

**MINUTES OF A REGULAR PLANNING COMMISSION MEETING HELD,  
TUESDAY, SEPTEMBER 9, 2014 – 6:00 P.M. – ROCKVILLE CITY HALL**

The meeting was called to order by Chair Toni Honer. Roll call was taken and the following members were found to be present: Member Bill Becker, Member Dale Borgmann, Member Jerry Tippelt and Susan Palmer – Liaison.

Absent were:

Staff members present were: Zoning Administrator Rena Weber & Administrative Assistant Mandy Lais.

Others present: John Vogt, Ben & Roxie Neu, Mike & Brenda Lodermeier, Rick Tallman, Mark Magnuson

***APPROVAL OF AGENDA/AMENDMENTS – Motion by Member Borgmann, second by Member Tippelt, to approve the agenda with amendments. Motion carried unanimously.***

***APPROVAL OF MINUTES 8/19/14 – Motion by Member Tippelt, second by Member Borgmann to approve the 8/19/14 minutes. Motion carried unanimously.***

**New Business:**

**PUBLIC HEARING @ 6:00 PM FOR JOHN VOGT – 25971 99<sup>TH</sup> AVE – RE-ZONE:**

Zoning Administrator Rena Weber stated that Mr. Vogt would like to rezone from R1 to RR. If you remember Mr. Vogt was in a year ago and he had a desire to keep a couple of corn cribs to store birds. In the end he wanted to rezone to RR. He has 5 acres. He needed to get this addressed within a year and he is within the year. I think you were in favor of this last year.

Mr. Vogt stated he sold one corn crib, and he wants to get the land back to where it was.

Chair Honer stated that Theresa Mertis told her she was in favor of what Mr. Vogt wants to do.

***Motion by Member Borgmann, second by Member Tippelt, to close the public hearing at 6:05 pm Motion carried unanimously.***

***Motion by Member Tippelt, second by Member Borgmann to approve the rezone as it is presented. Motion carried unanimously.***

**DAN HANSEN/SYVERSON – REQUEST FOR ADMINISTRATIVE PLAT:**

Zoning Administrator Rena Weber stated, in February, they went from 4 lots to 3 lots, this is a reconfiguration of the same thing. They have someone interested in the 40 acres, that's why they want to separate it.

When this is done, they will still have 20 acres. It's merely shifting the lot lines.

RE: ADMINISTRATIVE PLAT

RE: Parcel I.D. No. 76.41608.0100 Sections 5, Township 123, Range 029  
76.41608.0200 Sections 5, Township 123, Range 029  
76.41609.0200 Sections 6, Township 123, Range 029

Owners: Daniel Hansen  
Kathleen & Howard Syverson

Property Address: Halfman Road, Cold Spring, MN 56320

**REQUEST**

Daniel Hansen and the Syverson's would like to realign the property lines and create two parcels instead of three. When recorded both parcels will be 40 acres plus so this can be built upon

***THE REQUEST IS TO SHIFT THE LOT LINES ONCE AGAIN. ALL ELSE REMAINS THE SAME.***

## RELEVANT INFORMATION

1. Property is zoned A-40.
2. Property is 195.03 acres approximately.
3. This split does not require a public hearing since they are re-aligning property lines and not creating more than two lots.
4. Zoning Administrator would like your concurrence with the underlined statement regarding the ability to be built upon.

## RECOMMENDATION

1. Approve pending review and discussion.

Member Tippelt asked about the tillable land being sold off.

Zoning Administrator Rena Weber stated the blue section on the map, which is the tillable acres, is what they want to sell off, preserving the tillable land and so it's in line with the comprehensive plan. A certificate of compliance has been prepared and if you are in agreement this is what will get filed.

***Motion by Member Tippelt, second by Member Borgmann to recommend the subdivision as it is presented.***

***Motion carried unanimously.***

**KENT/LUCKEROTH BEHREND – REQUEST FOR ADMINISTRATIVE PLAT:**

Zoning Administrator Rena Weber stated that this is an administrative plat. The two neighbors would like to get the property line straight before the one sells. It's a matter of certificate of compliance. So we are correcting where the line is.

***Motion by Member Borgmann, second by Member Becker to approve the administrative plat as it is presented.***

***Motion carried unanimously.***

**New Business:**

Definitions for the campers prior to working session

Importance of site visits

Next proposed site visit, 9:00 am on October 25<sup>th</sup>

**PUBLIC HEARING @ 6:20 PM FOR KNIFE RIVER – IUP:**

Zoning Administrator Rena Weber stated Knife River is requesting a conditional/interim use permit at property address 24302 County Road 138, St. Cloud, Minnesota, known as the Mick Pit.

**STATE OF MINNESOTA  
COUNTY OF STEARNS**

**INTERIM USE PERMIT  
FILE NO. 14-01**

<b>Permittee:</b>	Knife River Corporation – North Central
<b>Requested Use:</b>	To place temporary asphalt plant operations, truck hauling, storage and stockpiling of material for the TH 94 project for the 2014 construction season. 10.49 Acres in an A-40 zoning district.
<b>Description:</b>	To operate a hot mix asphalt plant for TH 94 project from the Sauk River to C.S.A.H. 75
<b>Applicable Ordinances/ Statutes:</b>	Zoning Code, Ord. 2003-04, Sec. 9, Subd. 13 Mining/Extractive Uses Zoning Code, Ord. 2003-04, Sec. 27 Conditional Use Permits, Zoning Code, Ord. 2003-04, Sec. 28 Interim Use Permits

The above entitled matter was heard before the City Council of Rockville on the 10th day of September, 2014 for the following property:

**PROPERTY ADDRESS:** 24302 County Road 138, St. Cloud, MN 56301

**PARCEL NO.** 76.41614.0800

**LEGAL DESCRIPTION:** That part of the South half of the Northeast Quarter (S ½ of NE ¼) of Section 9, Township 123, Range 29 described as follows: Commencing at the Southeast corner of said S ½ of NE ¼ ; thence West along the South line thereof for 779.92 feet' thence Northwesterly, deflecting 30°11'40" to the right for 115.37 feet to the point of beginning of the land to be described; thence Northeasterly, deflecting 91°21'20" to the right for 760.56 feet; thence Northwesterly, deflecting 90°00'00" to the left for 641.95 feet to the center line of Minnesota Truck Highways 23 as the same is now constructed and traveled; thence Southwesterly along said centerline, deflecting 93°28'42" to the left for 776.07 feet to a line drawn Northwesterly, at an angle of 30°11'4" with the South line of said S ½ of NE ¼ from the point of beginning; thence Southeasterly, deflecting 87°52'38" to the left for 595.03 feet to the point of beginning.

Less the following: That part of the SE ¼ of NE ¼ of Section 9, Township 123, Range 29, shown as Parcel 225B on Minnesota Department of Transportation Right of Way Plat No. 73-44 as the same is recorded, Stearns County Minnesota.

**IT IS ORDERED** that Interim Use Permit No. 14-01 be granted subject to the following conditions:

1. The interim use permit will expire in 2014 at the end of the work season or no later than 12/31/14, subject to final review. Failure to meet any of the conditions of this agreement, or substantial change to the conditions in the neighboring properties, shall constitute grounds to terminate this permit after review by City Council. Permittee shall be given an opportunity to address the City Council prior to termination under this condition. Nothing in this condition shall limit the immediate termination of this permit for violation of any other condition.
2. No gravel washing will occur on this or any site in Rockville without an interim use permit.
3. A letter of credit or performance bond approved by the City Attorney is provided in the amount of \$5,000. The letter of credit, or a replacement security approved by the City, shall remain in effect for the entire term of this permit. The amount and terms of this letter of credit shall be reviewed by the City Engineer and City Attorney during the annual review. Upon review, the terms of letter of credit must be revised as directed by the City Attorney in order to ensure the ability of the City to draw upon the security. Compliance with all conditions of the Sec. 9, Subd. 13 of the Zoning Code, and all other City Ordinances.
4. Compliance with all County, State, and Federal laws and regulations, including, but not limited to, those governing public health and welfare, public and worker safety, water quality, air quality, noise pollution and waste disposal.
5. Right-of-entry is provided to the City of Rockville, and its agents, to inspect the site and determine compliance with all conditions imposed on the operation.
6. A copy of the restoration plan to be provided.
7. Operation is limited to the hours of 7:00 a.m. to 10:00 p.m. with an allowance to warm up vehicles and equipment beginning at 6:30 a.m. The City reserves the right to amend the hours of operation to eliminate the allowance to warm-up, at any time, with two weeks notice.
8. Erosion control measures will be taken to minimize the damage to adjacent land.
9. Prior to the termination of the of the interim use permit (for whatever reason), the site is reclaimed according to the Reclamation Plan dated 9-23-14
10. Landscaping is installed to the outer rim of the mining area so there is no outside drainage entering the mine pit.
11. All fueling, fuel storage, maintenance, and storage of the mining equipment is limited to an area outside of the mine pit, or on an area which has secondary containment for any spill or leak.
12. No use of explosives which leave neither nitrate residue nor any residue which is a drinking water contaminant.

**THIS INTERIM USE PERMIT SHALL TERMINATE UPON THE OCCURANCE OF ANY OF THE FOLLOWING EVENTS, WHICHEVER OCCURS FIRST: A. THE TERMINATION DATE: OR B. THE USE HAS BEEN DISCONTINUED FOR A MINIMUM PERIOD OF 90 DAYS.**

Zoning Administrator Rena Weber read from Knife Rivers request (see exhibit A) She also stated that they are requesting hours of operation of 6 am to 9 pm Monday –Saturday, with generator startup at 5:30 am, however she changed it to 7 am with start up at 6:30 am to coincide with our ordinance.

Mark Magnuson, VP construction for Knife River, stated the start date will be October 6<sup>th</sup>. They will be bringing an asphalt plant out on October 10<sup>th</sup>. They would like something like Monday – Thursday, 6 am to 10 pm. They will be using a 4,000 ton mix, bring in aggregates ahead of time with approval. There will be no crushing or washing on this site.

Chair Honer asked if it could be completed by the end of the year?

Mr. Magnuson stated it shouldn't be a problem.

Zoning Administrator Rena Weber asked what would the reclamation plan look like?

Mr. Magnuson stated it will level the floor and there will be small piles of aggregate and some millings.

Zoning Administrator Rena Weber asked about the 6 am start time.

Mr. Magnuson stated yes he would like that because they can't work Fridays, Saturdays, or Sundays.

Zoning Administrator Rena Weber asked about using County Road #138. Have you talked with Stearns County?

Mr. Magnuson stated that MNDOT is very strict and they video tape the roads prior to the project to make sure they are in the same shape after the project.

Chair Honer asked if the pit is going to look similar to the way it looks now? Not with extra gravel piles?

Mr. Magnuson stated there will be some piles and he can't say for sure but there may be some black gold dust. Rock won't be allowed.

Mr. Mike Lodermeier, 24709 County Road 38, has many concerns with what is being proposed. He lives by the pit and from past experience, no one has taken care of the dust, and he wouldn't be surprised if Knife River didn't either. There are trucks coming in and out constantly all hours of the day and night, there are beeping noises from the equipment late into the night, the equipment is going 24 hours a day. This makes it difficult to live here and sleep. He would suggest that they not be able to work at night and they clean up their stuff they drag on the road...They need to take care of the dust and they shouldn't be allowed to work all night.

Ms. Brenda Lodermeier, 24709 County Road 38, has many concerns as well. She lives by the pit and she did an estimate of how many truckloads go in and out of the pit, if they run from 7 am – 9 pm, that's 14 hours, times 15 trucks/hour that is 210 truckloads in a day times 10 days, that's 2100. This is no small operation. Drinking water is a concern with the black gold, very disruptive when you are trying to sleep.

Member Tippelt asked how late they work at night? Can it be done in the farthest part of the pit?

Mr. Magnuson stated they can take off the backup beepers at night. They would request one night to do maintenance later. Then the rest of the maintenance they would shut down by 10 pm.

Member Tippelt asked if they can do their maintenance during the day on Friday since they are not working that day?

Mr. Magnuson stated if it breaks down they would need to fix it that night to use it the next day.

Member Tippelt asked where are you going to set up your pit, and can you put it at the farthest end away from residents?

Mr. Magnuson stated it is and they stockpile accordingly. Typically you need 5 – 6 acres.

Member Tippelt asked if they can put their machinery on the one side and make the stockpile come up between the equipment and these residents? To limit the noise?

Mr. Magnuson stated there is a fair amount of built up and it won't affect it a whole lot. Not sure where their house is.

Mr. Lodermeier stated he would like a contact person.

Mr. Magnuson stated he can provide a number.

Member Tippelt asked if they will have a water truck to control dust?

Mr. Magnuson stated yes they will. Tires create the dust. Not the mining operation. There are several studies that state once blacktop is paved it doesn't leach oil.

Zoning Administrator Rena Weber stated if they had an oil leak they would need to fix it.

Mr. Magnuson asked if they could get permission to work until midnight one night.

**Motion by Member Becker, second by Member Borgmann, to close the public hearing at 6:46 p.m.**

**Motion carried unanimously.**

Member Becker stated the hours need to be addressed. And what they allowed for repairs and the dust. Chair Honer stated that our ordinance stated 7:00 am, they could do maintenance from 6 am to 7 am.

Member Tippelt stated the residents need a contact number.

Member Becker stated he would recommend sticking to the city ordinance 7 to 10, with warm up of vehicles at 6:30 am.

Member Borgmann stated that they should have one night to do repairs until 12 midnight and the rest of the time shut down by 10 pm.

Mr. Magnuson asked if he can have a generator start at 6:30 am?

Chair Honer stated yes that is the warm up.

Chair Honer summarized the expectations of Knife River to extend the maintenance hours until midnight, Monday – Thursday, operations will be 7 am – 10 pm with a 6:30 am warm up. And the dates will go from October 6<sup>th</sup> to December 31<sup>st</sup>.

***Motion by Member Becker, second by Member Borgmann, to approve the IUP as it is presented with the following conditions, operation hours 7 am – 10 pm Mondays – Thursdays with 6:30 am warm-up for vehicles, with extended hours for maintenance until midnight, preventative measures to keep the dust under control, and clean up debris that gets tacked onto the city roads, dates October 6 to December 31. Motion carried unanimously.***

**PUBLIC HEARING @ 6:30 PM FOR BEN & ROXIE NEU – 25595 LAKE ROAD – VARIANCE**

Re: Variance Request  
76.40133.0026: Owners: Ben & Roxie Neu  
Property Address: 25595 Lake Road, St. Cloud, MN 56301

## Variance(s) Requested:

1. Variance to construct an attached 52.7' x 28' garage and to locate it 5' from the side yard lot line where 10' is required.

## Construction Requests:

1. Construct a 1475.60 square foot building to match the house.

## Relevant Information:

1. R-1 – Residential District Shoreland District.
2. Total Square Footage is 1.72 acres – impervious is 10.8%
3. 16 notices of public hearing were sent out
4. No certificate of survey was required as the applicant supplied information from Stearns
- 5.

## Recommendations:

1. Maintain existing drainage patterns over, under, and across their property.
2. No additional driveways will be allowed.
3. Proper temporary and permanent erosion control measures (BMP's) shall be implemented during and after construction to minimize sediment leaving the site; this would include proper installation of silt fence or bio-rolls on the down gradient side(s) of any excavations or earth disturbing activities, and subsequent re-vegetation of the disturbed areas soon after work is completed.
4. Approve with these conditions.

Mr. Ben Neu - 25595 Lake Road, stated they walked around and spoke to the neighbors. The Hagbloom's at 25573 Lake Road, are ok with what the Neu's want to do. The Neu's have been there since August 1<sup>st</sup>.

**Motion by Member Becker, second by Member Borgmann, to close the public hearing at 7:00 p.m. Motion carried unanimously.**

Member Borgmann stated he saw the Neu's house and he is fine with what they want to do.

A review of the finding was done (A copy of the finding of facts is hereby attached and marked Exhibit A)

1. 4 yes why:
2. 4 yes why:
3. 4 yes why:
4. 4 yes why: trying to do this to prevent cutting down trees and the way the lot was laid out.
5. 4 yes why:

***Motion by Member Becker, second by Member Tippelt, to approve as presented.  
Motion carried unanimously.***

**Board/Staff Report**

Chair Honer -Sharon Hodel asked about building on the Grand Lake side of her acreage. She wants to build, right by Blochs. She would have to rezone, but can't rezone if it's tillable.

Member Tippelt gave an update on the grass mowing in the industrial park, its gone from the assessor, to the person who does the repossessed properties. Assessors can't afford to cut the grass. The restrictions are at a state level.

Change the name of 235<sup>th</sup> street? There is a 235<sup>th</sup> Street in Cold Spring and causes some confusion.

Chair Honer stated the Browns abatement process has started

406 Aspen Court has a hoop structure.

Shwinghammers- Spportsmans Club. Take a look on the tour

Castaway's vehicles were all licensed.

***ADJOURNMENT – Motion by Member Borgmann, second by Member Becker, to adjourn the meeting at 7:15 PM. Motion carried unanimously.***

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**MANDY LAIS  
ADMINISTRATIVE ASSISTANT**

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**TONI HONER  
CHAIR**