

CARVER COUNTY PLANNING COMMISSION
Regular Meeting – July 16, 2019
Minutes

Members Present: Jim Burns, Gabrielle Theis, Jim Ische, Frank Mendez, Scott Smith, John P Fahey, Mark Willems

Members Late: None

Members Absent: None

Staff Present: Steve Just, Jason Mielke, Kathleen Russell, Jennifer Tichey, Laura Jaunich

Pursuant to due call and published notice thereof, the July 16, 2019, regular meeting of the Carver County Planning Commission was called to order by Chairman Burns at 7:00 p.m.

Minutes – A motion was made by Willems and seconded by Smith to approve the minutes from the June 18, 2019, meeting. All voted aye. Motion carried.

File #PZ20190027 – Minnesota Valley Electric Cooperative (continued) – Chairman Burns called the continued public hearing to order at 7:01 p.m. to consider a request by Joseph Green, representing Minnesota Valley Electric Cooperative. The purpose of the public hearing was to consider a request for reconstruction/upgrade of a public utility service pursuant to Chapter 152 of the County Code. The property is located in Section 27 of Waconia Township.

The following were present: Joe Green

The following items were entered into the record:

Exhibit G – Letter to the Planning Commission and Waconia Township dated July 9, 2019, and attachments

Mielke stated this item was continued from the previous month to allow the Township some time to go through the formal vacation process of a portion of Orchard Rd and the right-of-way. It also allowed the applicant to develop a grading plan for option A, which is included in the information prepared for tonight. A 60-Day Law letter was sent to the applicant requiring a decision on this request by September 17, 2019. At the July 8th meeting of Waconia Township, Resolution #2019-07 was issued to vacate the portion of Orchard Rd near the substation location. At last month's Planning Commission meeting, a neighbor requested electromagnetic testing to be done and MVEC has agreed to perform that testing and will submit the pre- and post-construction measurement readings to the neighbors if they request it. A property owner to the north had concerns about access to his property with the potential vacation of Orchard Rd. MVEC and the property owner have a formal agreement in place allowing the landowner access across MVEC's

property for access. Mielke read the proposed conditions for consideration if the request is approved.

A motion was made by Ische and seconded by Fahey to conclude the public hearing. All voted aye. The public hearing was concluded at 7:06 p.m.

A motion was made by Ische and seconded by Smith to **approve and adopt Resolution #19-11** incorporating the findings of fact and staff recommendations approving the Conditional Use Permit allowing for reconstruction/upgrading of an electrical substation. All voted aye. Motion carried.

Mielke clarified that information in the staff report offered Option A and Option B. It is the applicant's intent to proceed with Option A, which required the vacation of the portion of Orchard Rd.

File #PZ20190036 – Eldon Young – Chairman Burns called the public hearing to order at 7:07 p.m. to consider a request by Eldon Young. The purpose of the public hearing was to consider a request for renewable energy – wind turbine pursuant to Chapter 152 of the County Code. The property is located in Section 32 of Waconia Township.

The following were present: Eldon Young

The following items were entered into the record:

Exhibit A – Legal Description

Exhibit B – Proof of Publication of the Hearing Notice

Exhibit C – Proof of Mailing of the Hearing Notice

Exhibit D – Site Plan

Exhibit E – Letter from the applicant dated June 25, 2019

Exhibit F – Letter to the Planning Commission and Waconia Township dated July 8, 2019, and attachments

Just explained the applicant's request to construct an approximate 120-foot Wind Energy Conversion System (wind turbine) for personal use. The rotor and tower design are a lattice-type as shown in the attached materials. The tower would be constructed to the east of the existing building site. The applicant is pursuing the 120-foot tower, rather than a 100-foot structure, to capture an additional 10% efficiency in power production. A building permit with engineered plans would be required before construction could begin. Waconia Township heard the request and recommended approval at their June 24th meeting. Just read the proposed conditions for consideration if the request is approved.

A motion was made by Willems and seconded by Smith to conclude the public hearing. All voted aye. The public hearing was concluded at 7:11 p.m.

A motion was made by Fahey and seconded by Theis to **approve and adopt Resolution #19-12** incorporating the findings of fact and staff recommendations approving the

Conditional Use Permit allowing for an approximate 120-foot Wind Energy Conversion System (wind turbine). All voted aye. Motion carried.

File #PZ20190033 – Kevin Lundquist – Chairman Burns called the public hearing to order at 7:12 p.m. to consider a request by Kevin Lundquist. The purpose of the public hearing was to consider a request for accessory structures pursuant to Chapter 152 of the County Code. The property is located in Section 35 of Dahlgren Township.

The following were present: Kevin Lundquist,

The following items were entered into the record:

Exhibit A – Legal Description

Exhibit B – Proof of Publication of the Hearing Notice

Exhibit C – Proof of Mailing of the Hearing Notice

Exhibit D – Site Plan

Exhibit E – Letter from the applicant dated July 2, 2019

Exhibit F – Letter to the Planning Commission and Dahlgren Township dated July 9, 2019, and attachments

Just explained the applicant's request to move three additional accessory structures onto the property which would exceed the total amount of personal storage space allowed on a property of this size. The current personal storage space on the property is approximately 3,816 square feet and the additional three structures would add approximately 720 square feet for a total of 4,536 square feet. The Zoning Code allows 4,000 square feet of personal storage space on a property of this size without a Conditional Use Permit. The applicant's intended use is for personal storage and all buildings would meet the required setbacks. There will be no business activity. Dahlgren Township heard the request and recommended approval at their July 8th meeting. Just read the proposed conditions for consideration if the request is approved.

Mark Willems, representing Dahlgren Township, confirmed the Township's recommendation for approval.

A motion was made by Willems and seconded by Mendez to conclude the public hearing. All voted aye. The public hearing was concluded at 7:14 p.m.

A motion was made by Ische and seconded by Mendez to **approve and issue Order PZ20190033** approving the Conditional Use Permit allowing for three additional accessory structures which will increase the total personal storage space on the property to approximately 4,356 square feet. All voted aye. Motion carried.

File #PZ20190034 – Beth Greenwood – Chairman Burns called the public hearing to order at 7:15 p.m. to consider a request by Beth Greenwood. The purpose of the public hearing was to consider a request for additional density-high amenity residential lot pursuant to Chapter 152 of the County Code. The property is located in Section 27 of Watertown Township.

The following were present: Nancy Dressen, Tom Dressen, Francis Condon, Steve Dressen, Nathan Heldt, Dave Heldt, Scott Hoese

The following items were entered into the record:

Exhibit A – Legal Description

Exhibit B – Proof of Publication of the Hearing Notice

Exhibit C – Proof of Mailing of the Hearing Notice

Exhibit D – Site Plan

Exhibit E – Letter from the applicant

Exhibit F – Letter to the Planning Commission and Watertown Township dated

July 8, 2019, and attachments

Russell explained the applicant's request to subdivide approximately 9.25 acres as a high amenity residential lot on the easterly portion of the parcel pursuant to the additional density option of the Zoning Code. She stated that one of the '1 per 40' building eligibilities is used by an existing house on 5.42 acres which was subdivided, and one '1 per 40' eligibility would be available on the remainder of the land. The 1,000-foot feedlot setback buffer from the feedlot to the north of this parcel has been confirmed to be accurate and still allows an area on the proposed parcel for a house location outside of the buffer area. The proposed lot would be largely wooded and the remaining parcel would be large enough to be considered an agricultural parcel. Watertown Township heard the request and recommended approval at their July 1st meeting. Russell read the proposed conditions for consideration if the request is approved.

Scott Hoese, representing Watertown Township, asked if the current field access will become the residential access and would be shared as a field access also, or if their intent is to create a new field access.

Francis Condon, representing the property owners, stated he was not certain about the location of the residential driveway, but presumed it would not be shared and a new field approach would be required. The field approach would be to the west of the residential driveway.

Just clarified there is no required separation distance between a residential driveway and a field approach. The Township is the authority for the field approach location.

Dave Heldt, 11720 46th St, stated he farms in the area and concurs with the notice of farming activities in the area, especially citing manure application. He also noted water issues and the water flow to the culverts. He suggested a grass strip to reduce the speed of the water flow to the tile lines.

Mr. Condon asked for confirmation of the location where they would like to have the grass strip.

Mr. Heldt stated a 20-foot wide grass waterway near 46th St, parallel to Nathan's driveway, would help to reduce erosion and slow any water flow.

Mr. Condon stated they would agree to stipulate a 20-foot grass strip along Nathan's driveway at 46th St and along the easterly edge of the proposed lot to the tree line.

A motion was made by Smith and seconded by Willems to conclude the public hearing. All voted aye. The public hearing was concluded at 7:22 p.m.

A motion was made by Fahey and seconded by Theis to **approve and adopt Resolution #19-13** incorporating the findings of fact and staff recommendations and including the requirement for a 20-foot grass waterway along the easterly side approving the Conditional Use Permit allowing for additional density-high amenity residential lot. All voted aye. Motion carried.

File #PZ20190032 – Keith Eklund – Chairman Burns called the public hearing to order at 7:23 p.m. to consider a request by Keith Eklund. The purpose of the public hearing was to consider a request a CUP amendment allowing for expansion of the essential service-yard and tree disposal pursuant to Chapter 152 of the County Code. The property is located in Section 21 of Watertown Township.

The following were present: Keith Eklund, Joanne Eklund, Brandon Leistiko, Russ Leistiko, Tom Pierson, Sherri Pierson, Scott Hoese, Greg Boe

The following items were entered into the record:

Exhibit A – Legal Description

Exhibit B – Proof of Publication of the Hearing Notice

Exhibit C – Proof of Mailing of the Hearing Notice

Exhibit D – Site Plan

Exhibit E – Letter from the applicant dated June 2019

Exhibit F – Letter to the Planning Commission and Watertown Township dated July 9, 2019, and attachments

Russell stated the applicant has an existing CUP for a yard and tree disposal service and would like to amend this to allow for increased hours, a small display area for their product, and an increase in the amount of composting permitted on the site. The increased hours requested are from dawn until dusk on Saturdays and Sundays and 6:00 a.m. to 8:00 p.m. Monday through Friday. Grinding hours would remain the same, which is 7:30 a.m. until 5:00 p.m., Monday through Friday, and limiting heavy grinding hours to 10:00 a.m. until 2:00 p.m., Monday through Friday. The proposed operational area would include a sign-in area with display piles of the various mulch colors and soil grades for sale. The amount of composting materials currently accepted on site is 500 cubic yards and is requested to increase to 6,000 cubic yards annually. The composting piles would not exceed 15 feet in height. The amount of tree and brush waste, which is 50,000 cubic yards annually, would remain the same with this request. The Environmental Services Department provided a brief history on the land use for yard

waste in Carver County, noting that several municipalities have composting sites, but Eklund Yard and Tree Disposal is the only private site in Carver County. State law prohibits yard waste from being mixed with trash or being delivered to a landfill or resource recovery facility. Carver County residents rely on curbside service from haulers as well as municipal and/or private yard waste sites. The Eklunds have submitted an operational plan and also a decommissioning plan if/when the site is no longer used for this business activity. There are approximately 20 daily trips from customer visits during peak days from May through October. Typically, eight medium sized trucks from yard companies and two personal vehicles drop off residential yard waste per day. Carver County Public Works Department provided comments and requirements for improvements to the access on the site, including driveway upgrades and increased visibility tactics. The applicants will continue to maintain required permits with the MPCA and Environmental Services. Watertown Township heard the request at their June 3rd meeting and recommended approval of the request. A letter was received from a neighboring resident in opposition to the increased hours and days of tree chipping due to the noise and nuisances observed when people were outside. Russell read the proposed conditions for consideration if the request is approved.

Scott Hoese, representing Watertown Township, stated the current operation has created no complaints and it's the only location in the County that accepts this type of debris. He confirmed the Township's recommendation for approval of the request.

A motion was made by Ische and seconded by Smith to conclude the public hearing. All voted aye. The public hearing was concluded at 7:29 p.m.

A motion was made by Theis and seconded by Willems to **approve and adopt Resolution #19-14** incorporating the findings of fact and staff recommendations approving the Conditional Use Permit allowing for expansion of the operations for an Essential Service – Waste Management. All voted aye. Motion carried.

File #PZ20190035 – Pattison Sand Company – Chairman Burns called the public hearing to order at 7:30 p.m. to consider a request by Joe White, representing Pattison Sand Company. The purpose of the public hearing was to consider a request for a Large-Scale Activity – Rail-based Transload Facility pursuant to Chapter 152 of the County Code. The property is located in Section 18 of Benton Township.

The following were present: Joe White, Dan Wilke, Will Brown, Gary Widmer, Don Scott, Julie Scott, Dave Scott, Karen Solberg, Mike Solberg, Shirley Schmitz, DuWayne Schmitz, Trudy Vogel, Randy Feltmann, Andy Steinhagen, Clarence Stender, Larry Bachmann, Ron Trick, Brad Schrupp, Deb Walter, Lyndon Robjent, Darin Mielke, Steve Helget, Craig Heher, Merrill Busch, Ed Brueggemeier

The following items were entered into the record:

Exhibit A – Legal Description

Exhibit B – Proof of Publication of the Hearing Notice

- Exhibit C – Proof of Mailing of the Hearing Notice
- Exhibit D – Site Plan
- Exhibit E – Letter from the applicant
- Exhibit F – Letter to the Planning Commission and Watertown Township dated July 9, 2019, and attachments
- Exhibit G – Memo from the City of Norwood Young America dated July 11, 2019
- Exhibit H – Memo from MnDOT dated July 11, 2019
- Exhibit I – Township recommendation form from Benton Township
- Exhibit J – Right-of-Way Impacts map prepared by SRF Consulting Group for Public Works dated July 9, 2019

Mielke explained the proposal of Pattison Sand Company to develop and operate a rail-based transload facility to import aggregates, primarily limestone, and similar future commercial commodities on approximately 50 acres in Benton Township for which they have a purchase agreement. The sale/purchase of the property would prompt septic compliance for the residence, even though the current landowners intend to remain living on the site. Mielke showed the operational plan illustrating the site plan and stormwater management plan provided by the applicant. At this time, they do not intend to use the entire parcel and at such time when that would change, they would apply for a new CUP and address the changes. The current request is for stockpiling of aggregate materials and topsoil and clay material, providing a berm from the building site, and adding a rail spur from the TC&W rail line. The proposal is for rail shipping of 6,000 ton of limestone weekly to the site for marketing in the west metro area. Truck traffic would be leaving the site via Salem Av and heading east or west on Hwy 212. The stockpiling area would consist of approximately 60,000 tons and an estimated 200,000 tons would be projected for the site annually. The projected daily trips for truck traffic, both employee vehicles and truck loading, is approximately 150 trips. The majority of the product is hauled off site from April through October, however, occasional winter projects exist. This is a year ‘round facility so the potential exists for activity any time. The proposed hours of operation are 6:30 a.m. – 7:00 p.m., Monday through Friday, and 6:30 a.m. to 3:00 p.m. on Saturdays. They would allow for retail sales activity to the general public (i.e. for residential landscaping or commercial projects). The operational plan indicates how dust will be managed on the site and the activity must also comply with MPCA Rules, Chapter 7030. Mielke explained the Zoning Code regulation concerning Class I or II soils and stated the proposed operational area and land meets the requirement. MnDOT, as the road authority for Hwy 212, provided written comments, and Carver Count Public Works Department has also reviewed the request and provided comments. The County’s role is to work with MnDOT on the Hwy 212 corridor expansion and any impact activities along Hwy 212 will have on that project. Comments were also received from Twin Cities & Western Railroad which indicated no objections and strong support of the request. The Planning & Water Department briefly reviewed the information pertaining to the water rules and determined a Level 3 Water Rules application, NPDES Permit, and Stormwater Permit would be required for this project. Benton Township heard the request at their July 11th meeting and will provide comments at this meeting. The City of Norwood Young America provided written comments about this request. Mielke read the proposed conditions for consideration if the request is approved.

Joe White, representing Pattison Sand Company, gave a brief history of the business, stating it began in the early 1900's primarily in agricultural business, and continues as a family-owned business. They purchased a quarry and the mining operations began to grow with the quality of rock available and the need for product in the construction industry. Their product meets the specifications for asphalt and concrete, which is a rare product in this area, and necessary for highway construction. Other locations to obtain this product are 45 or more miles away and therefore this site was chosen to bring product in by rail and reduce the trucking miles. About five or six different types of high-quality product will be hauled in, three of which are necessary for asphalt construction and two for concrete construction. The product coming in will already be washed at the facility in Iowa.

Ische asked about the flow and direction of the rail traffic bringing product to the site.

Will Brown, TC&W Railroad, stated that the train cars will come from the east and cross Salem Av and then reverse back to the rail spur that will be on the property to unload. The empty cars will travel westward to the Glencoe switch yard to head eastward on the tracks again.

Willems referred to the 6,000 tons of product hauled weekly and asked about the capacity of a train car.

Mr. White replied a train car holds about 115 ton, or about 6 truck loads in one train car. They can hold 32 cars but would typically haul in 20 car blocks because of the hopper area for unloading. This would be slightly over 2,000 ton at one time. The 20 cars would come in close to the evening to be unloaded the following day and the empty cars would return within a 24day, approximately 2 – 3 times a week.

Willems asked about the type and size of trucks that will be hauling the product.

Mr. White stated it could be all kinds and sizes of trucks, gravel trucks or semis, depending upon what each hauler is using.

Willems asked about the dumping and piling of the product and the noise generated from this activity.

Mr. White referred to the operational plan illustration and stated the loads are dumped into the hopper under the tracks which flows onto a conveyor and puts the product onto the piles. He stated the process is relatively quiet and will not be heard outside of the facility. The door on the car opens and the product flows into the hopper and the conveyor runs on electric power. He stated the loudest noise heard from the site will be from the back-up alarm on the payloader, which is a required safety feature.

Smith asked if this company has any other operations in Minnesota.

Mr. White stated they operate 12 transload facilities in Minnesota, some of which are relatively small and are a direct transfer from the rail to a truck. He stated one problem in Minnesota is that there are not many areas that have area for storage near the rail line. It also takes time to haul product from their quarry in Iowa and having an area to stockpile product allows them to fill an order and keep up with the demand. They have a large facility in Kimball with approximately 50,000 tons stockpiled at the site. There is also a similar, slightly smaller site in Winnebago, which has more product used for special projects.

Burns asked where the topsoil and clay stockpiles will come from.

Mr. White stated that will be from the stripping to construct the rail spur. That product is already on site. He described the long-term plans and stated the operational area will be below the hill and will not be very visible from Hwy 212. It might be possible to see the tops of the stockpiles, but it will be fairly hidden from highway traffic. Much of the field will remain agricultural, and in the future when the right-of-way is acquired for the new highway, they will construct a berm and landscape along the new right-of-way.

Andy Steinhagen, representing Benton Township, confirmed they have heard the request and are not opposed to it, but stated there was not a lot of representation from landowners and residents at the meeting, so he asked to defer their recommendation until they hear comments and questions from people at this meeting.

Brad Schrupp, representing Young America Township, stated they had also heard the request and are not opposed to the request. The Township's main concern is for safety at the intersection of Hwy 212 and Salem Av. He also cited their concern for the backing of rail cars across Salem Av and asked how much time would be involved because they don't want to inconvenience the residents for any length of time.

Mr. White confirmed they have already met with MnDOT and Carver County about the right-of-way and future construction of Hwy 212. They have agreed to construct a center left-turn lane next year at the same time of a scheduled overlay project to allow westbound traffic flow to continue. The right-turn lane on Salem Av will be extended with the overlay project which should allow more room for the trucks and help with the safety at that intersection. They are aware of the amount of traffic and the safety at that intersection. They will also be paving Salem Av to help alleviate dust and other issues.

Mr. Brown projected the rail crossing would not be closed for any great length of time.

Willems asked if there is any provision for an acceleration lane from Salem Av onto Hwy 212 for eastbound traffic. He presumed the truck traffic would slow the eastbound traffic because the trucks will immediately climb a hill eastbound on Hwy 212 from Salem Av.

Mr. White stated that was not a part of the discussion and there was no recommendation for that but understood the concern. He explained that there will be truck traffic at that intersection, but most of their trucks will be heading west.

Larry Bachman, 14190 Hwy 212, expressed concern with the dust and especially limestone dust and health concerns. He also noted the current amount of highway traffic and difficulty with sight lines.

Mr. White stated they have a dust control plan which will use on-site water to maintain dust control. Primarily, most of the products coming to the site are washed. The Class V base material is not washed. There is a watering system on the unloading conveyor that can add water to the product as it is being unloaded. They also have a clay-slurry product to use on the roads within the quarry which acts like cement and keeps the dust down. They will use chloride if necessary and they are paving Salem Av which should also help reduce dust.

David Scott, 13680 Stewart Av, asked if the rail cars hauling to this site would be a part of a longer train and if the backing up of cars to the rail spur would affect Stewart Av.

Mr. Brown replied there would be no increase in the number of trains, but there would be additional train cars.

Mr. Scott asked if the railroad would consider crossing-arms at the tracks for safety purposes.

Mr. Brown indicated there has not been discussion for installing crossing-arms at the Salem Av intersection.

Steve Helget, City Administrator for Norwood Young America, stated the City Council has not had an opportunity to review and request and does not have a recommendation at this time. He stated the City has submitted a letter and he did have an opportunity to discuss the proposal with the applicant and getting many of his questions answered. He asked the Planning Commission for their consideration concerning the information in the letter and especially noted their preference for suitable future landscaping and berming along the highway. He stated the applicants' projection for their business operation is a 10-year plan and it does not take into consideration the future upgrade of Hwy 212 becoming a 4-lane road. He stated the city also shares the concern for traffic safety on the highway and cited some statistics on truck traffic through the city. Mr. Helget asked who would be monitoring the amount of product that is stockpiled on site, as it is proposed in the request and presumably will be stated in the CUP. He also asked about the current number of trains that daily pass through the City.

Mr. Brown explained there would be an increase to the length, not the number of trains. Rail cars would be unhooked east of Salem Av in order to drop aggregate cars on the spur. The train would reconnect to the dropped cars and continue to their destination.

Ische asked Mr. Helget if the city limits are contiguous eastward to Stewart Av.

Mr. Helget replied the city limits are not contiguous to Stewart Av.

Ische asked if the city intends to ‘leapfrog’ annexation to Salem Av for the purpose of gaining commercial tax base in this situation.

Mr. Helget stated he was unable to address that issue but it has not been discussed in any official capacity. There is no formal orderly annexation agreement with Benton Township on this area at this time.

Ische noted the concern for highway safety and asked about the number of trucks that daily access the highway from the industrial park.

Mr. Helget stated that it varies depending upon the time of the year. One business is very busy during the later part of the year and Vickerman Company has approximately 400 trucks that go in and out of the business annually. Much of that traffic enters from and exits toward the east. The other businesses also generate traffic but not to that extent. He did not have exact numbers to share about traffic from the other two businesses. He stated the city’s volunteer fire department serves this area and one legitimate concern is for adequate coverage for daytime calls. The community is growing and the number of calls increases each year. He raised questions about the aspirations for growth of the business and the impacts that may have on other services and the area.

Mr. White addressed the concern about monitoring the amount of product stockpiled at the site. He stated an itinerary is generated along with each of the train cars that leaves Clayton, Iowa. He stated there is also a scale at the site which records materials that leave the site. He offered to have the reports sent as an email to staff with this information if requested or necessary. This would be a way of constantly tracking the inventory on site as well as noting the material for aggregate taxes. He also stated that on-site visits or inspections are welcome.

Mielke stated the Planning Commission could incorporate a requirement in the conditions of the permit if they choose.

Mr. White stated the report is required to be sent to the County quarterly for aggregate taxes and very easily could include another person on the email. He addressed the safety concerns and stated they have met twice with the City of Norwood Young America to discuss and assure that safety is a high priority for them and their employees. They have approximately 365 employees and the operation at Clayton, Iowa, runs 365 days a year and 24 hours a day, which includes a lot of night work and underground mining. They have had very few problems with safety issues. He reiterated that safety is very important to the company, which he felt was evident by their willingness to invest the expense for upgrades to the highway access knowing they only will be temporary until highway reconstruction. Mr. White also mentioned future growth, realizing that nothing is certain, but anticipated continued growing needs for aggregate product as the area grows and the future plans for the highway in the next 5 – 10 years.

Randy Feltmann, 14750 Hwy 212, asked if the holding pond on the west side of Salem Av on the site plan is a part of this operation.

Mr. White confirmed that was a stormwater pond proposed by MnDOT and is a part of the preliminary plan for the Highway 212 expansion project.

Mr. Feltmann concurred that highway improvements need to be made because the increasing traffic numbers and driving habits on the current road are dangerous.

Mr. White stated that the proposed safety improvements to the road, the added turn lane and extended right turn lane, should also help improve safety with the daily traffic on the highway. They be a benefit to all of the traffic on the highway, not just the trucks from the aggregate site.

Craig Heher, 585 Preserve Blvd, reported some safety requirements from the Federal Motor Carrier Safety Administration and reiterated the need for improved safety on the highway. He also expressed concern for potential increased noise with the additional train traffic.

Mr. White reiterated the process for unloading the train cars and stated he was not able to speak about the potential for actual rail transportation noise.

Mr. Steinhagen stated safety was a concern in the discussion at the Township level and the company is willing to improve the access area on Hwy 212 and Salem Av. One other possibility would be an eastbound acceleration lane on the highway. The Township discussed with the applicant improving and paving of Salem Av from the highway to the railroad tracks, and signage prohibiting truck traffic on Salem Av north of the highway and south of the tracks, which was agreeable. He stated after researching information on the aggregate tax, it was unclear to whom the aggregate tax is owed.

Mielke stated he had not received an answer to that issue as yet.

Mr. White stated that the company will agree to pay the aggregate tax to the entity where it is sold, which is what their competitors in Mn also do. The aggregate tax is a fund established to help townships and counties with road maintenance and they would agree to doing that. They also are in agreement to improving and paving Salem Av south of the highway to the railroad tracks and also prohibiting the truck traffic north of the highway and south of the railroad tracks, with the exception of the Township or a resident needing product for their own road improvements in those areas.

Burns encouraged the Township to work with the applicant and establish a road maintenance agreement with all the requirements clearly listed.

Steinhagen asked about legal issues for the Township if this project would be abandoned in the future, referring to the additional rail spur construction.

Mielke stated the CUP runs with the land and if a new owner would be able to operate under the same conditions, the CUP would still be in effect. If a new operator would

have significant changes in site plan or operations, then an application would be required for a new CUP.

Steinhagen stated the Township has discussed the request and their concerns have been addressed and they would recommend approval with the proposed staff conditions and the conditions concerning the road that they have requested.

Burns asked if there was a condition requiring a road maintenance agreement for Salem Av.

Mielke replied proposed condition #4 covers all of the road authorities, listing the Township, County and MnDOT.

Fahey asked if there is an illustration of Hwy 212 showing the proposed turn lane locations.

Mielke stated he was unaware if that was available.

Mr. White replied the turn lanes would be required to be constructed according to State specifications, and that includes lengths and distances of the turn lanes.

Fahey indicated that information might be helpful to have on record moving forward with this project and also having an understanding for future highway changes.

Mr. White presumed it would be possible to obtain a map for a future meeting if it would be required. He also noted that they would agree to any signage that would be required by MnDOT or the County.

Fahey asked if language could be incorporated into the conditions of this CUP tying together the future reconstruction of Hwy 212 and the operations at this site.

Mielke replied that the CUP is subject to administrative review which allows staff to conduct a review at any time on the site. He stated that the applicant has illustrated and submitted their operational plan with this request. If the business activity changes significantly, then a new application and CUP would be necessary to address the new operating plans. He stated the road authority would have jurisdiction over the road improvements, and the CUP regulates the land use, which would be remaining the same until further notification.

Burns asked the Planning Commission if they have enough information to conclude the public hearing or if it should be continued for a month to clarify and resolve any issues or concerns.

Mendez asked if the information discussed at this meeting would satisfy the City of Norwood Young America to make a recommendation on this request.

Mr. Helget stated that the City Council has not had an opportunity to review the application and therefore is not in a position to provide a recommendation on the request.

Willems stated he would not be comfortable closing the public hearing at this time because of the number of concerns raised and also the safety of the highway traffic. He encouraged each Planning Commission member to visit the location and exit and enter Hwy 212 at Salem Av to realize and experience the true traffic concerns.

Mendez asked if the concern is about safety versus the requested land use activity.

Willems stated he lives in Dahlgren Township where there is a large-scale activity and another that has been problematic with Hwy 212 traffic. He would find it difficult to approve this activity because of the safety and traffic concerns.

Mendez determined the operational plan seems to be strong, but the traffic and safety issues need to be improved. He suggested more information or direction or a commitment be obtained from MnDOT concerning highway safety.

Willems reiterated the traffic numbers and stated that daily adding 150 large trucks, which are slow to accelerate when loaded, into the flow of traffic is a huge concern. Willems made a motion to continue the public hearing until August 20th to allow each Planning Commission member a chance to visit the site and experience the traffic and safety concerns.

Ische seconded the motion to continue the public hearing to August 20th. He agreed with the safety concerns and cited numerous intersections on Hwy 212 that pose safety issues. He talked about funding for road projects and noted the County is working to secure dollars for the reconstruction of Hwy 212 sooner than later.

Burns recapped the discussion to give Mr. White some direction before the August meeting, including working with MnDOT on options to create a safe intersection at Salem Av, appropriate signage, and any other items that would enhance safety with the proposed truck traffic. He also asked that a road maintenance agreement be drafted with Benton Township and that a formal recommendation be received from the Township and the City of Norwood Young America.

Smith asked for additional information concerning the aggregate tax.

Fahey asked a map illustrating what the proposed highway improvements will look like. He recalled highway improvements that were made for a large-scale activity in Dahlgren Township which seem to be effective for safety. He also noted a trucking business on Stewart Av which did not have required highway improvements and it seems to be creating a difficult traffic situation. He supported continuing the public hearing until August 20th.

Burns repeated the motion to continue the public hearing to the August 20th meeting. All voted aye. Motion carried. The public hearing was continued at 8:43 p.m.

Adjournment

A motion was made by Willems and seconded by Smith to adjourn the meeting. All voted aye. Motion carried. The meeting was adjourned at 8:45 p.m.