



STEELE COUNTY PLANNING COMMISSION MINUTES

Steele County Administration Center – 630 Florence - Owatonna, MN 55060

*Steele County's Mission:
Driven to deliver quality services in a respectful and fiscally responsible way.*

Monday, November 4, 2024, at 7:00 p.m. – Steele County Boardroom

Call to Order:

The meeting was called to order by Chair Esplan at 7:00 pm. Present were Dinse, Lammers, Pool, Spatenka, Queen, Ingvalson, Commissioner Brady and staff member Oolman.

Agenda:

Motion by Queen, second by Ingvalson to approve the agenda as submitted. Motion passed unanimously.

Minutes:

Motion by Dinse, second by Lammers to approve the October 7th, 2024, minutes as submitted. Motion passed unanimously.

Building Permits:

The building permits for October were reviewed.

CUP #233 (Ulland Brothers- Olson Pit)

This request is from Ulland Brothers for the review of CUP #233 allowing the mining of sand and gravel and the stockpiling and processing of recyclable aggregate material on property owned by the R Emil Olson Trust and located in the South ½ of the SE ¼, Section 10, Lemond Township. The property address is 6588 SW 62nd Ave.

Questions and comments of the commission.

Spatenka- This pit was mostly used for asphalt production, correct?

Andy Erichson, Ulland Bros. indicated it was years ago, but now it is used to mine sand and gravel. They would come back with a new request if they ever wanted to put an asphalt plant back in this pit.

The public hearing was opened.

As there were no questions or comments, the public hearing was closed.

Pool – I will be abstaining from any discussion and vote because I am employed by Ulland Bros.

Motion by Ingvason, second by Queen to recommend approval of the renewal of CUP #233 (Ulland Brothers- Olson Pit) with the following 17 conditions: (underlined is added, ~~strikethrough~~ is deleted)

1. The setback from property lines and road right of ways shall be 20 feet of undisturbed soil. Any erosion to neighboring properties or right of ways as a result of this mine shall be corrected by the applicant.

2. The applicant shall maintain adequate topsoil on site for a reclamation plan.
3. Ulland Brothers Inc. shall obtain all necessary permits from Lemond Township.
4. The applicant shall be responsible to maintain dust control on the access road, the haul roads and in the pit if necessary.
5. Truck Hauling signs shall be placed when there is activity in the gravel mine at locations specified by the township.
6. The applicant shall obtain a National Discharge Elimination System (NPDES) permit and/or a water appropriation permit if required. If the site is to be dewatered this permit shall be amended.
7. The applicant shall consult with the SWCD to reclaim mine areas for purposes of maintaining wildlife habitat.
8. Hours of operation shall be between 6:00 AM and 7:00 PM, Monday thru Saturday.
9. Mining is limited to a bottom depth of 1147 feet.
10. All access roads to the site shall be gated.
11. Applicant is responsible to initiate renewal proceeding on or before April 1st, ~~2024~~ 2029 or this permit becomes invalid.
12. The setback from the pipelines shall be as required by the pipeline company, but in no case less than 50 feet from the pipeline with a 3 to 1 side slope on the excavation face. Any erosion shall be immediately corrected.
13. The setback from the pipeline shall be marked at 100 foot interval along the face of the mine and shall remain in place during the life of the mine and during reclamation procedures.
14. Storage of recyclable aggregate material shall not exceed 30,000 cu. yds. The State of Minnesota has additional requirements concerning recyclable aggregate stockpiles.
15. Trucks shall not track material from the pit onto the public road.
16. Trucks hauling material to and from this site shall not use "jake brakes"
17. This permit remains valid during times when the owner/operator is current on all tax obligations including but not limited to aggregate taxes. In addition, if notified by the Auditor of a delinquency, the owner/operator is required to either pay the tax or file an appropriate challenge within 30 days or else the permit is null and void.

Motion passed unanimously.

IUP 2009-05 (JJD CAN Pit)

Motion by Spatenka, second by Dinse to bring discussion on IUP 2009-05 back to the table.

Motion passed.

This request is from JJD Companies LLC, to renew Interim Use Permit #2009-05 allowing the mining of sand and gravel on property owned by CAN Aggregates and located in the SE ¼ of the NE ¼ and the NE ¼ of the SE ¼, Section 2, Lemond Township.

Questions and comments of the commission.

Lammers- We (Dinse) went out to the property to look and do some measuring.

Spatenka- indicated he too looked at the site.

Ingvalson- asked if the slope to the township road looked good?

Lammers- Yes

Spatenka- Asked if they will have to put an apron in for the access installed through the berm?

Oolman- That would be up to the township and the planning commission to attach that condition.

Esplan- Is there a gate on the access driveway.

Oolman- Yes

The public hearing was opened.

Brian Cook, CAN Aggregates, objected to having to bond the entire parcel as they only have plans to mine the 4.2 acres in the next five years. Requiring a bond on all the acres was putting an unfair cost on the operators.

Oolman explained that the Board typically requires the bond to cover all mineable acres, as the county has experienced contractors mining beyond what they initially indicated.

How much does a \$5000 bond per acre cost?

Cook did not know.

Lemond Township officials discussed the accesses. They also would like the access at the corner of Lemond Road and SW 51st street removed. They felt it was dangerous, and damage had already occurred to the road edge from truck traffic.

Cook indicated that access has been taken out. He claimed the damage there was caused by somebody else when they bored through the road for a utility.

As there were no more questions or comments, the public hearing was closed.

Discussion by the planning commission.

Esplan- Felt they need to stick with the requiring the bond on the entire mineable acres.

Discussion was held on the accesses. Cook indicated the new access in the middle is only used to transfer equipment from one pit to another. He did not feel an asphalt apron was needed there. Spatenka commented that equipment crossing can damage the road, just like trucks.

Motion by Lammers, second by Dinse to recommend approval of the renewal of IUP 2009-05 (JJD CAN Pit) With the following 21 conditions: (underlined is added. ~~Strikethrough~~ is deleted.)

1. This permit allows the mining of sand and gravel and the stockpiling and processing of recyclable aggregate material.
2. Mining is limited to the areas identified in the application.
3. Mining is limited to a bottom elevation of 1130 feet.
4. A 30 feet unexcavated buffer shall remain adjacent to all property lines and tower easements. A 50 feet unexcavated buffer shall remain adjacent to road right of ways. Any erosion to neighboring properties or easements as a result of this mine shall be immediately corrected by the applicant.
5. Storage piles of recyclable aggregate materials shall not exceed 30,000 cubic yards. These piles shall not remain onsite more than 5 years unless crushed. The State of Minnesota has additional requirements concerning recyclable aggregate stockpiles.
6. Equipment shall only be operated between the hours of 6:00 AM and 7:00 PM. Monday thru Saturday.
7. The access shall be gated to deter unauthorized access.
8. Truck traffic from this pit must only travel on SW 51st St. to the Northwest to CSAH #7.
9. Signage warning of truck traffic shall be located along the township road and County Road #7 if required by the road authority. The size and placement of these signs shall be at the direction of the Steele County Highway Department or Lemond Township Officials.
10. Trucks shall not track material from the pit onto the public road.
11. Trucks hauling material to and from this site shall not use "jake brakes"

12. Operator is responsible to maintain dust control in the pit and on the access road so it does not negatively affect neighboring properties or highway traffic.
13. The applicant shall follow their submitted reclamation plan. Final reclamation shall include grading slopes to a 4:1 slope or flatter, replacing topsoil, and vegetating exposed areas not used for cropland or a pond.
14. Operator shall maintain the viability of the existing private drainage system at all times during the operation of the pit.
15. If the operator dewater the pit or requires a DNR water appropriation permit, this permit will need to be amended.
16. This permit remains valid during times when the owner/operator is current on all tax obligations including but not limited to aggregate taxes. In addition, if notified by the Auditor of a delinquency, the owner/operator is required to either pay the tax or file an appropriate challenge within 30 days or else the permit is null and void.
17. Applicant is responsible to obtain and follow all other federal, state, and local permits and regulations including but not limited to NPDES permits, DNR Water Appropriation Permits, and Minnesota Wetland Conservation Act regulations.
18. Applicant is responsible to initiate renewal proceeding on or before August 1st, ~~2024~~ 2028 or this permit becomes invalid.
19. The permittee shall furnish bond, escrow, or other financial surety as approved by the county, for potential site restoration. The bond or other financial surety shall be in an amount of \$5,000 per acre for 11.6 acres for a total amount of \$58,000 and remain in place for 5 years from the date this permit is issued or until the total site is reclaimed and the reclamation is approved by Steele County.
20. The access at the corner of SW 51st street and Lemond Road shall be removed and no traffic shall be allowed to enter or leave the site in this area.
21. All accesses shall be from SW 51st Street and authorized by Lemond Township. A hard surface apron shall be constructed on all access. These aprons shall match the thickness of the bituminous on the township road, be a minimum of 30 feet wide, and extend from the existing bituminous to the outside edge of the road right-of-way.

Motion passed unanimously.

Adjournment:

Motion by Spatenka, second by Pool to adjourn at 7:33 pm. Motion passed.