



REDWOOD COUNTY ENVIRONMENTAL OFFICE

*Planning & Zoning ● Parks & Trails ● GIS
Aquatic Invasive Species ● Septic Inspector
Drainage Inspector ● Agricultural Inspector*

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REDWOOD COUNTY PLANNING COMMISSION

MINUTES

Meeting Date: November 28, 2016

A meeting of the Redwood County Planning Commission convened on Monday, the 28th day of November, 2016, at the Redwood County Government Center.

The following members of the Redwood County Planning Commission were present: Mike Scheffler, John Rohlik, Jr., Dave Mattison, and Mark Madsen. Commissioner Lon Walling and Kent Runkel were absent. Also present were the following individuals: James Lux, Todd Schouvieller, Tim Kerkhoff, Anita Mages, Anthony Mages, Jerry Raddatz, Ron Raddatz, Gary Kerkhoff, Ron Kerkhoff, Deb Kerkhoff, Jeff Madsen, Alex Madsen, and Redwood County Land Use & Zoning Supervisor Nick Brozek.

At approximately 1:00 p.m., Chair Scheffler called the meeting to order. Chair Scheffler read aloud the rules of the meeting.

At 1:03 p.m. Chair Scheffler called to order a public hearing on an Extraction Conditional Use Permit submitted by Tim Kerkhoff of TNT Construction o/b/o landowner William & Donna Munsell.

Prior to the Planning Commission meeting, the Planning Commission members were provided an informational packet, which included the following information regarding the Salfer application:

1. An Application for Extraction Conditional Use Permit has been filed by Tim Kerkhoff for the mining, processing, and stockpiling of granite material from/on the following described real property, situated in the County of Redwood, State of Minnesota, to wit: that part of the South Half of the Northeast Quarter (S1/2 NE1/4) and the North Half of the Southeast Quarter (N1/2 SE1/4) lying North and East of 305th Street, in Section 24, Township 112N, Range 34W, Sherman Township. Proposed extraction site comprises five (5) acres thereof. The site is located in an "A" Agricultural District. According to Section 16, Subd. 5 of Redwood County Ordinance, "[a]ll excavations, extractions of materials and minerals, open pits and impounding of waters" must have a Conditional Use Permit, except for temporary borrow sites under 10,000 cubic yards. The CUP was advertised in the paper as a seven (7) acre site, but the Environmental Office has worked with TNT to reduce the acreage to five (5) acres in order to leave out areas which will not be mined and to reduce the necessary reclamation bond amount to the \$10,000 minimum.
2. The site is an existing crushed granite quarry operated by TNT. The quarry lies on two different properties which are under different ownership. The west side of the quarry site is owned by Central Lakes Cooperative and was permitted most recently in 2012. That permit is still active. The east side of the quarry is owned by Morgan Sportsmen Club Inc. However, William & Donna Munsell own the mining rights. The east side of the quarry was most recently permitted in 2006. That permit expired at the end of September of this year.

3. William & Donna Munsell sold the site property to Morgan Sportsmen Club Inc. in 2007. However, in 2009 the Munsells and the Club entered into an Amendment Agreement under which they agreed that the Munsells retained the mineral rights to the property. The Agreement further states that the “Staging Area” may remain in place so long as there is a Conditional Use Permit either in place on the Staging Area or an Application for a Conditional Use Permit on the Staging Area is pending.” If no CUP is existing or pending, then “the Staging Area shall be remediated within 120 days.” The Agreement includes provisions requiring reclamation of the site when the project is complete that are consistent with the reclamation plan referenced in the CUP application. The Club also grants an easement to the Munsells for mining and reclamation purposes and promised to execute any documents required in the permitting process.
4. After entering into the Amended Agreement, the Munsells executed a Quit Claim Deed to the Club subject to the terms of the Agreement. The Agreement was recorded with the Redwood County Recorder as Document number A333912 and the Quit Claim Deed as Document number A334971.
5. The site (hereinafter referring to the east side of the quarry only) will be permitted for mining, processing, and stockpiling on five acres of the property. However, the site will be used primarily for stockpiling and processing and no new areas of the site will be mined. A limited amount of mining may occur in the previously mined areas. TNT is seeking to re-permit the site in order to avoid immediate reclamation of the site and to continue using it for stockpiling.
6. The life expectancy of the extraction operation is ten (10) years, beginning on October 1st, 2016 and concluding on September 30th, 2026. The hours of operation will be 7:00 o’clock a.m. to 7:00 o’clock p.m. All work, including blasting, will be restricted to those times. When possible, TNT Construction Kerkhoff, Inc. will halt work during normal operating hours when the wind is sufficiently strong and from such a direction as to unduly carry the sound of the work to neighboring dwellings.
7. At the end of the ten (10) year period, all extraction will cease and the area will be reclaimed as a prairie grass surrounding a pond. The reclamation plan will primarily consist of the following: 1) the land will be sloped to a maximum of 3:1; and 2) topsoil/overburden will be replaced/placed back on top of the excavated areas. Topsoil for reclamation has been reserved and stockpiled on the east end of the site.
8. The 2006 permit referenced two phases of excavation to be performed on the property. Phase I included the existing excavation and stockpile site from the property line on the west to a waterway running approximately north and south on the east. For Phase II, the excavation would move to an area on the east side of the waterway. However, for the purpose of the current CUP application, TNT is seeking to permit the area west of the waterway only (the existing excavation and stockpile area). The area designated for Phase II will not be permitted at this time.
9. Pursuant to Sec. 16, Subd. 5, Subp. G of Redwood County Zoning Ordinance, the applicant is required to provide proof of bodily injury, property damage, and public liability insurance in the amount of at least \$1,000,000.00 per occurrence.
10. Pursuant to Sec. 16, Subd. 5, Subp. H of Redwood County Zoning Ordinance, the applicant is required to post a bond, cash deposit, irrevocable letter of credit, or other security to Redwood County in the amount of \$2,000.00 per acre, a minimum of \$10,000.00, or 125% of the estimated/bid value to reclaim the property, whichever is greater. The Redwood County Board of Commissioners may require a higher surety amount, if in the reasonable discretion of the County, the unique characteristics of the proposed project require more substantial restoration or reclamation. Further, pursuant to Sec. 16, Subd. 5, Subp. I of Redwood County Zoning Ordinance, “[s]ureties shall be for a minimum of one year beyond the

ending date of Conditional Use Permit.” The amount of the bond, cash deposit, irrevocable letter of credit, or other security has been left to the discretion of the Redwood County Planning Commission and Redwood County Board of Commissioners. The minimum amount of security required to be posted in the present matter is \$10,000.00.

11. The three closest residential dwellings to the site are as follows: Gary & Deborah Kerkhoff, 30815 CSAH 11, about 1100 feet northwest of the site; Ronald Kerkhoff, 30463 CSAH 11, about 2500 feet west of the site; and Sharla Sander, 30153 CSAH 11, about 2500 feet southwest of the site. Additionally, a site owned, but not occupied, by Ray Munsell (William & Donna’s son), 45806 305th Street, is located about 2100’ south of the site.
12. In 2012 TNT and Sherman Township entered into an agreement regarding maintenance of 305th Street. Under the agreement, dust control treatment will be applied to 305th Street starting at County Road 11 and continuing east for a distance of one mile. The cost of the duct control is to be divided between TNT (45%), Acme Ochs Brick and Stone Inc. (45%), and Sherman Twp (10%). The agreement does not address repair or grading of the roadway.
13. The nearest county ditch or tile is located approximately one mile from the proposed extraction site.
14. The soils of the proposed conditional use site are classified as follows: Rock outcrop - Copastion complex, 2 to 40 percent slopes and Wadena Variant Loam 2 to 6 percent slopes.
15. A copy of the Conditional Use Permit application, maps, plans, and proposed permit conditions are enclosed.

Tim Kerkhoff was present to explain the project. Kerkhoff made the following statements to the Planning Commission:

- Seeking permit to continue extracting crushed granite on property owned by Bill Munsell (mineral rights). This is a renewal of a recently expired permit. No major changes to the existing operation will occur.
- Will continue to extract from rock hills on the east (280’x410’ extraction) and north (210’x180’ extraction) sides. Will leave buffer on the north side so that the pit won’t be visible from the neighboring property to the north.
- Will extract no deeper than the current pit floor elevation.
- 1 foot of topsoil was scraped off and is reserved for reclamation.
- Previous permit included two phases. The first phase included the areas to be permitted now. Phase 2 will not be permitted under this permit, but may be permitted in the future.
- Will use a seismograph machine while blasting.

The Planning Commissioners had questions and Mr. Kerkhoff provided the following responses:

- Not sure if the site will be reclaimed or repermited when the ten year term of this permit expires.
- Dust control will be performed on the township road leading to the site.
- Kerkhoff reviewed the proposed permit conditions and is ok with them.
- No water will be used on the site.

Land Use & Zoning Supervisor Brozek provided the following information to the Commission:

- The east half of the quarry is being repermited at this time. The west half is under different ownership and has a separate CUP, though the entire quarry is operated by TNT.
- Six years ago there were issues with neighboring owners regarding blasting and material landing on neighboring properties. But there have been no issues brought to the County’s attention since then.

- Munsell owns the mineral rights (right to mine) only on this property. Otherwise the property is owned by Morgan Sportsmen Club.
- Recommends setting hours at 7am to 7pm to match the west half CUP.
- TNT and Sherman Township have a verbal agreement regarding road maintenance being done by TNT. The township is requesting that this agreement be written down.

Chair Scheffler inquired if anyone was present to support the project. No one came forward.

Chair Scheffler inquired if anyone was present to oppose the project. The following individuals came forward:

Jerry Raddatz made the following statements:

- He is not necessarily opposed to the project.
- Owns farm land south of the TNT/Munsell site, on the other side of the township road.
- He is concerned about the permit for the ACME-Ochs kaolin clay pit, which is a different site south of the Munsell quarry site. Raddatz stated that he had problems with ACME and that he received no help from the County to resolve them.
- Raddatz stated that he lost a year's crop and incurred attorney's fees due to ACME's actions. He requested reimbursement for these before the County approves the TNT/Munsell permit.
- Concerned that TNT permit may affect the waterway and surface water drainage on the Munsell/Morgan Sportsmen Club, ACME, and Raddatz property.
- ACME installed a new tile line to address water drainage issues on Raddatz's property.
- He came to the Planning Commission to voice his complaints in September of 2011.

Ron Raddatz made the following statements:

- Believes the county is responsible for damages and any future issues.
- Farms with Jerry Raddatz.
- It took two years to settle their issues with ACME-Ochs.
- Wants the Raddatz's concerns with ACME addressed and wants to see follow through on the part of the county in connection with permit violations.
- Is not opposed to Tim Kerkhoff, but wants the rules to be followed.

Ron Kerkhoff made the following statements:

- Lives south of the Munsell pit, near Raddatz's property.
- Surface water flows out of the Munsell pit and into the open ditch on the south side of the road.
- This is the same ditch that Raddatz's water flows into.
- Dust control remains good.

Brozek explained that he has no first-hand knowledge of the issues described by the Raddatzes because they occurred before he started working for the County. However, he agreed that complaints received by the County should be investigated.

Chair Scheffler stated that in his experience Brozek will follow through on complaints. Tim Kerkhoff agreed.

Ron Raddatz asked whether a condition could be placed on TNT's permit requiring TNT to maintain the open ditch, or allowing Raddatz to clean it himself.

Chair Scheffler suggested a condition requiring TNT to maintain the ditch from the point of entry on the Munsell property.

Brozek suggested a condition requiring TNT to keep the waterway clear north of the road, on the east edge of the quarry pit site. The open ditch flows under the road and into this waterway.

Madsen stated that the proposed conditions are already addressed in the proposed conditions. All water going under the road from the Munsell site is a concern because any excess water dumping into the ditch will back up onto Raddatz's property. Sediment build-up could block the flow.

Ron Raddatz stated that keeping the drainage open for his tile is his only concern regarding issuing TNT's permit.

Jerry and Ron Raddatz agreed that placing a condition on TNT's permit requiring that the permit holder be responsible to maintain the open ditch addresses their concerns.

Tim Kerkhoff stated that nothing he plans to do should have any affect in the water flow in the ditch or waterway. He agreed to the condition that he will maintain the ditch as needed.

Chair Scheffler closed the public meeting at 1:44 pm.

Chair Scheffler led the Planning Commission through filling out the Commissioner's individual finding of facts worksheets (attached).

Rohlik made a motion to recommend approval of Conditional Use Permit application #17-16, subject to the conditions proposed by staff, with the reclamation bond increased from \$10,000 to \$14,000 and the additional condition requiring that the permit holder maintain the open ditch. Mattison seconded the motion and it passed unanimously.

Brozek informed the audience that the permit would be recommended for approval by the Redwood County Board of Commissioners at the December 13th Commissioner meeting.

At 1:50 p.m. Chair Scheffler called to order a public hearing on an Animal Confinement Feedlot Conditional Use Permit submitted by Alex Madsen.

Prior to the Planning Commission meeting, the Planning Commission members were provided an informational packet, which included the following information regarding the Madsen application:

1. Madsen is proposing to construct and operate a 2400 head wean to finish swine confinement barn in Section 22 of Three Lakes Township, on Ocean Avenue about one and one half miles northeast of the City of Clements. The feedlot will consist of one 102' x 200' confinement barn with 8' deep poured concrete underfloor manure storage pit. The County animal unit total will be 960. The state animal unit total will be 720. Average animal weight will be 140 lbs.
2. The site will include a 10' x 10' structure for the holding of dead swine for pick up by the rendering truck.
3. The pit will consist of two compartments separated by a poured concrete divider wall. There will be eight pump-outs – four on each side. A 4" perimeter tile will be installed to alleviate hydrostatic pressure on the outside walls.
4. The side walls will be 8" thick poured 4000 psi concrete with #4 horizontal and vertical rebar, 12" on center. A 1" x 2" keyway and waterstop will be installed at the base of the walls. The walls will be supported on a 8" x 16" concrete footing with two #4 rebar

5. The floor will be 5" thick poured 4000 psi concrete with 2 lbs of fibermesh per cubic yard.
6. The divider wall will be 12" thick with 2 layers of #4 rebar 12" on center both vertical and horizontal. A 1" x 2" keyway will be installed at the base of the divider wall. The divider wall will be supported on a 10" x 36" concrete footing with two #4 rebar.
7. The slats will be supported on 12" by 12" poured 4000 psi concrete columns. Each column will contain four #4 vertical rebar with three #3 rebar ties and will be supported on a 36" x 36" by 8" deep concrete footing with four #4 rebar each way.
8. The feedlot will be set back approximately 240' from the right of way line of Ocean Avenue and about 1000 feet from County Ditch No. 24. The barn, including feed bins, will be set back at least 50 feet from the nearest county tile line. A 12" main (Branch 25/Branch G) runs north/south across the site between the barn and the road, then turns east and outlets in CD 24. Normally a 100 foot setback is required between a structure and a county tile line (Redwood County Ordinance Section 7, Subd. 5.5.A). However, Ditch Inspector Brent Lang has agreed to reduce the setback to 50 feet pursuant to Subd. 5.5.C, due to the shallow depth of the line and the strong soil structure.
9. The site is currently an abandoned farm site, with a house and barn in a state of disrepair.
10. The three nearest dwellings to the proposed site are as follows: Jeff & Lisa Madsen, 24331 Ocean Avenue, about 900 feet southeast of the site; Robert & Patricia Steffl, 24961 Ocean Avenue, about 2200 feet northeast of the site; and Dennis Sell, 37347 240th Street, about 3100 feet south of the site. All other building sites in the surrounding area are well over ½ of a mile from the proposed barn. The usual ¼ of a mile (1320') setback for a barn doesn't apply to the Jeff & Lisa Madsen residence because they are the owner of the land on which the barn is to be built.
11. The manure pit will have a storage capacity of 990,000 gallons, or about 12 months of storage capacity. Mr. Madsen has 377 acres under agreement available for spreading the manure pursuant to his Manure Management Plan. He has an additional 140 acres under agreement which is not included on the MMP, but which is also available to receive manure if needed. These fields are located in Three Lakes Township Sections 17 and 19, Morgan Township Section 30 and 33, and Brookville Township Section 16. Manure will be pumped and spread once per year in the fall.
12. A copy of the Conditional Use Permit application, maps, plans, and proposed permit conditions are enclosed.

Alex Madsen was present to explain the project. Madsen made the following statements to the Planning Commission:

- Seeking to construct a new swine feedlot site.
- The feedlot will be constructed on an abandoned building site owned by his parents, Jeff and Lisa Madsen.
- Alex will purchase this property from them prior to the construction of the feedlot.
- The barn will be built 50 feet off the county tile main located on the site. This has been approved by the ditch inspector. Madsen will not hold the County liable for any damages stemming from the tile or tile maintenance.
- Plans to build after April 15, 2017.

Brozek stated that he had run the University of MN Odor Offset model for the proposed barn. The annoyance-free frequencies for the three closest properties were as follows:

1. Jeff and Lisa Madsen – 92%
2. Robert & Patricia Steffl – 97%
3. Dennis Sell – 98%

Chair Scheffler inquired if anyone was present to support the project. No one came forward.

Chair Scheffler inquired if anyone was present to oppose the project. No one came forward.

Chair Scheffler closed the public hearing at 1:56 pm.

Chair Scheffler led the Planning Commission through filling out the Commissioner’s individual finding of facts worksheets (attached).

Madsen made a motion to recommend approval of Conditional Use Permit application #18-16, subject to the conditions proposed by staff. Rohlik seconded the motion and it passed unanimously.

The Commissioners reviewed and discussed the minutes from the October 31st Planning Commission meeting. On a motion by Madsen seconded by Mattison the minutes from the October 31st Planning Commission meeting were unanimously approved.

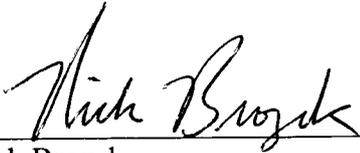
The Planning Commission discussed the 2017 regular Planning Commission meeting dates. On a motion by Mattison, seconded by Madsen, the following meeting dates were unanimously approved:

PLANNING COMMISSION HEARING DATES FOR 2017:

Monday, January 30, 2017	1:00 p.m.
Application Deadline December 27, 2016	
Monday, February 27, 2017	1:00 p.m.
Application Deadline January 30, 2017	
March <i>** NO MEETING SCHEDULED**</i>	
Monday, April 10, 2017	1:00 p.m.
Application Deadline March 13, 2017	
Monday, May 22, 2017 (the 29th is Memorial Day)	1:00 p.m.
Application Deadline April 24, 2017	
Monday, June 26, 2017	1:00 p.m.
Application Deadline May 30, 2017	
Monday, July 31, 2017	1:00 p.m.
Application Deadline June 26, 2017	
Monday, August 28, 2017	1:00 p.m.
Application Deadline July 31, 2017	
Monday, September 25, 2017	1:00 p.m.

Application Deadline August 28, 2017
Monday, October 30, 2017 1:00 p.m.
Application Deadline September 25, 2017
Monday, November 27, 2017 1:00 p.m.
Application Deadline October 30, 2017
Monday, December 18, 2017 1:00 p.m.
Application Deadline November 27, 2017

On a motion by Madsen, seconded by Mattison, and passed unanimously, the meeting was adjourned at 2:10 p.m.



Nick Brozek
Land Use & Zoning Supervisor
Redwood County Environmental Office



Mike Scheffler, Chair
Redwood County Planning Commission

Redwood County Planning Commission Meeting

Date: 11-28-16

NAME
(Please **PRINT** legibly)

MAILING ADDRESS
(Street, City, State and ZIP code)

James Lux

Morgan Mn, 56266

Todd Schouvieller

Morgan



Morgan

Amita Mages

Morton

Anthony Mages

MORTON

Jerry Roddy

Redwood Falls.

Ron Roddy

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Ron Kerkhoff

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