

**LE SUEUR COUNTY PLANNING AND ZONING COMMISSION**  
**88 SOUTH PARK AVE.**  
**LE CENTER, MINNESOTA 56057**  
**July 11, 2019**

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

**MEMBERS ABSENT:** Doug Krenik

**OTHERS PRESENT:** Joshua Mankowski

1. The meeting was called to order at 7:00 p.m. by Chairperson Jeanne Doheny.
2. Agenda. Motion to approve agenda was made by Shirley Katzenmeyer. Second by Don Reak. Approved.
3. Minutes from June 13, 2019 Meeting. Motion to approve minutes was made by Don Reak. Second by Al Gehrke. Approved.
4. Applications

**ITEM #1: JOSH NELSON, NELSON IMPORTS, KASOTA, MN (APPLICANT\OWNER):**  
Request that the County grant a Conditional Use Permit to allow the applicant to expand an existing automobile sales and service business to include a salvage yard in an Industrial "I" District. Property is located in the in the SW 1/4 NW 1/4, Section 28, Kasota Township.

Joshua Mankowski presented power point presentation. Josh Nelson was present for the application.

TOWNSHIP: Notified. Response None.

DNR: Notified. Response None.

LETTERS: Amy Beatty, Environmental Programs Specialist stating her recommended conditions for approval.

PUBLIC COMMENT: None.

Discussion was held regarding: There have been no known complaints filed with Planning and Zoning on Josh Nelson's business. The business focuses on European vehicles and has been in operation for 6.5-7 years. Discussion was had involving the old junk yard. Access, signage, fencing, and parking were discussed. There was conversation on the use of the existing house and septic system. There was a discussion on how vehicle fluids would be handled and disposed of. There was conversation about proposed online and in-person sales in the proposal. Conditions proposed in the letter from Amy Beatty 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. **Proposal is better than the old junk yard.***

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. **From the proposal, signage will be comparable to what is already in use at Josh Nelson's other business.***
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 conditions. 1. To work with Safety Kleen for the disposal of all automotive fluids and hazardous materials removed from the vehicles. 2. Vehicles and vehicle parts to be re-purposed or sold to be stored under roof or covered as to not be exposed to precipitation and stored in a manner that will allow for the employees to inspect for leaks or damage. 3. Contact the Kasota Fire Department to check if it would like to do a walk-thru of the facility or receive a map of the facility in case the Fire Department needs to respond to an emergency at the property.

Second by Al Gehrke. Motion approved. Motion carried.

**ITEM #2: JAMES & BRENDA KOLLAR, OWATONNA, MN (APPLICANT\OWNER):** Request that the County grant a Conditional Use Permit to allow grading, excavating, and filling of 2 cubic yards of material within the bluff, and 87 cubic yards on the lot for the construction of stairs in the bluff, bluff impact zone and shore impact zone; construction of a patio and retaining walls outside the bluff impact zone and outside the Shore Impact Zone in a Recreational Residential "RR" District, on German Lake, a Recreational Development "RD" lake. Property is located at Lot 11, Stavenau Beach, Section 9, Elysian Township.

Joshua Mankowski presented power point presentation. James Kollar was present for the application.

TOWNSHIP: Notified. Response None.

DNR: Notified. Response None.

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

PUBLIC COMMENT: None.

Discussion was held regarding: There was discussion about the grading plan, removal of the current structures including the deck located within the bluff, and future construction plans on the site. The Variance and well house were discussed as well as changes in retaining wall designs after the approval of the Variance. Discussion was held about meeting with Holly Kalbus to address concerns about the changes in design since the Variance.

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 Shirley Katzenmeyer to Approve the application with the condition that the applicant meets with Holly Kalbus to discuss meeting the requirements of the Variance after redesigning the retaining walls and keeping the well house.

Second by Pam Tietz. Motion approved. Motion carried.

**ITEM #3: JANICE SHELTON, KASOTA, MN (APPLICANT/OWNER):** Request that the County grant a Conditional Use Permit to allow grading, excavating, and filling of 277 cubic yards of material on a lot in an Urban/Rural Residential "R1" District. Property is located on Outlot A, Thunderbird Hills, Section 17, Kasota Township.

Joshua Mankowski presented power point presentation. Janice Shelton was present for the application.

TOWNSHIP: Notified. Response None.

DNR: Notified. Response None.

LETTERS: None.

PUBLIC COMMENT: None.

Discussion was held regarding: Janice Shelton discussed the current state of the house, how she obtained the home, how she is downsizing, and her intent to remodel the current house and add a lower level to the garage. The lower level will allow for additional storage and parking and allow access to the lower level of the house. The secondary driveway, grading plan, and retaining walls 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. **Will be an improvement to the area.***
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 Al Gehrke to Approve the application as presented.

Second by Pam Tietz. Motion approved. Motion carried.

**ITEM #4: JANICE SHELTON, KASOTA, MN (APPLICANT\OWNER):** Request that the County grant a Conditional Use Permit to allow a temporary dwelling for the elderly within an existing dwelling in an Urban/Rural Residential "R1" District. Property is located on Outlot A, Thunderbird Hills, Section 17, Kasota Township.

Joshua Mankowski presented power point presentation. Janice Shelton was present for the application.

TOWNSHIP: Notified. Response None.

DNR: Notified. Response None.

LETTERS: None.

PUBLIC COMMENT: None

Discussion was held regarding: Janice Shelton's living situation with her sister and brother-in-law was discussed. There was discussion on the house design, dedicated access to the lower level, stairs were planned to connect the two levels, and that the upstairs and downstairs won't be made into two separate living units.

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 Shirley Katzenmeyer to Approve the application as presented.

Second by Don Reak. Motion approved. Motion carried.

5. Discussion Items: A moratorium has been placed on solar gardens and farms for a period of one year or until new Ordinances are adopted to better govern solar. Work will need to be done to finalize the Ordinance that has already been started. We do have two solar garden proposals for the next meeting. Discussion was had on how these applications were accepted with the County's moratorium and the County's inability to enforce Waterville Township's moratorium on solar. We may want to start working on an Ordinance for Cannabis next. Medical Cannabis is legal in Minnesota and there have been a few inquiries about this venture in Le Sueur County. At this point, the initial proposals over the phone did not fit into the Agriculture District, and there were no follow up questions. Some discussion on a possible moratorium for Cannabis production was had.
6. Warrants/Claim-signatures.
7. Motion to adjourn meeting by Shirley Katzenmeyer. Second by Al Gehrke. Motion approved. Motion carried.

Respectfully submitted,

Joshua Mankowski

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