

**LE SUEUR COUNTY PLANNING AND ZONING COMMISSION**  
**88 SOUTH PARK AVE.**  
**LE CENTER, MINNESOTA 56057**  
**June 13, 2019**

**MEMBERS PRESENT:** Don Reak, Jeanne Doheny, Shirley Katzenmeyer,  
Doug Krenik, Al Gehrke, Pam Tietz, Scott Vonlehe,  
Commissioner Glinszinski

**MEMBERS ABSENT:**

**OTHERS PRESENT:** Joshua Mankowski

1. The meeting was called to order at 7:00 by Chairperson Jeanne Doheny.
2. Agenda. Motion to approve agenda, was made by Doug Krenik. Second by Shirley Katzenmeyer. Approved.
3. Minutes from May 9, 2019 Meeting. Motion to approve minutes, was made by Al Gehrke. Second by Don Reak. Approved.
4. Applications

**ITEM #1: JACOB & RACHEL ZIEGLER, MANKATO, MN, (APPLICANT\OWNER):**  
Request that the County grant a Conditional Use Permit to allow grading, excavating, and filling of approximately 155 cubic yards of material on a lot for the construction of a walkout single-family dwelling in a Recreational Residential "RR" District, on Lake Frances a Recreational Development "RD" lake. Property is located at Lot 2, Block 1, Obernolte Subdivision, Section 33, Elysian Township.

Joshua Mankowski presented power point presentation. Drew Spangler was present for the application.

TOWNSHIP: Notified. Response None

DNR: Notified. Response None

LETTERS: Holly Kalbus, Environmental Resources Specialist regarding her recommendation for approval.

PUBLIC COMMENT: None

Discussion was held regarding: The amount and location of the proposed grading, excavating, and filling was discussed. Discussion on the possible impact on the neighboring lots and how runoff is being addressed on the property.

Findings by majority roll call 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.*

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. *Adequate utilities, access roads, drainage and other facilities have been or are being provided.*
4. *Adequate measures have been or will be taken to provide sufficient off-street parking and loading space to serve the proposed use.*
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.*
6. *The Conditional Use Permit is consistent with and supported by the statement of purposes, policies, goals and objectives in the Ordinance.*
7. *The Conditional Use Permit is consistent with the Comprehensive Land Use Plan.*

Motion was made by Doug Krenik to Approve the application as presented.

Discussion was held regarding: None.

Second by Scott Vonlehe. Motion approved. Motion carried.

**ITEM #2: MAX JOHNSON TRUCKING, LE CENTER, MN, (APPLICANT); DAVID & SUSAN PUDWILL, LE SUEUR, MN, (OWNER):** Request that the County grant a Conditional Use Permit to allow mineral extraction of approximately 22.59 acres on a 34.38 acre parcel in an Agriculture "A" District, and a Mineral Resources "MR" Overlay District. Property is located in the NW 1/4 of the SW 1/4, Section 25, Ottawa Township.

Joshua Mankowski presented power point presentation. Gary Johnson was present for the application.

TOWNSHIP: Notified. Response, Dick Peterson voiced Ottawa Township's concerns during public comment.

DNR: Notified. Response None.

LETTERS: Dave Tiegs, Le Sueur County Highway Engineer regarding his conditions for access approval.

PUBLIC COMMENT: Dave Scheiber regarding his concerns. He stated he was representing his mother who lives in the area. He was concerned about the amount of noise and the disturbance it will cause. He can hear noise from the pits near the transfer station one mile away. Effect on the water table that has dropped 30 feet in the last 30 years. This was told to him because his mom's well needed to be redone and the well company had stated it dropped 30 feet. They have someone taking water sample because of the poor water quality. Less people want to move here and stay here because of all the pits in Ottawa Township. Concern about the reclamation plan, other pit reclamations have not returned the land to a farmable condition. He will lobby the assessor to reduce the taxes because of this. There will be a lot of dust that will lead to respiratory illness. Would like to see the pit only approved for two years.

Anna Grabau voiced her concerns about the proposal. She lives next to the site. She questioned what was going to happen with the dust and noise. She won't be able to open her windows. How do they plan on keeping the dust down so her children can play outside? Was told the pit would be open for two years and now sees ten years on the proposal. How will the neighbors be compensated for lower property values? Why is there a different setback from the properties on the other side of the road then to the house that is next to the pit? Her biggest concerns are noise and dust.

Joshua Mankowski explained that the setbacks are spelt out in the Ordinance and there is a different setback due to the location of the houses and the properties in location to the proposed pit and road.

Amber Capaul explained that she lives next to the proposed project. Main concerns are noise and dust. She tries to teach her kids not to go by the road but that doesn't mean they don't go there. Safety is a concern with the trucks driving. Concern about the number of days in a row the crusher may run; could it run for 45 days straight. She is also concerned about possible impacts on the drinking water, there is already an issue with nitrates. The ambiance will be ruined. They will need to listen to the project 70% of the time. Already being detoured. Concerned about the number of trucks that will be on the road and that the access is around the corner in the road.

Forest Lehman Jr. stated that they already have had to deal with a Unimin project just down the road. That was only supposed to be for a few years, but the road still has not been opened and is ongoing. Not as concerned about dust but is concerned about the noise. Was on OSHA compliance office where he worked. If the pit can be reduced to five years, hopefully only two years of the crusher, that would be preferable. Asked if blasting was part of the proposal. Don Reak replied that it was not.

Dick Peterson of the Ottawa Township Board voiced their concerns. He has been on the board of over 30 years and heard a lot of issues that come with pits including water, dust, sand, and hauling. Encourage reducing the life down to two years, they can then do the reclamation and the impact on the neighbors will be done.

Jeff Falling stated that he was told this was going to be a two-year project and now he is hearing ten years. Was told it was going to be approved. Now he hears it is going to be five or ten years. Property value will be gone and will never be able to sell. Was told everything coming out would be for the road project. Could probably live with a two-year project. They moved to the country for peace and quiet, not to listen to equipment and have a gravel pit in their back yard.

Gary Johnson explained that they can't do to much about the noise from the crusher. It will only run approximately 45 days per year. MSHA monitors for dust. Need to be proactive about dust control because they don't know when they will show up. He is willing to reduce the life of the pit down to five years because there is no long-term plan for the pit. The crusher will run during consecutive days, but it will only be in operation while they are crushing the material that is hauled off of the road. It will not run for 45 days in a row. The pit was a definite advantage for this project. Would be difficult reducing the project down to two years, five years would be agreeable and wouldn't have an issue reducing the life to five years. It would be much more costly to haul to and from a pit further away from the project.

Byron Nordstrom voiced his belief that the project does not take into consideration the lives of the 15 homeowners on this corner. Could live with three years but five or ten is to long. There are a lot of gravel pits in the township and Le Sueur County thinks this is a cash cow.

Discussion was held regarding: The reason the application for a new mining pit was submitted is the Highway 112 reconstruction project. The proposed site is adjacent to Highway 112, allowing for shorter trips to the pit. Applicant was not the only contractor interested in the property for mining due to the road project. A crusher will be placed in the pit to allow for the recycling of as much material from the old road as possible. Sand will be mined from the site per the proposed plan. The mining plan, hours of operation, depth to water table, and reclamation plan were talked about. There was some discussion about tree removal. Dust control and notifying neighboring property owners on the use of the crusher was discussed. Impacts on the water table were talked about. There will be no pumping as part of the mining operation. Amount of material to be removed and the type of material that is planned to be used for reclamation was examined. Plan to communicate with the neighbors about mining operations. Inspection logs, dust control, and noise were discussed.

Findings by majority roll call 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.*
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. **The use is temporary. Trucking will need to be done for road construction and closer sites are better.***
3. *Adequate utilities, access roads, drainage and other facilities have been or are being provided.*
4. *Adequate measures have been or will be taken to provide sufficient off-street parking and loading space to serve the proposed use.*
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. **Mining company has restricted themselves. Dust control is part of Mine Safety and Health Administration regulation. Applicant plans to communicate with the landowners during operation and addressing issues with dust and noise. Other regulations are in place that are more restrictive than those set by the County.***
6. *The Conditional Use Permit is consistent with and supported by the statement of purposes, policies, goals and objectives in the Ordinance.*
7. *The Conditional Use Permit is consistent with the Comprehensive Land Use Plan.*

Motion was made by Don Reak to Approve the application with the conditions 1) Expected pit life in plan be changed from ten years to three years. 2) The location of the entrance shall be coordinated with the Le Sueur County Highway Department Engineering Staff at the time of installation. 3) Trucks Hauling signs shall be erected during hauling operations.

Discussion was held regarding: None.

Second by Al Gehrke. Motion approved. Motion carried.

5. Discussion Items: Update on the Ordinance Amendment.
6. Warrants/Claim-signatures.
7. Motion to adjourn meeting by Al Gehrke. Second by Scott Vonlehe. Motion approved. Motion carried.

Respectfully submitted,

Joshua Mankowski

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