

WRIGHT COUNTY PLANNING COMMISSION

Meeting of: April 4, 2024

Minutes

The Wright County Planning Commission met on April 4, 2024, in the County Commissioners Board Room at the Wright County Government Center, Buffalo, Minnesota. Chairman, Dan Mol, called the meeting to order at 6:30 p.m. with members present: Dan Mol, Pat Mahlberg, Ken Felger, Jeanne Holland, Jan Thompson, Dan Bravinder & Sandy Greninger Barry Rhineberger, Planning & Zoning Administrator, represented the Planning & Zoning office; Greg Kryzer, Assistant County Attorney, legal counsel was absent.

ACTION ON MARCH 7, 2024 MINUTES

Holland motioned to adopt the minutes for the March 7th, 2024, meeting as printed with Bravinder seconding.

VOTE: Holland, Mol, Bravinder, Mahlberg, Thompson & Felger ABSTAINED: Greninger

MOTION CARRIED

PUBLIC HEARINGS:

1. **ZEB HANEY (Formerly ESTATE DEVELOPMENT CORPORATION)** – Cont. 10/12, 11/16, 12/14, 1/11, 2/8, 3/7

LOCATION: 11126 Eastwood Avenue SE – The NW 1/4 as well as part of the NE 1/4 lying westerly of Rice Lake in Section 35, Township 118, Range 25, Wright County, MN. (Rice - Franklin Twp.) Tax #208-200-352102, -352100, -351201. Owner: David Lubben Trust

Petitions to rezoning from rezoning from General Agriculture (AG) with a Residential-Recreational Shorelands District Overlay (S-2) to Agriculture/Residential (A/R) with a Residential-Recreational Shorelands District Overlay (S-2) and establishment of a Rural Planned Unit Development (PUD) overlay district as regulated in Section 155.028, 155.047, 155.048, 155.057 & 155.059, Chapter 155, Title XV, Land Usage & Zoning of the Wright County Code of Ordinances.

Present: Zeb Haney, Jeff Vanderlinde and Kevin Miller

- A. Rhineberger reminded the Commission this item had been heard several times and was most recently continued from the March meeting for revisions and Township review. Two revisions were received, one with common open space and the other with no open space and the existing horse farm property as a restricted parcel. Both revisions have the cul-de-sac and the Township restated their approval of the request.
- B. Vanderlinde – The Township has stated they do not want the road to go through and the cost to continue the road would be \$1.1 million. What wasn't mentioned at the last meeting is that this is a Subordinate Service District (SSD) and on an SSD the owners will be responsible for the road. The only item the Township will address is the plowing of the road. When the Township decides the road needs to be re-tarred it is the owners in development that will have to pay. As a resident of Franklin Township for over 50 years, he is seeing the area get swallowed up by the City of Delano. The Township reaffirmed this plan 3 times and the plan was redrawn 4 times. The Commission asked for open space, which was the original plan. In an earlier email with Rhineberger reference was made to MR 6120.3800, which addresses PUDs in shoreland, and after discussion with the MN DNR, it was determined this proposed development did not pertain to this rule and open space was not required. The property to the east, known as the Honebrink property, has no open space and the original home site was kept as restricted. There is also a development to the south that does not have open space and a neighboring development created two years ago that has open space but by ordinance that was not necessary. Vanderlinde proceeded to read minutes from a Township meeting that addressed reasoning for approval. The Township is looking into whether this being a private road needs to be under an association or assessment on the tax roll for the 11 new homes. There are 6 PUDs with 4-5 of them within 1.5 miles of this development that are on a dead-end, one has open space and the others are restricted and mostly used for horses or cut for alfalfa and hay. Using the document camera Vanderlinde displayed a site map of the 6 developments mentioned. Rhineberger state shoreland rules are specific to PUDs. He did speak with the MN DNR Area Hydrologist and MR 6120 has different standards than county standards relate to size and density. In this case, the proposed development does not qualify as a PUD under state shoreland standards but does qualify under the county standards and a PUD can be approved with common open space or restricted land.

The interpretation of restricted lands has varied over the years and most of the PUDs in this area have restricted lands with the original farm site and some type of active agriculture. Vanderlinde went on to use the displayed map to review the locations of the PUDs within the area and stated that the Township is reviewing SSDs in the area. Rhineberger explained SSD is a Subordinate Service District where the ongoing maintenance is the responsibility of the township, but structural maintenance is at the cost of the residents. This road is a township road but it is funded differently than a standard government township road. Vanderlinde – private but not. Mahlberg questioned if related costs are processed through special assessments. Rhineberger – has not reviewed the agreements. Bravinder – SSD is not a private road; it is completely public with any improvements paid by the taxpayer and the township responsible for maintenance. Questioned minutes from Franklin Township regarding the SSD with Rhineberger stating the minutes were not provided to staff and therefore not included as part of the staff report. Vanderlinde stated in the October meeting minutes the statement was made that *'Russek will gather all the SSD information for discussion at next month's meeting.'* His understanding is that the Township doesn't want the roads tarred anymore. The new Delano land use plan has most of Franklin Township covered up and growth is not going to be stopped. Once in the Delano land use plan, the owner is restricted with what can be done because the city doesn't want to see large acre lots for when it comes time to install utilities. The Township has reaffirmed this plan 3 times with two plans presented, one with open space and one with a restricted parcel. The Township stated they wanted to see a center island turnaround and they do not want the existing homestead touching the turnaround because they don't want that property having two exits. Having a thru road would be double the cost and no additional lots would be gained. A thru road would require a retaining wall and there would be no homes between the road and the lake plus it would split the existing horse property in half. The question would be who is responsible for maintaining the retaining wall and the land between the road and the lake. The Township is also concerned with a thru road being a cut-thru.

C. Public comment opened with a 4-minute limit.

- Jeff Sullivan – 4386 115th St SE – sat through Township meetings and no discussion was had on ownership of the road or if it would be tar or gravel. There was discussion on the turnaround vs. cul-de-sac but if it went through or not was not their duty to decide. The proposed plan is no different than what was presented at the prior meeting. The 500 ft. cul-de-sac statue is still in play with this proposal being well longer than allowed and that is something that this board should reject.
- Mary Sullivan – 4386 115th St SE – abuts the property to be developed. This development impacts the existing neighborhood of 18 and she is unsure if the financial situation of Franklin Township is relevant to this decision. It is possible the road can go through, even at an additional cost to the developer. There is also the option that the road doesn't go through, which has a negative impact on existing residents. She is not saying that the development shouldn't happen but she wants to see the road go through. She doesn't feel this would be a cut-thru and if it was it would be residents from Carver County. The only ones using the thru road would be the residents of the development. She attended all of the township meetings, except yesterday's, and she does not recall a worry being mentioned about the people cutting through. At the last meeting, she recalled encouragement to have the road go thru and that was not even attempted or any effort to show a thru road was possible, which it can. She would like to encourage the Commission to think about the current existing residents of Franklin Township and Wright County when deciding on the proposal without the road going through. Holland – one item she hears repeatedly is when a road needs to be redone and there is an assessment, no one likes how much they are assessed. Questioned if the residents of the existing neighborhood would be okay with a full road assessment. M. Sullivan – from 110th to where she currently lives used to be a gravel road and the residents of 110th St. pooled their funds to have the road paved, chipped, or tarred. She also lived in town where she was assessed for road maintenance. Yes, she has paid for road maintenance and understands the concept.

- Kristi Mittelstaedt – 4243 115th St – questioned if 115th St is an SSD. Mol – stated that would be a question for the Franklin Township. Mittelstaedt – concerned with the wear and tear on the road during construction. Comment is made to not worry about the road as it is bonded but when the bond is closed the residents of the area could still be affected and have to pay for damage to the road. She would like the Commission to consider the impact of having all this traffic on 115th St. versus out towards 110th and the effects on the existing owners.
 - Richard Todd – 11734 Eckert Ave – where 115th meets Eckert up to the cul-de-sac is currently coming apart, with only 2 homes at the end. Questioned who will pay for the damage to the road. His feeling is the road should be looked at before any construction starts.
 - William (Billy) Erickson – 4308 115th St – the extended cul-de-sac doesn't meet the statute of 500 ft. and it is known that the road can go through but they have heard it is not feasible for the developer or landowner so they have chosen not to propose that plan. The Commission cannot make decisions based on finances. The Fire Chief has stated he would like to see a thru road. Police have stated not running the road thru creates additional response time and they would like to see a thru road. After the last meeting, he felt the Commission was adamant this should not be decided based on the horse farm but tonight comment has been made about the issues a thru road creates for the existing horse farm. He feels the developer is considering financial reasons for the road not going through and not considering what the Commission and neighbors have asked.
- D. Vanderlinde – the SSD was discussed with the Township in October, as noted in the minutes. Comment was made that money is a factor, they conceded to the size of the horse farm and brought that down in size. The Township does not want the road and why they have affirmed the proposal 3 times. The cul-de-sac is an extension of an existing cul-de-sac, so it does meet the required standards. It is a cost to extend the road, because of the retaining wall and lack of homes in an area, which is where the Township will have to maintain and not what they want. The road mentioned that was tarred is a blacktop oil-based chip-seal that the Township put down, it is not a tarred road. If this road were to go through it would connect with 110th, which is a gravel road. The 11 new homes will be the ones paying for the new area of road and the extended road details are still being discussed with the Township. This proposal is simply an extension of the existing development that was created through the same process. They are okay with open space or restricted land; it does not matter to them but the road does not work.
- E. Felger questioned Haney if a developers agreement has been established with the Township. Haney stated no. Felger – there was a concern brought up about heavy trucks that may damage existing roads. His concern is if those roads are beat up who pays for repairs? Vanderlinde – there is a current bond with the existing developer, he would assume the Township could call on that bond. Felger – who says the bond would indemnify the Township if another developer further down Eckert damages the road. Vanderlinde – not sure but he would assume the developers' agreement would work that out. Miller – most times townships will inspect a road before construction and after with the option to go back to the developer if needed.
- F. Bravinder stated he is convinced Franklin Township has vetted this to ensure their road and interests are taken care of. There are cul-de-sacs all over the county that do not meet that 500 ft. requirement and this Commission can waive that distance if they so choose. Because of the Township affirming the proposal he as well can go along with the rezoning plan. Mol questioned if he would like to see open space or restricted land. Bravinder – first comment from Township was they did not want the open space and even though the comment was made they do not care if open or restricted there hasn't been any documentation from them stating as such; he will go with restricted.
- G. Mahlberg questioned if the area PUDs have longer than 500 ft. cul-de-sacs. Vanderlinde displayed the area PUD map that was previously displayed and reviewed the distances of each development with none of them being under 1,000 ft. in length. Mahlberg questioned if township minutes, mentioned by Vanderlinde, are in the staff report. Rhineberger stated they are not because they were not received by staff. Mahlberg – feels

somewhat that he is having to rely on hearsay. Bravinder – assuming the Township will put together a developers agreement and, in that agreement, the road will be addressed, which includes the construction phase and damage to the roads. If rezoning doesn't happen this Commission could deal with it in the development phase. Mahlberg – hearing Bravinder is comfortable that it will get dealt with. The Township is currently relaying they do not want the road to go through. Bravinder – from a township standpoint a thru road could depend on where the road connects and if everyone would benefit. The retaining wall would be something a township may not want anything to do with, as they are very expensive to deal with and maintain. Cokato Township has 2 developments with cul-de-sacs that were specifically designed that way to keep traffic down. With this proposal there are slopes that could be difficult for the township to deal with. Mahlberg questioned what type of roads these 2 developments are located on with Bravinder stating one is on a County Road and the other is a township road with both being on traditional AG land. Mol – in Corinna Township there was a similar request on Sugar Lake with some of the same discussions. The cul-de-sac came within 10 ft. of a township road that could connect as a thru road and he recalls this Commission wanted that road to connect. At the meeting, the Corinna Township Supervisor provided reasons why they were against a thru road. He views that in this situation this request has gone to the Township 3 times and each time they have approved with a cul-de-sac if they didn't want the cul-de-sac they would have stated so. The request tonight is for rezoning with the development portion still to be discussed.

- H. Greninger questioned the last Township meeting that the staff report doesn't have. Rhineberger – explained there are no minutes as some townships send the minutes and others do not. In this case, no minutes were sent to staff, just the response form. Mol – The Township sent the formal response stating approval of what was presented. Some townships include the minutes related to that specific item. Rhineberger – a response form is not sent to the township when an item is continued. Rhineberger went on to read the Township email he received after the April meeting, which addressed the reaffirmation of rezoning with a PUD and preliminary acceptance of the road based on revised concept plans received on March 25th, 2024.
- I. Bravinder moved to recommend approval to the County Board of Commissioners to rezone the property from General Agricultural (AG) and part Residential-Recreational Shoreland (S2) to Agricultural/Residential (AR) and part Residential-Recreational Shoreland (S2) and establish a Rural Planned Unit Development District (PUD) based on the concept plan completed by Campion Engineering Services, Inc. dated 02/16/2024, Project No. 24-010, marked Exhibit “A”, because it is aligned with the goals and policies of the US Highway 12 Corridor Land Use Plan. Motion seconded by Greninger.

DISCUSSION: Rhineberger – there are two sets of plans with the same project number. One is with the open space and the other is the existing farm site as restricted. The Township received both sets of plans and in the most recent email didn't distinguish between the two. Bravinder stated he wants to go with the restricted land because that is what the Township approved on March 15th. Rhineberger – approval is based on that plan with not a large difference between the two and in the end during the development review the Commission could go with open space or restricted. Bravinder reiterated he will reference the March 15th correspondence from the Township where it mentions the restricted parcel as a preference. Rhineberger stated he would mark the plan as Exhibit "A". Felger stated he would mostly likely vote in the affirmative because the Township has been adamant about not wanting the road to go through and that was one of his main concerns. He prefers the open space concept as it provides open space for neighboring residences and reduces the size of the horse farm. Mol – as of now the motion is with restricted land. Felger questioned if there is a point in the future when the plat is reviewed and the situation can be discussed. Rhineberger – after approval of rezoning a subdivision request would come to this Commission for discussion.

VOTE: Holland, Mol, Bravinder, Thompson, Greninger, & Felger NAY: Mahlberg

MOTION CARRIED

2. **CHIP BAUER** – Cont. 3/7

LOCATION: 10840 Aetna Ave NE - Part of NW 1/4 of the NE 1/4, Section 07, Township 121, Range 25, Wright County, Minnesota. (Monticello Twp.) Tax #213-100-072400 Property Owners: BARTHEL REVLIVTR

Petitions to rezone from General Agriculture (AG) to Agricultural/Residential (A/R), as regulated in Sections 155.028, 155.047 & 155.048, Chapter 155, Title XV, Land Usage & Zoning of Wright County Code of Ordinances.

No representative present.

- A. Rhineberger explained that the applicant has decided to not pursue the matter and has therefore requested the item be dismissed.
- B. Felger moved to dismiss the matter without prejudice, at the applicant's request. Seconded by Thompson.

VOTE: CARRIED UNANIMOUSLY

3. **JAMES DORN** – New

LOCATION: 3644 US Hwy 12 SE – part of the SW 1/4 of the SE 1/4, Section 34, Township 119, Range 25, Wright County, Minnesota. (Franklin Twp.) Tax #208-300-344300 Property Owner: James M Dorn

Petitions for an Interim Use Permit to operate a home extended business for used car sales, as regulated in Sections 155.031, 155.048 & 155.103, Chapter 155, Title XV, Land Usage & Zoning of the Wright County Code of Ordinances.

Present: James Dorn

- A. Rhineberger displayed the site plan and various slides as he reviewed the request. The property is roughly 29.9 acres and sits along US Highway 12 in Franklin Township, is zoned General Agriculture-AG, and is in the US Highway 12 Corridor (US 12) Land Use Plan as Rural Residential. The request is for an Interim Use Permit (IUP) to allow a used car sales lot as a home extended business. The applicant is requesting to use an existing 26' by 45' (1,170 sq. ft.) pole building. Additionally, the applicant is looking for an allowance of a 32' by 60' (1,920 sq. ft.) fenced outdoor storage area for outdoor display. Office hours for the business would be from 9 am to 5 pm Monday through Friday, 9 am to 4 pm on Saturdays, or by appointment. Franklin Township has approved a 1-year IUP for used car sales, limiting cars parked on the road to 8 cars or less. Home extended businesses are required to be 500 ft. from any other residences and this request does meet that requirement.
- B. Dorn – at Franklin Township he asked for 6-10 cars parked out so that he could have exposure along Highway 12. He had a dealership in Delano for 40 years and sold that a few years ago but has now decided to, on a limited basis, step back into vehicle sales. He would like permission to have 20-25 vehicles. There are 5 different outbuildings, and two 60 ft. x 100 ft. pole buildings, so all the cars would not have to be outside and there is adequate blacktop parking. Rhineberger stated that Mr. Dorn indicated he has additional indoor storage but those buildings are not allowed to be used as a home extended business is strictly limited to 2,000 sq. ft. interior storage and limit exterior storage. A full-fledged dealership is not allowed in the AG district and the only reason it is here tonight being discussed is that the operation can be tied to a 2,000 sq. ft. building with limited outdoor storage. The Commission should be careful about what is being looked at and granted for outdoor storage, some visibility can be allowed but the 18 rules for a home extended business includes outdoor storage and fenced areas. Dorn questioned if he would be able to use all of his buildings. Rhineberger – if originally asked for 25 cars to be stored outside he would not have taken in an application as that does not meet the rules and definitions of a home extended business. What was stated during the initial discussion was there would be a limited area for outdoor storage and the interior portion of a building used. What has now been stated is different than what was originally discussed regarding the scope of the business. Dorn – if a limit is set on 20 cars, he does have plenty of space for parking and even for 30 cars outside on the blacktop. The idea is if approved for 20 he could put 5 under a roof so they are not seen. Mol – the response from the Township asked for a limit of 8 cars. Dorn – that was 8 cars out-front by Highway 12. Mol – a 2,000 sq. ft. building only holds a few cars.
- C. No public comment.
- D. Felger questioned if home extended business is the only area of the ordinance this request could fall under. Rhineberger – auto sales lots are allowed in commercial or industrial districts. Under Section 155.103(C) it states, *“All work and work-related items shall be kept in an enclosed structure. In very limited circumstances, the Planning Commission may allow for the storage of items in a fully enclosed fence. Trees, plants, and bushes do not qualify as fencing; but these items may be required as part of an overall landscaping plan.”* As well as buildings shall be no larger than 2,000 sq. ft. and must conform to present buildings and neighborhood. Based on the narrative and discussion the extent of what was just described is not what was described when the application process was reviewed with Mr. Dorn. If 20-25 vehicles on display were mentioned he would have labeled that an auto sales lot, not a home extended business, and the application would have been denied. Mahlberg questioned why. Rhineberger – an auto sales lot is not allowed as an IUP

or CUP in the AG district. Mahlberg questioned where the car limit cut-off is stated. There are other problems he sees with home extended business rules and definitions with where the word 'shall' is used. Putting cars behind a fence is not the type of exposure an auto sales dealership needs. Rhineberger – there is a level of outside display in this case. It was explained that the building must be used but the wanting of 20 cars on display was not relayed and he would see that level is a full-time sales lot and not what was initially explained. Felger questioned the vehicle cut-off with Rhineberger stating interpretation as there is some ambiguity with the home extended business language. This Commission has seen anything from a CNC shop to a beauty shop with no real definition of what is or isn't allowed. What he envisioned was cars parked in the building and sold online with limited vehicles parked outdoors, not a full-time car dealership. Dorn – he is not asking to have 20-25 cars; he can get by with 15. What was discussed at the Township was 6-10 cars out-front and compromised at 8. April, May, and June is his best quarter so this is his prime sales time. If approved he still needs State of MN approval.

- E. Felger questioned the days and hours of operation. Dorn – 8 am to 5 pm Monday through Saturday. Felger asked if there are employees with Dorn explaining 1 part-time employee that comes in Saturday to process paperwork. Felger – understands more cars could be in the building or elsewhere on the property behind a fence. Dorn – a fence was mentioned and the surplus cars could be placed behind the fence. Rhineberger – the building limit is 2,000 sq. ft. Felger – more cars could be stored behind a fence? Rhineberger read directly from Ordinance Section 155.03 (C) which references allowed storage behind a fence. Felger questioned if there would be used oil or batteries, or any service work. Dorn stated there would not be any service work. Felger asked if there would be a sign with Dorn confirming. Felger questioned if Mr. Dorn would be content with the 8 cars on display, as agreed with the Township, and 15-20 cars stored behind a fence. Dorn stated that would work. This business is not so he can make a living but keeps him busy during retirement as more of a hobby. Rhineberger – rather than a number of cars he would like to see a designated area, which is on the proposed plan, by size, and whatever can fit in that area will be the limit. Felger questioned the fenced area and how many cars would fit. Rhineberger stated the proposed fenced area of 32ft. x 60ft. with Dorn stating he feels 10 cars would fit in that area. Felger stated that would limit the number of cars to 18 with Dorn confirming that is acceptable.
- F. Greninger questioned the number of cars at the site currently. Dorn – 17 cars. Greninger – selling them and having employees? Dorn – no employees at this time and no for sale signs on any vehicles, there is nothing out by the highway. Greninger – it was stated there is a single employee on Saturdays. Dorn – the employee only comes in on Saturdays to process paperwork.
- G. Felger questioned the reason behind a required building inspection. Rhineberger explained that if a building is used for commercial or business use the building code is different so if a change in use or conversion occurs the building needs to be inspected. Felger questioned if the 2,000 sq. ft. building would be used for the business. Dorn stated he has a single vehicle stored in the building.
- H. Mol questioned if this type of sales lot has been approved in the county, on AG land. As he recalls this Commission has allowed a trailer or two stored outside but for the most part the requirement has been business-related items stored inside or under cover. Now we are being asked to allow cars parked out front and behind a fence. How many cars does he personally have? He feels some clarification needs to be had so a Pandora's box isn't opened. Normally with a home extended business, this Commission is very concerned with the storage of business-related items and this feels that there could be 30-40 cars parked on the property. Rhineberger – he cannot recall similar operations in the county that were approved. Research was not done on all home extended businesses. The ordinance definition states the Planning Commission may decide what is allowed and not the staff dictating what may or may not be allowed.
- I. Dorn – 8 cars parked out-front and 10 cars inside the fence, that would be 18 cars total and is a limit he can live with. He can live with 15 cars and with assurance can say he won't have 30 cars. His property is kept nice and clean. Mol – understands but if this is allowed others could be allowed and they don't manage their business and property the same.

- J. Thompson questioned the location of the home. Dorn used the displayed site plan to explain the home location. Thompson – proposing 8 cars next to the highway. Dorn – will need to stay back 60 ft. from the centerline and using the displayed aerial map explained the cars will be parked 10 ft. east of the driveway with a sign on the exterior of one of the large buildings. Thompson – feels this is getting to be quite a commercial establishment in the AG district. This Commission has said no to items that have had a commercial impact in an agriculture area. At this time, she is not in favor of granting the IUP and she is not convinced this won't affect neighbors. Dorn stated he does not have close neighbors. Thompson – the map on display shows a neighbor 843.8 ft. away. Rhineberger – west area is an old R1 plat with 1-acre lots.
- K. Bravinder – personally went through this process 20 years ago with retail inside of a building. Retail for car sales in a building is tough. The area he covers with his home extended business versus this request is similar in area size with a relationship to cars parked at the business daily being 8 cars. This item is tough because he feels this request does not fit into the box of a home extended business. Mol – in today's times, with the internet and how things are purchased this business could potentially be done inside with sales done online where the customer comes into the building to make the purchase. He is not against the business in AG land but this Commission has always required the area be kept neat so it does not become a used car lot. Bravinder feels control can be done with vehicle number restrictions. Usually, when a home extended business gets big enough, the business moves into commercial or industrial areas. Feels that permitting 15 cars total, with 5 on the highway and the rest inside a fence won't generate a lot of foot traffic or impact on the neighborhood.
- L. Holland agrees with Bravinder on the vehicle limits. She did look at the property and there are a lot of places to hide cars. She would like to see the vehicles in a fenced area as they can't go inside all of the sheds. Rhineberger – there is one building that meets the 2,000 sq. ft. requirement. If a number condition is set there can be limit numbers set what is stored in the fence, building, or out by the road. If Mr. Dorn wants to use one of the other buildings, it would require a variance through the Board of Adjustment.
- M. Thompson – member Bravinder has a wonderful business but all of his merchandise is inside the building. This request is for merchandise to be outside so it isn't quite the same. If cars are put into the pole shed would customers be allowed into the building? Dorn – if he knew they were coming for a particular car he would have it sitting outside. Rhineberger questioned where the paperwork would be completed. Dorn stated he has an office inside his home. Dorn – the biggest problem is the buildings have dirt floors so he would have to get the car washed up and into another building with a cement floor where he would store the vehicle until the customer arrives. Rhineberger – inventory cannot be stored in the other buildings. Dorn stated that is fine as he has an area behind the large buildings, where he could park 10 cars. Rhineberger – one of the problems is that it is not within the designated area. Items related to the business can only be in the designated areas on the proposed plan. Cars cannot be in the other buildings or parked anywhere other than designed.
- N. Holland questioned how many cars can go into the 2,000 sq. ft. shed. Dorn – 2 cars.
- O. Greninger – if currently selling cars why are you here tonight asking for approval? Dorn – with a new location the State of MN requires an updated Dealers License with the approval from Franklin Township and Wright County. Greninger questioned when the move occurred with Dorn stating a little over 2 years ago.
- P. Holland – is there a way the 2 large buildings could be used? Rhineberger – not according to the rules of a home extended business. A variance would be required to operate above the 2,000 sq. ft. limitation. Mol – what was presented to staff is the smaller 2,000 sq. ft. building, which will hold 3-4 cars maximum. If Mr. Dorn had asked for more cars staff would have instructed going through the Board of Adjustment to use one of the larger pole sheds. If approved for that variance the next step would have been coming to the Commission for approval of the home extended business. That conversation might have been 8 cars parked by the road and 15 cars parked in one of the larger sheds. Holland questioned if the request could be pushed to the Board of Adjustment. Rhineberger explained the with time related statutes the proper way would be to dismiss this item and require reapplication. That way if the Board of Adjustment doesn't approve or alters the request then the plan that was presented to the Commission doesn't align. Holland – could it be said that 5 cars are allowed out front with 4 cars in the approved shed and if wanting to expand a variance would be

required? Rhineberger stated that would be the proper process. Holland – allowing on a very small scale would allow for a Dealer's License to be obtained. Greninger questioned allowing 5 vehicles by the road, 4 in the approved building, and 10 within the 32 ft. x 60 ft. fenced area. Mol – what is the height of the fence? Holland – more comfortable with the small scale, no fenced area, and go after a variance for the shed. Dorn explained he has 2 large 60 ft. x 100 ft. sheds but a total of 5 buildings on the property. Holland questioned the number of cars that could go in the larger building with Dorn replying 30 cars easily. She likes the idea of cars being contained but feels the fencing isn't as clean. Rhineberger – only the Board of Adjustment can grant a variance on the 2,000 sq. ft. standard.

- Q. Mahlberg – does not disagree there is some discretion but attempting to build a business in the AG district but using the application to cart-blanch pick what is wanted out of the home extended business ordinance in ways that absolutely do not line up with the way other businesses are treated that ask for storage outside. This Commission gives a contractors' yard a hard time about an extra trailer and how it needs to be behind a fence. If approved, he doesn't feel there is much weight behind asking others to keep equipment behind a fence. Mol – in Clearwater Township there was an outdoor pontoon storage situation where this Commission required a pole shed for storage. There have been plenty of other CUPs where this Commission has been firm on what is stored outside. Dorn stated he is easy to agree and wants this or he wouldn't be here. If he is only allowed 15 cars, he is okay with that. He does need exposure on the highway but the rest can go in the shed or behind the fence. Feels the room and neighbors should not be a concern.
- R. Felger – the Township wants to review in a year so if the situation goes bad the Township will address or it will come back to this Commission for review and possible revocation. Supportive of the request as right across the street is an industrial area as well as transition area into Delano. He does not want to set a precedence but in this particular location, the business seems like a natural fit and there is an opportunity for this Commission to tweak the ordinance.
- S. Felger moved to approve an Interim Use Permit for a home extended business for used car sales, in accordance with the discussion, plans, and description held on file, with the following conditions: 1) Days and hours of the operation shall be Monday-Saturday 8 am to 5 pm; 2) No more than one employee in addition to the owner/operator and family members residing in the homestead; 3) Number of cars should be limited to 10 cars behind and surrounded by a 6 ft. fence; 4) The operator must properly dispose of or recycle all waste from the business; 5) Signage on site must be in accordance with County sign regulations; 6) A satisfactory building final inspection is required for the pole building before business operations may commence; 7) The number of cars available for sale shall be a total of 16; 10 being in the storage area in back and 6 displayed along the Highway; 8) Township to review in one year, with subsequent reviews at an interval established by the Township; 9) This permit shall expire upon transfer of the property, termination of any lease agreement, or change in business ownership or operations; 10) The operator will carry all necessary insurance, including commercial insurance if required. Motion seconded by Bravinder.

DISCUSSION: Greninger – understood the hours of operation to be 8 am to 5 pm Monday through Friday, and 8 am to 4 pm on Saturdays. Dorn stated his hours are 8 am to 5 pm six days a week. Rhineberger – the plan submitted was 9 am to 5 pm Monday through Friday, and 9 am to 4 pm on Saturdays. Thompson – the applicant stated he would be the one employee with another staff on Saturday, is that in the motion? Felger – that would be covered under condition 2. Rhineberger – the fenced area should be noted as shown on Exhibit "A". He would be cautious of requiring insurance, not sure that is an item this Commission should require as it is already required by the State permitting board. Felger – if covered by another agency he is okay dropping that condition. Bravinder agreed.

Felger and Bravinder agreed to scratch condition number 10, related to required insurance and noted site plan as Exhibit "A".

VOTE: Bravinder, Greninger & Felger NAY: Mahlberg, Holland, Mol, Thompson

VOTE FAILED

- T. Holland moved to approve an Interim Use Permit for a home extended business for used car sales, in accordance with the discussion, plans, and description held on file, with the following conditions: 1) Days and hours of the operation shall be Monday-Saturday 8 am to 5 pm; 2) No more than one employee in addition to the owner/operator and family members residing in the homestead; 3) Number of cars limited to 9, with no more than 5 for display outside and 4 inside the building indicated on the site plan, Exhibit "A"; 4) The operator must properly dispose of or recycle all waste from the business; 5) Signage on site must be in accordance with County sign regulations; 6) A satisfactory building final inspection is required for the pole building before business operations may commence; 7) Township to review in one year, with subsequent reviews at an interval established by the Township; 8) This permit shall expire upon transfer of the property, termination of any lease agreement, or change in business ownership or operations. Motion seconded by Greninger.

DISCUSSION: Thompson questioned if the vehicles parked near the highway would be moved during closed hours. Mol – according to the motion they could stay parked out front. Felger – the 4 cars in the building, would be the building depicted on the proposed plan. Holland – correct. Felger – the applicant stated that the building would hold only 2 cars. Rhineberger – the submitted business plan stated 4 cars. Dorn – he has 2 buildings; one can hold 4 cars and the other can hold 2 cars; both buildings are at least 2,000 sq. ft. Mahlberg – there is a provision in the ordinance that states the building will not be more than 2,000 sq. ft. unless a variance is approved by the Board of Adjustment. Rhineberger – this motion indicates other buildings cannot be used for business operations. Felger – verified the only building that can be used is the one indicated in the proposed plan. Questioned how many cars can fit into the approved building with Dorn stating 4 cars comfortably.

VOTE: Bravinder, Greninger, Holland & Felger NAY: Mahlberg, Mol, Thompson

MOTION CARRIED

4. **NATE & JACKIE COUETTE** – New

LOCATION: 1587 & 1555 Foley Ave NW – part of Government Lot 2, Section 30, Township 120, Range 26, Wright County, Minnesota. (Rock - Chatham Twp.) Tax #203-000-302301 & -302302 Property Owner: CHARLES F SCHAUFLE & WENDY L JOST and NATHAN J & JACKELYN L COUETTE

Petitions for a Conditional Use Permit to amend an existing Conditional Use Permit for an unplatted subdivision to alter the property line between two lots regulated in 155.029, 155.051 & 155.057, Chapter 155, of Title XV Land Usage of the Wright County Code of Ordinances.

Present: Jackie Couette

- A. Rhineberger explained the properties involved are PIDs 203-000-302301, a 10-acre property, and 203-000-302302, a 6.1-acre property. In 2017, both properties were rezoned to Suburban Residential-R2a and approved as part of a 3-lot unplatted subdivision. In July 2023, an amended Conditional Use Permit was approved to adjust the north property line of PID -302301. Today's request is to amend the 2017 unplatted subdivision to alter the property line between PID 203-000-302301 and 203-000-302302. Ultimately, both lots will maintain the minimum 300 feet of width along the road and lakeshore while also maintaining the 300 feet of depth as required in the R2a zoning district. The reason for the request is to clean up existing sidewalk encroachments from PID -302301 and driveway encroachments from PID -302302. Township response has yet to be received but in this rare case, staff would be okay with the Commission moving forward if they so choose.
- B. Couette stated this was approved in September or October of last year by the Township. Recently, they moved the north line for a new building, and during that time it was discovered through the survey some stuff is over the line. The plan is to keep the lot sizes the same, adjust property lines, and keep the required property widths.
- C. No public comment.
- D. Bravinder moved to approve the amendment to the Conditional Use Permit for an unplatted subdivision, as described in document #A1353769, in accord with the survey submitted by Otto Associates with a date of 11/01/23, Project No. 23-0265, as seen on file, with the following conditions: 1) No new parcels are created. Exchanged portions must be incorporated into existing parcel numbers no later than 12/31/2025; 2) Conditions of the previous approval on document #A1353769 remain in full force and effect. Motion seconded by Felger.

VOTE: CARRIED UNANIMOUSLY

5. **JASON & DAWN MOTZKO – New**

LOCATION: 10505 Baker Ave SW – part of the NE 1/4 of the SE 1/4, Section 26, Township 118, Range 26, Wright County, Minnesota. (Woodland Twp.) Tax #220-000-264101 Property Owner: JASON J & DAWN M MOTZKO

Petitions for an Interim Use Permit to operate a non-commercial contractor's yard to include the storage of equipment and materials for the applicant's well drilling business, as regulated in Sections 155.003(30), 155.031 & 155.048, Chapter 155, Title XV, Land Usage & Zoning of the Wright County Code of Ordinances.

No representative was present.

- A. Rhineberger explained that the applicant has decided not to pursue the matter and has therefore requested the item be dismissed.
- B. Greninger moved to dismiss the matter without prejudice, at the applicant's request. Seconded by Holland.

VOTE: CARRIED UNANIMOUSLY

Chairman Mol called for a recess at 8:44 pm with the meeting reconvening at 8:50 pm.

6. **Fritz Companies Inc. – New**

LOCATION: xxxx 30th St SE – part of the E 1/2 of the NW 1/4; NE 1/4 and part of NW 1/4 of SE ¼, Section 21, Township 119, Range 25, Wright County, Minnesota. (Rockford Twp.) Tax #215-100-211103 Property Owner: Cindy Van Lith, Chris Van Lith, Scott Van Lith, and Lori Thingvold

Petitions for a Conditional Use Permit for land alteration permit to complete the reclamation of an old gravel pit, as regulated in Section 155.029, 155.048(D)1, 155.100, and 155.101 of the Wright County Code of Ordinances. An estimated 60,000 yards of clean fill will be needed to return the land to farmland.

Present: John Fritz

- A. Rhineberger reviewed the request. The Ag-zoned property is just west of the Rockford Township Hall on the south side of 30th St SE and was previously mined for sand between 2000 and 2006 by Buffalo Bituminous. This is a re-application of a 2020 request by a different applicant that was never completed. The request is to bring in fill to better restore the previously mined-out 35 acres done by Buffalo Bituminous in the 2000s. Though the restoration at that time met the submitted and approved reclamation plan, the owner of the parcel wants some changes, mostly notably, the removal of the water feature, better drainage, and more topsoil. The applicant is requesting to haul in up to 60,000 yards of clean fill with a timeline of 3 years. The motion of the Township was as a 1-year CUP to complete the land alteration from the old gravel pit with the Township to review in 1 year to determine if additional time is needed. The Wright County Highway Department commented that the existing access was sufficient if “trucks hauling” signs would be placed. It’s important to note that this is a Township road and not a County Road.
- B. Fritz stated he plans to reclaim back to a farm field.
- C. Public comment opened.
 - Bjaret Haram – 3775 Dague Ave SE – questioned the noise and dust of the project and which direction the trucks will travel.
- D. Mol questioned where the fill will come from with Fritz explaining road projects, commercial buildings, and excess from basement digs on houses. Mol – when asking for 3 years the potential 1 year would not be enough. Fritz agreed.
- E. Bravinder questioned the direction of traffic. Fritz stated most work will be coming from the Delano area with the displayed aerial map was used to explain the general route.
- F. Mol asked if the parcel would be available for building sites. Rhineberger stated it would depend on soil borings and how the mining activity took place in a specific location. He has spoken with the property owners about what options are there with the entitlements they have available as the property to the south is possibly an area that could be used for development.
- G. Greninger moved to approve a Conditional Use Permit to allow up to 66,000 yards of clean fill to be hauled into the site for better restoration of the old gravel pit to return the land to farmland, according to the grading plan submitted by Northstar Surveying, Job 2020020, with the following conditions: 1) Hours of operation to be from 7:00 a.m. to 7:00 p.m. Monday-Friday; 2) Project to be completed by October 31, 2027; 3) Every effort should be made to keep the road free from debris, and; 4) “Trucks Hauling” signs should be used when hauling is taking place; 5) Must abide by all state and federal permitting requirements; 6) Township to review in one year. Motion seconded by Holland.

VOTE: CARRIED UNANIMOUSLY

7. **Fritz Companies Inc. – New**

LOCATION: 3837 CR 12 S – Part of SE ¼ of SE ¼, Section 23, Township 119, Range 26, Wright County, Minnesota. (Marysville Twp.) Tax #211-000-234100. Property Owner: JOE E & APRIL M HICKMAN

Petitions for an Interim Use Permit for a new mining operation in an old, un-reclaimed pit, to include mining and stockpiling of aggregates, along with the stockpiling and crushing of recycled concrete and asphalt for 10 years, as regulated in Section 155.031, 155.048(D) & 155.100 of Chapter 155, of Title XV Land Usage of Wright County Code of Ordinances. Approximately 400,000 cubic yards of aggregates are to be removed. Crusher would be used for 2-3 weeks per construction season.

Present: John Fritz

- A. Rhineberger displayed the proposed plan as he reviewed the request. The property is at the NW corner of the intersection of CSAH 12 and County Road 107 north of Montrose. The 40-acre piece is zoned General Agriculture (AG) and is in the land use plan for AG. A mining permit was granted in 2001 for the US Highway 12 project and the site was reclaimed. Before that, there was an existing old pit in the NE corner of the property that predates Planning and Zoning records. In 2021, the applicant received a permit to better reclaim the 2001 pit by hauling in up to 10,000 yards of clean fill but that was never done. The Highway Department has modified its requirement by only requiring a right-turn lane off of County Road 107. The Township has approved with a condition to allow the crusher 7 am-6 pm M- F, with the pit reclaimed in sections, and with Township review every 2 years. One comment was received just before the meeting with environmental concerns related to dust, noise, impacts of the crusher, and health implications of breathing cement dust. This request is to re-open the old gravel pit on the property in 4 phases, beginning in the NW corner. The applicant estimates about 400,000 yards of aggregates will be mined and would also crush and recycle concrete and asphalt. Crushing would occur once per year for a 2-3 week period of time. The applicant is requesting a full 10-year Interim Use Permit.
- B. John Fritz – when crushing they will follow the Minnesota Pollution Control Agency(MPCA) guidelines and use water as needed.
- C. Public comment opened.
 - Andrew White – 4198 Cty Road 12 S – the intention is to farm his property. He is concerned with the crusher and the dust. He feels the dust will cause soil deterioration and could impact his children. He would like to know the dust mitigation plan.
- D. Fritz – crushing will only occur 2-3 weeks a year and in reality, he doesn't foresee having enough material to crush for 3 weeks. Mol questioned the applicant if he would be okay with a 2-3 week crushing limit and dust to be controlled with water. Fritz confirmed that was already part of his proposed business plan.
- E. Felger – when will water be used and during what operations? Fritz – the crushing machine injects water and if it is a dusty situation in the pit, water would be introduced. There is a pond on the property that will provide water.
- F. Bravinder moved to approve the mining plans, to include crushing and the recycling of asphalt and concrete, in accordance with the plans presented and description provided by the applicant on the record, including all erosion control and stormwater management details, with the following conditions: 1) Any requirements of the County Engineer for traffic direction and access to County Road 107 must be met, including the construction of a right-turn lane prior to operations commencing; 2) Mining should start in the NW corner and proceed according to the phasing plan submitted, in order to utilize as much hayfield as possible; 3) The crusher to be used for a maximum of 3 weeks per season 7 am to 6 pm Monday-Friday; 4) Berms must be constructed as shown on the mining plans. Topsoil may be stripped, but no mining may take place until the berms are completed; 5) Must abide by all state and federal permitting requirements; 6) The permit shall be

reviewed by the Town Board every 2 years for compliance with all regulations and to determine if any new conditions are necessary; 7) This Interim Use Permit (IUP) shall expire on April 4, 2034. Any mining past that date or expansion or change in operations will require a new IUP; 8) A reclamation bond, cash escrow, or irrevocable letter of credit for \$188,350 shall be provided prior to operations commencing and kept in place until such time as the pit is fully reclaimed. Motion seconded by Felger.

VOTE: CARRIED UNANIMOUSLY

8. **KYLE & BETH ASHWILL – New**

LOCATION: xxxx 17th Street SW – SE 1/4 of the SE 1/4, Section 11, Township 119, Range 28, and part of the NE 1/4 of the NE 1/4, also part of Gov't Lot 3, Section 14, Township 119, Range 28 Wright County, Minnesota. (Cokato – Cokato Twp.) Tax #205-000-114400 & 205-000-141301 Property Owner: KYLE & BETH ASHWILL

Petitions for an Interim Use Permit for mining and stockpiling of aggregates, along with the stockpiling and crushing of recycled concrete and asphalt, as regulated in Section 155.031, 155.048(D) & 155.100 of Chapter 155, of Title XV Land Usage of Wright County Code of Ordinances.

Present: Kyle Ashwill

- A. Rhineberger reviewed the request with various site maps displayed. The roughly 40-acre property is north of Cokato Lake and on the south side of the dead-end road that is 17th St SW and zoned General Agriculture (AG) and is AG in the land use plan. The proposal is for a 10-year phased plan starting in the NE corner and renew as required. The mined conditions plan is on file as well as the reclamation plan. The applicant's business plan was provided in the staff report and does list out proposed operations and hours. Two comments from neighbors in opposition were received with concerns related to the nature of the area being recreational and quiet. The Township approved a 10-year IUP with a yearly review. Wright County Soil and Water (SWCD) is reviewing information regarding a wetland on the south end of the pit but has not provided a final comment on the proposal.
- B. Ashwill stated he had no other comments.
- C. Public comment was opened to a 4-minute time limit.
- Diane Herbst – 13505 25th St SW – stated she is not against the request but does want clarification on a few items. Are there limits on how much can be stocked-piled and the extent of the business? What is the likelihood of expansion and if the mined area can be extended down to the southern property? Are there any plans or requirements for reclamation? There are concerns with the wear and tear and safety on 25th Street as there is a blind corner. The quality of the road should be maintained. Questioned if there are provisions related to noise and dust. The road is normally very dusty so calcium chloride should be applied if there is a lot of hauling traffic. They would like to know the amount of traffic as this is a narrow road and could be a safety concern.
 - Glen Posusta – owns a cabin on the north side of Cokato Lake – not opposed to mining the area but does have traffic concerns. He has owned his cabin since the early 2000 and the road becomes very dusty. A few of the neighbors have been paying to have the road covered with calcium chloride. If approved he would like to see a contingency be included that the entire 25th St be treated with calcium chloride to control dust.
 - Gary Schwab – 13340 17th St SW – his land borders the NW corner of this proposal. The area is very recreationally active with many people walk and bike the roads. If approved there are two areas he would like considered. He would like the hours of operation to be M-F from 7 am – 4 pm or 5 pm, which would leave evenings and weekends quiet and peaceful. By taking in outside asphalt and concrete there would be no limit to how large the operation can become. He spoke with 3 different realtors and they stated the larger a nearby pit operation is makes more difficult it is to sell a home therefore lowering the value. His feeling is a larger operation taking in outside asphalt and concrete would be better situated in a less recreational area with fewer homes impacted. If the permit is approved, as requested, he feels it will have a permanent change in the area with the related business activity and vehicles as well as lower property values.

- Dean Mahlstedt – Cokato Township Supervisor – the neighbors bring up excellent points. This particular property has had several operations use the site in the past. He recalls growing up in the area and watching the truck traffic heading to County Road 3 with a huge cloud of dust as there were zero controls. The Township had concerns with the truck route so there was quite a bit of discussion around safety and road degradation. To his knowledge, the roads that goes to the west have never been rebuilt since the 80's or 90's so the Township is concerned with the road integrity. There was discussion on dust control going west and east with the Township recognizing the need for the neighbors' enjoyment but also the importance of holding the road integrity together. There is an initial plan with Mr. Ashwill on how the dust control will work. This operation is a little different in that Mr. Ashwill will be residing on the property with his family and is a community member. The Township has done other projects with Mr. Ashwill and it has been a great working relationship. Personally, as a member of the township board, he does not feel there are concerns with this request. It will change the atmosphere of the area and what has become normal but for many years in the past it was normal for a lot of gravel being processed and truck traffic. Crops can't grow on that SW piece of land and it is made to be a gravel operation. His felling is Mr. Ashwill is a great option for this property.
 - Glen Posusta stepped backup – 13813 25th St SW – a road has already been built from 25th St so he assumes the trucks will travel through the field. He would like to see the trucks head east on 25th St, as it is the shortest route to asphalt.
- D. Ashwill – when reviewing the plan with the Township it was decided his trucks would only be allowed to head east on 25th St to County Rd 4. Part of the approval from the Township was dust coating would be applied per the Township requirements. Mol – the Township has already addressed dust coating with Ashwill confirming.
- E. Bravinder – Mahlstedt did a good job explaining and there was quite a bit of discussion on dust control. Pictures of the roads will be taken before work starts and the Township will review yearly. The Township doesn't want to lose the road any more than the neighbors and dust control is a big deal when maintaining roads. The north and south truck routes were discussed at the Township and Mr. Ashwill agreed with what was decided. The Township has worked with Mr. Ashwill in the past and he is very good to work with and he understands where the Township stands. Mol stated he can attest as he works in the Cokato area and he is aware that when the Township doesn't allow trucks on a road it is enforced.
- F. Felger asked for the phase process to be explained. Ashwill – the plan is to start in the NE corner and head south. Felger – work in the 35 acres first and progressively go south? Ashwill – yes, this permit is only for the 35 acres. Felger – there is a field road from the 35 acres to 25th St. Ashwill – no, the driveway mentioned is for his home that will start construction in a few weeks. That driveway will be extended up into the pit area if this permit is approved. Felger – would that be the only exit or will 17th be used? Ashwill – the plan is to use 17th as well.
- G. Bravinder – one item not discussed is the scope of asphalt and recycling. How much of that will be done? Ashwill – the current plan would be to only process what his own company takes in. He doesn't have a volume number at this time but he does not intend to haul in milling from a road project and if there needs to be quantity limits, he would be fine with that. Bravinder – in the past, this Commission has limited crushing to 3-4 weeks a year. Ashwill stated it wouldn't be more than 2 weeks a year and he isn't sure crushing would occur yearly.
- H. Mol questioned if a large road project came up would the applicant need to come back to this Commission for an updated permit related to the specific large project. Rhineberger – potentially not have to come back if the crushing and recycling is granted with no conditions that limit volume. If the limit of crushing is only 2-3 weeks a year, then it could be required a new application be reviewed to meet the workload.

- I. Thompson questioned the amount of area that will be dug up before crushing starts and if there will be stockpiles. Ashwill – will need to strip off black dirt and lower area so there is the screen wall. Does not feel they will be able to bring in material for quite some time. Thompson – will there be plantings around the parameter? Ashwill – the east side is wooded, the south will have a berm, west side there is a tree line. The north side is where the road ends and comes into his property. Thompson questioned the restoration plan with Ashwill explaining he will start with the NW corner 10 acres and as he opens a new 10 acres, he will use that material to restore the open 10 acres. He is a small company and is not sure of a timeline.
- J. Bravinder moved to approve the mining plans, to include crushing and the recycling of asphalt and concrete, in accordance with the plans presented and description provided by the applicant on the record, including all erosion control and stormwater management details, with the following conditions: 1) Any requirements of Cokato Township for road repair, dust control and access to township roads must be met; 2) The applicant should make an effort to open as little of the pit as needed and to reclaim as he goes; 3) The permit shall be reviewed by the Town Board every year for compliance with all regulations and to determine if any new conditions are necessary; 4) Must abide by all state and federal permitting requirements; 5) This Interim Use Permit (IUP) shall expire on April 4, 2034. Any mining past that date or expansion or change in operations will need a new IUP; 6) A reclamation bond, cash escrow, or irrevocable letter of credit for \$175,000 shall be provided prior to operations commencing and kept in place until such time as the pit is fully reclaimed. Seconded by Greninger.

DISCUSSION: Mahlberg questioned the calcium chloride requirements from the Township. Bravinder – that will not be in the conditions but will be controlled by the Township. The goal of the Township is to keep residents happy with the dust and there are requirements in the Township minutes from March that were discussed and agreed upon. Mahlberg feels the Township is in a position to address the dust. Rhineberger – feels discussion on the haul routes should be included in the conditions.

Bravinder and Greninger agreed to amend the motion to include condition 7) Haul routes are 25th St. SW to County Road 4 and 17th St. SW to Oliver Ave. SW to 20th St SW to County Road 3.

VOTE: CARRIED UNANIMOUSLY

The meeting adjourned at 9:46 p.m.

Respectfully submitted,



Barry Rhineberger
Planning & Zoning Administrator

BR:sd

cc: Planning Commission
Kryzer
Twp. Clerks