trees as a condition. To allow new pit, reclaim first pit. Sand and gravel are resources, county says there is no sand here, Roger's last report less than 40 acres of sand, are you allowing a fishing expedition? John, county not accurate, they have test bored to 60 feet. Drew, facts are the test borings. (2006 County map of resources on wall was pointed out) Sonya, Mr. Mahler looking at Leitzen zoning request not DeCook CUP. W. Mahler no responses from reviewers. Sonya, only Public Works responded. Roger, Daniel provided many reports, G-Cubed did borings.

Daniel, responding to S. Oudekirk's concerns, he has horses, they have pits on both sides of property, new horses get used to noises. Horse facilities have equipment that is used and also cause noise. S. Oudekirk, it is a people business, horse owners might not like boarding next to a pit. Daniel, said OSHA regulates dust and noise, his pit was very clean and noise levels were

safe. W. Mahler, demand for more pits? 700 some acres in township already. G- Cubed, huge demand for washed sand, needed in aggregate and needed for septic systems. W. Mahler, where are the studies, wants to see studies first. Daniel, we do not force people to buy sand, if there was no need, pits would be out of business. John, 1/3 of zoned acreage is active as a pit. Sonya, small percent of township is zoned for pit, 3%. Roger, 1st question how much sand is there? If less than 40 acres an EAW is not needed. 2nd question, how many acres already open? W. Mahler, a report on the 16th for a meeting on the 18th is not enough time. Sonya, this report is a revision, reports are available at the Town Clerks office. Daniel, he thinks the information is well published and advertised. Rick Lutzi, if you are interested in what happens, come to the meetings. Greg made a motion to close the public hearing, seconded by Drew, passed. Public comment closed.

Board to discuss, berm and open acres.

John, will there be a berm west of the Oudekirk's? G- Cubed, will berm provide any benefits? Roger, 6 foot high berm, safety, vision, noise, dirt storage. Lisa, berm on east? John, berm probably not helpful. Drew to Daniel, if road moved, there are mature trees after homestead, there is room for more trees. John, berms are an instant vision barrier. Drew, trenching in original spot, would act as a berm? Daniel, yes, but it will be after Oudekirk residence. Chris DeCook, haul road will have less traffic than CSAH 25. D. Oudekirk, berm compared to trees, trees better for dust control. John, for dusty summers, chloride could be applied to haul road. Sonya, revise #18 take out first sentence. #5 take out open acres. Roger, #5 is taken care of in CUP, P&Z should leave that one alone. Increases in bond makes reclamation an incentive. Greg, there is no need for berms as haul road is 300 feet away from neighbors and the road is cut down. Roger, tree size can be added. Drew, add trees to CUP if DeCook's are amenable.

Daniel, #5 \$100,000 cap? No more than 10 acres are open does this include staging area? Roger, open acres is anything not reclaimed or mined. Greg, how is it calculated from bank out? Roger anything that is disturbed, stock piled. Rick, reason for bond is if pit operator walks away, property owner has a way to reclaim. Roger, slope required will be a challenge with bond #39. Daniel, is more than \$100,000 needed? Roger, that is a Town board decision. Sonya, a continuance is needed for CUP changes and Town board discussion on bond. John, 3% of bond is not out of line. Roger, a letter of Credit is acceptable, bonding company needs proof a bank letter of credit is more liberal. Sonya, revise CUP to say letter of Credit not bond, max \$100,000 not per acre. Roger to Lisa, \$5000 per acre in other CUP's, this one is upped to \$10000 per acre, Town Board has not adjusted it. Daniel, could it be changed to \$5000 per acre to be reviewed in 5 years? Lisa, do we need to be consistent? Roger, the rationale in the change is prices are going up.

Roger, P&Z has to recommend something or have Town board discuss. John, recommends Town board discuss. Greg, agrees and asks that trees be added. Daniel, there is room for trees all the way. G-Cubed, trees 50 feet past horse barn on Oudekirk's. Roger, would like to measure from road right of way to 300 feet, he will look at measurements. Roger, sweeping road right of way, turn lanes and bypass lanes. Sonya, asked for a motion to approve or deny. Greg made a motion to approve with what was discussed along with staff recommendations and board approval. John seconded. Motion passed. 9:08p.m. closed.

Leitzen Sand and Gravel- A2 to Agricultural/Resource Mining District

9:09 p.m. Roger presented staff report, less than 40 acres, Leitzen's have 39 acres without access road. Public Works responded and a bypass lane would be needed. WSB Engineering presented their report and a map of the site, this site is on CSAH 25.

Lisa, This site won't have an EAW and an EAW looks at cumulative effects. WSB, Leitzen's other mines have needed this. Lisa asked about traffic impact? WSB, Olmsted County has looked at this and has an operation plan. Lisa, there will be a lot trucks on this road. WSB, the roads are studied every 2 years. Lisa, once it has been rezoned a CUP will be next. Sonya, Olmsted has waived impact on the road, county owns road. Lisa, if rezoned, traffic will increase. Sonya, the road is designed for so much traffic, safety is a consideration. Mark Leitzen, has owned this property for 15 years, sand is running low that is why they want to rezone. Vince, where is other pit? Mark L., Grabau pit.

John, would they have a wash plant? Mark L., yes. Drew, you have a number of properties, where does this one come in? Mark L., they want to use best sand first, they would need to do borings to find out. John made a motion to open to public comment, seconded by Greg, passed. 9:27 p.m. opened for public comment. Jim and Ruth Vandal, neighbors, asked if the entrance and exit can be moved to County Road 3? Mark L. will ask County. Lisa, potential for increased fatalities with more pits. Mark L., talked to neighbors about slowing traffic down, there are children in the area. Pete Lombard, is pit on one side or on east side too? Mark L., pit on both sides. Pete L., Would a berm be necessary? Noise from trucks? Sonya, a berm could be added to CUP, this is for rezone. Mark L., the sand is mainly used for concrete.

Sonya, needs a motion to close public comment. John made a motion to close, seconded by Greg, passed. 9:42 p.m. Greg, asked if trees would be planted? This could be added to CUP in future. Lisa, would truck traffic go north on CSAH 3? Mark L., no, CSAH 25. Sonya asked for a motion to recommend approval or deny a recommendation to Town Board. John made a motion to recommend approval with staff recommendation to Town board, seconded by Greg. Motion passed.

Discussion of town board's directive towards developing a land-use plan.

Will be looked at, at next meeting.

Other Business

Conditional Use Permits for Sand Pits and renewal date reviews (the purpose of this is to devise a sheet with the bond renewal dates and have that checked every meeting to see if any are coming up).

Upcoming Reviews

August: CUP, public meeting

Adjournment

Greg Reich moved to adjourn, seconded by Drew Moessner. All in favor. Meeting adjourned at 9:45 p.m.

Respectfully submitted,

Sonya Mansfield
Chair

Teresa Carstensen
Secretary

Draft