

LE SUEUR COUNTY PLANNING COMMISSION
88 SOUTH PARK AVE.
LE CENTER, MINNESOTA 56057
October 18, 2021

MEMBERS PRESENT: Don Reak, Al Gehrke, Doug Krenik, Jeanne Doheny, and Commissioner O'Keefe

MEMBERS ABSENT: Shirley Katzenmeyer, Scott Vonlehe, Pam Tietz

OTHERS PRESENT: Aaron Stubbs

1. **Call to Order:** The meeting was called to order at 7:00 pm by Chairperson Jeanne Doheny.

2. **Agenda:** Additions/Corrections: Staff requested an amendment to the agenda to allow for the review of the Meeting Minutes for the August 26, 2021 Planning Commission special meeting.
Motion to amend and approve the agenda with the correction was made by **DON REAK**.

Second by **DOUG KRENIK**.

MOTION APPROVED. MOTION CARRIED.

3. **Minutes:** **August 12, 2021** Meeting, Additions/Corrections: NONE.
Motion to approve the minutes was made by **DOUG KRENIK**.

Second by **AL GEHRKE**.

MOTION APPROVED. MOTION CARRIED.

August 26, 2021 Meeting, Additions/Corrections: NONE.
Motion to approve the minutes was made by **AL GEHRKE**.

Second by **DOUG KRENIK**.

MOTION APPROVED. MOTION CARRIED.

4. **Applications:**

ITEM #1: ROGER & CAROL BAUER, LE CENTER, MN, (APPLICANT/OWNER): Request that the County grant a Conditional Use Permit to allow grading, excavating, and filling in the bluff, more than 50 cubic yards on a lot, more than 10 cubic yards in the shore impact zone for the construction of retaining walls in a Recreational Residential "RR" Shoreland District, Lake Volney a Recreational Development "RD" lake. The property is located on Lots 14 & 15 of the Elwood Subdivision in Section 36, Lexington Township.

Aaron Stubbs presented the PowerPoint presentation.

Mike Skluzacek (MS Excavating) was present for the applicants.

ADDITIONAL COMMENTS FROM APPLICANT: None.

TOWNSHIP: Notified. Response: None.

PUBLIC CORRESPONDENCE: None.

PUBLIC COMMENTS: None.

Discussion was held regarding:

Timetable for Completion: The applicant's representative was asked about the timeline for project completion. Mr. Skluzacek stated that getting all of the block for the project would be an issue. He is hoping to start the project within the next two weeks but based on the availability of the block, the project would most likely be done in stages.

The Removal of Additional Walls and Rock: Mr. Skluzacek was asked if the additional onsite retaining walls and the large rocks behind the failing wall were going to be removed. He stated that yes, all existing walls would be removed and the area behind each wall would be re-vegetated and incorporate drain tiles to help control stormwater runoff.

Aerial Image: Mr. Skluzacek was asked about the existing swale along the southeastern portion of the subject property and how this project would impact that area. He stated that the purpose of this project would be to slow down the water as it travels toward that swale. This would help establish infiltration instead of inundating that area with runoff during large rain events.

FINDINGS BY MAJORITY VOTE:

1. *The conditional use will not be injurious to the use and enjoyment of other property in the immediate vicinity for the purposes already permitted, nor substantially diminishes and impairs property values within the immediate vicinity. (4-0)*
2. *The establishment of the conditional use will not impede the normal and orderly development and improvement of surrounding vacant property for uses predominant in the area. (4-0)*
 - *This property needs attention and has to be fixed.*
3. *Adequate utilities, access roads, drainage and other facilities have been or are being provided. (4-0)*
4. *Adequate measures have been or will be taken to provide sufficient off-street parking and loading space to serve the proposed use. (4-0)*
5. *Adequate measures have been or will be taken to prevent and control offensive odor, fumes, dust, noise and vibration, so that none of these will constitute a nuisance, and to control lighted signs and other lights in such a manner that no disturbance to neighboring properties will result. (4-0)*
6. *The Conditional Use Permit is consistent with and supported by the statement of purposes, policies, goals and objectives in the Ordinance. (4-0)*
7. *The Conditional Use Permit is consistent with the Comprehensive Land Use Plan. (4-0)*

Motion was made by AL GEHRKE to recommend approve the application, with the conditions proposed by staff.

Second by DON REAK.

MOTION APPROVED (4-0). MOTION CARRIED.

ITEM #2: GEIGER FAMILY LLLP, FARIBAULT, MN, (APPLICANT) JOSEPH & EMMA TIKALSKY TRUST, NEW PRAGUE, MN, (OWNER): Request that the County grant a Conditional

Use Permit to allow the applicant to operate a self-service storage facility in an Agriculture "A" District. The property is located in the NW ¼ of the NE ¼ of Section 3, Lanesburgh Township.

Aaron Stubbs presented the PowerPoint presentation.

Duane Geiger was present for application.

ADDITIONAL COMMENTS FROM APPLICANT: None.

TOWNSHIP: Notified. Response: Mark Verhoeven, a Lanesburgh Township Supervisor, stated that he was attending the meeting to express concerns relayed to him from Township residents related to the potential increase in traffic and outdoor storage.

PUBLIC CORRESPONDENCE: Ken Ondich, the Planning / Community Development Director for the City of New Prague sent an email to staff to relay the concerns the City has with this proposal. In the email Mr. Ondich stated the subject parcel is located in an area the City has marked for Residential Development in the future. He also stated that he is concerned the proposed use would be a non-conforming use once this location was annexed. Mr. Ondich requested two conditions if the request were to be approved. Those conditions were related to hours of operation and any outdoor storage being prohibited.

PUBLIC COMMENTS:

Charlie Wagner – Expressed concerns with future uses and questioned if this use could be expanded in the future. Mr. Wagner also questioned whether an approved CUP would open the door for future owners to operate any type of business from this location.

Dan Wagner – Expressed concern with the possible precedent an approval might set. He also was concerned with outdoor storage and described one of the existing structures being proposed for the use as having an open face so passing traffic could see into the building. His reasoning behind the concern with the open building was he thought it may lead to a higher potential for theft.

Dan Wagner – Asked questions related to future annexation and whether the business could continue to operate if the subject parcel were to be annexed. He also asked whether the CUP would still be active if the property were sold in the future.

Discussion was held regarding:

Future Upgrades / Expansions to Existing Buildings: The applicant was asked by the Planning Commission if he had any plans to expand or upgrade the existing buildings in the future. The applicant indicated that they have no plans to add more storage buildings and did not plan on trying to expand the existing buildings in the future.

Enclosing the Open-Faced Building: The applicant was asked if he would be open to enclosing the one building that currently has an open side. There was discussion amongst the Planning Commission as to whether enclosing the building was necessary. It was stated that a concern exists that an open building may attract individuals who might try and steal or vandalize items being stored in that building. A counter-point was offered that the existing building has housed farm machinery and other expensive equipment for many years and those items had not attracted any criminal issues.

Comments from the City of New Prague: Comments were made by the Planning Commission in reference to the City's review and opposition of the request. The applicant was asked if he currently lived onsite. Mr. Geiger stated that he did not, the house is currently rented to an associate of Mr. Geiger who helps maintain this and other properties owned by the applicant. Planning Commission member Reak stated that he felt the proposed business does not match the City's future designation so the Planning Commission should not support the request.

FINDINGS BY MAJORITY VOTE:

1. *The conditional use will not be injurious to the use and enjoyment of other property in the immediate vicinity for the purposes already permitted, nor substantially diminishes and impairs property values within the immediate vicinity. (3-1)*
 - *The City has no concrete plans for annexation and would not project a date for annexation.*
 - *Commission Member Reak in dissent – We must respect the City’s review comments. The proposed use would not fit their future plans for residential development.*
2. *The establishment of the conditional use will not impede the normal and orderly development and improvement of surrounding vacant property for uses predominant in the area. (3-1)*
 - *The surrounding area is Ag. and zoned Ag. The City gave no date for future annexation.*
 - *Commission Member Reak in dissent – In this instance, Orderly Development would be residential not commercial.*
3. *Adequate utilities, access roads, drainage and other facilities have been or are being provided. (4-0)*
 - *The access has been reviewed by the County Highway Department and although it needs maintenance, no improvements were required for the proposed use.*
4. *Adequate measures have been or will be taken to provide sufficient off-street parking and loading space to serve the proposed use. (3-1)*
 - *Commission Member Reak in dissent*
5. *Adequate measures have been or will be taken to prevent and control offensive odor, fumes, dust, noise and vibration, so that none of these will constitute a nuisance, and to control lighted signs and other lights in such a manner that no disturbance to neighboring properties will result. (3-1)*
 - *Commission Member Reak in dissent – Concerned the open-faced design of the one building would attract issues of theft.*
6. *The Conditional Use Permit is consistent with and supported by the statement of purposes, policies, goals and objectives in the Ordinance. (3-1)*
 - *Commission Member Reak in dissent – Even though the Ordinance allows this use in the Ag. District, not all Ag. land fits this request.*
7. *The Conditional Use Permit is consistent with the Comprehensive Land Use Plan. (3-1)*
 - *The City provided conditions in the event the request was approved so they must not be completely opposed to the request.*
 - *Commission Member Reak in dissent – We have to look at the City’s comp. plan, not the County’s.*

Motion was made by DOUG KRENİK to recommend approve the application, with the conditions proposed by staff and the added condition that the south side of the open-faced building be enclosed.

Second by AL GEHRKE.

**MOTION APPROVED (3-1 w/ COMMISSION MEMBER REAK BEING THE DISSENTING VOTE).
MOTION CARRIED.**

ITEM #3: DAVID MITTELSTAEDT, WATERVILLE, MN, (APPLICANT) DAVID & SHARON MITTELSTAEDT, WATERVILLE, MN, (OWNER): Request that the County grant a Conditional Use Permit to allow the applicant to install a tram located in the bluff and bluff impact zone in a Recreational Residential “RR” Shoreland District, Lake Tetonka a Recreational Development “RD” lake. Property is located at Lot 1, CIC #24 Hidden Hills First Amendment, Section 19, Waterville Township.

Aaron Stubbs presented the PowerPoint presentation.

Harrison Swadley (Hill Hiker) and David Mittelstaedt were present for application.

ADDITIONAL COMMENTS FROM APPLICANT: Mr. Swadley described the process for installation of the tram and some of its safety features.

TOWNSHIP: Notified. Response: None.

PUBLIC CORRESPONDENCE: None

PUBLIC COMMENTS: None.

Discussion was held regarding:

Number of Installations by Hill Hiker: Mr. Swadley stated that Hill Hiker had installed over 600 of these type of trams throughout the state and surrounding area.

Depth of Installation: Mr. Swadley was asked to explain the installation process, specifically how deep the pipes would be driven into the hillside. He stated that the pipes are driven to the point of refusal but they would be stable in as little as 8 feet but are typically driven in approximately 30 – 40 feet.

Vegetation: Mr. Swadley was asked about the surrounding vegetation and whether the tram and its landings would kill the vegetation with too much shade. He stated that due to the slope of the hillside, the vegetation generally has enough sun exposure to continue to grow as it would in normal conditions.

Winter Usage: Mr. Swadley was asked about winter conditions and if the tram would be functional in extreme conditions. He stated that the tram would not work if the temperature fell below -5 degrees. He also stated that the tram could not be used to push snow.

Safety and Inspections: Mr. Swadley was asked if the tram required any inspections during or after installation. He stated that there are several required state inspections at different stages of development. He also stated that there were no required annual inspections; however, Hill Hiker does offer its customers the option of an annual maintenance and inspection plan. Mr. Swadley was then asked about the safety features incorporated in the tram. He stated that there were several redundancies and safety measures incorporated in the tram. Most notably, the tram will not move more than 900 lbs. and the cart size is purposely limited to 15 square feet to reduce the ability of overloading the tram.

FINDINGS BY MAJORITY VOTE:

1. *The conditional use will not be injurious to the use and enjoyment of other property in the immediate vicinity for the purposes already permitted, nor substantially diminishes and impairs property values within the immediate vicinity. (4-0)*
2. *The establishment of the conditional use will not impede the normal and orderly development and improvement of surrounding vacant property for uses predominant in the area. (4-0)*
3. *Adequate utilities, access roads, drainage and other facilities have been or are being provided. (4-0)*
4. *Adequate measures have been or will be taken to provide sufficient off-street parking and loading space to serve the proposed use. (4-0)*
5. *Adequate measures have been or will be taken to prevent and control offensive odor, fumes, dust, noise and vibration, so that none of these will constitute a nuisance, and to control lighted signs and other lights in such a manner that no disturbance to neighboring properties will result. (4-0)*
6. *The Conditional Use Permit is consistent with and supported by the statement of purposes, policies, goals and objectives in the Ordinance. (4-0)*
7. *The Conditional Use Permit is consistent with the Comprehensive Land Use Plan. (4-0)*

Motion was made by DON REAK to recommend approve the application, with the conditions proposed by staff.

Second by DON REAK.

MOTION APPROVED (4-0). MOTION CARRIED.

5. Discussion Items:

- No items on the November Planning Commission Agenda.

6. **Warrants/Claim-signatures:**

7. **Adjournment:**

Motion to adjourn meeting by **DON REAK**.

Second by **DOUG KRENİK**.

MOTION APPROVED. MOTION CARRIED.

Respectfully submitted,

Aaron Stubbs

*Recording of the meeting is on file in the
Le Sueur County Environmental Services Office*

DRAFT