

**CITY OF HANOVER
PLANNING COMMISSION MEETING
OCTOBER 28, 2019
OFFICIAL MINUTES**

Call to Order/Pledge of Allegiance

Stan Kolasa called the October 28, 2019, Planning Commission Meeting to order at 7:00 pm. Members present were Stan Kolasa, Michelle Armstrong, Dean Kuitunen, and Mike Christenson. Also present City Planner Cindy Nash, City Engineer Justin Messner, Council Member Doug Hammerseng and Administrative Assistant Amy Biren. Absent: Jim Schendel. Guests were present.

Approval of Agenda

MOTION by Armstrong to approve the agenda, seconded by Kuitunen.

Motion carried unanimously.

Approval of Minutes from the September 30, 2019, Regular Meeting

MOTION by Kuitunen to approve the September 30, 2019, minutes, seconded by Christenson.

Motion carried unanimously.

Citizen's Forum

None

Public Hearing

An Interim Use Permit (IUP) for the Expansion of the Mahler Aggregate Mine

Kolasa closed the Planning Commission meeting and opened the Public Hearing at 7:01 pm.

Nash reminded the Board that they had reviewed the Environmental Assessment Worksheet (EAW) about two months ago and some of the information in that is referenced in the plans for the expansion. The mine proposal will increase the acreage to 155 acres with five phases. Phase 1 is the current operation and progressive phases will move west and then south. Phase 5 would be the one that would come closest to the existing homes. She presented information to the Board in a PowerPoint presentation that is attached.

After review, Nash and Messner had a list of concerns that need to be addressed prior to the Board making a decision to forward to Council. Staff is recommending that the IUP be tabled until the information can be provided in order for the Board to make an informed decision.

Some of the concerns include:

- Ensuring the berm is continuous around the high line poles.
- The applicant is proposing that the reconstruction of 15th Street be financed by the City rather than as a cost to them.
- A view shed analysis was not included in the plans as required by the mining ordinance.
- A landscaping plan also needs to be included in order for screening adequacy to be determined.
- It is proposed not to screen the phases.
- The phasing may be an item to reconsider as the way it is proposed limits redevelopment until the entire area is mined out. The completed phases would be put back into grasslands. This would not provide any economic opportunity through redevelopment. Alternately, the residents may prefer the proposed phasing.
- There are concerns stated in the Engineer's memo about reclamation.

Scott Dahlke, engineer for the applicant: We would like to continue operations that have been occurring over the past years. Aggregate mining is a necessity that helps projects and road construction. We believe that our plan satisfies or works with the current ordinance. There is a meeting planned this week to go through the comments made by the planner and engineer.

Nash explained that there will be no mining in the shoreland area or the floodplain. It is a requirement in the ordinance that the mining stay above the water table by 10 feet or more. She went on to remind the Board that comments were received at the EAW public hearing that expressed concerns about the Crow River and wells in the area becoming contaminated.

Kuitunen asked if during redevelopment, would housing be allowed in the floodplain. Messner replied that any redevelopment would not be in the floodplain and homes would not be allowed to be built within the floodplain.

Christenson asked if Phase 1 is near completion. Nash said they are currently mining in Phase 1 and are not done. Dahlke replied that they are about three-quarters mined. They have not expanded to the east or west sides of Phase 1.

Dahlke went on to say that it will take 20 years to complete all of the phases. When asked if they were going to do reclamation as the phases progressed, he replied yes. Reclamation will involve spreading topsoil and having it become a grassland. Farming would be a possibility on the reclaimed portions. Phase 1 will become the operations area and materials will be hauled to this area.

A guest interrupted with the claim that it would be more than 20 years to mine it out and what was going to be done with all of the dust that would be coming onto his property.

Gary Fehn, applicant, responded that a water truck would be used to control it.

Messner started to explain that there are certain requirements by the State that must be met when controlling emissions and particles in the air. The same guest kept interrupting and arguing that nothing was going to be done. Kolasa asked for the resident to provide his name and to wait until called upon to speak. The guest refused to give his name instead saying John Smith. Messner tried to continue with the explanation that the Minnesota Pollution Control Agency (MPCA) has control measures to be followed and there is a dust control plan. When John Smith continued to interrupt, Messner stated that he was trying to explain the process, but was not being allowed to finish.

Kolasa stated that if the guest did not give his proper name, he would not be acknowledged.

Nash continued to explain that the dust control plan becomes part of the conditions within the permit. There is a process that allows Council to review the permit if conditions are not being met and the IUP may be revoked.

Linda Burke, 1420 Esterly Oaks: She is concerned about the noise created by the trucks on 15th Street. She had sent a video of trucks and the noise they created. Nash and Messner had reviewed it. Messner stated that part of the process is that the ordinance requires that the applicant be responsible for improving the road to bring it up to a 10-ton road as required by the mining ordinance. The applicant is proposing that the City pay for the reconstruction out of the funds already collected for the future improvement of 15th Street. That proposal would need to go before Council as Planning Commission does not deal with financing. Nash added that funds are collected based on Minnesota State Statute. Messner concurred that the road is in poor condition.

Burke also asked that because the mine has been in operation since 2006, how will the rest of the proposed mine expansion phases be completed in 20 years. Dahlke responded that a recession happened which impeded the operation. He continued saying that there is a greater need for aggregate at this time and a strong market.

Burke asked if the volume of trucks hauling would increase during the expansion. Fehn answered that the amount of trucks would be steadier and may increase. She continued with the comments that it is busy now and the noise would only increase. She asked if some type of sound barriers could be installed and a sign prohibiting jake braking. Fehn said that the trucks are noisy due to the poor condition of the road. Burke asked how many trucks a day will use the road. Fehn said that a good day would be 100 trucks per day. Messner explained how a traffic study was done as part of the EAW and that the study showed traffic would not be a substantial increase. He said he would suggest the signs and bring the sound barrier idea to the meeting planned this week with the applicant. He also said that Council would have to make these decisions.

Burke also expressed concerns about the hours of operation and how they would impact the people living in the area.

Kent Melcher, 1050 Mallard: He stated that he can hear noise and see light coming from the pit later at night. Burke said that may be one of the mines in St. Michael. Fehn also agreed that it was not his operation and has seen them working himself.

Melcher asked if a stoplight at CSAH 19 and 15th Street had been discussed. Messner replied that the stoplight has been discussed with Wright County.

Burke asked who would be responsible for the repair and replacement of 15th Street once the mining is completed, along with future maintenance. Messner answered that once the mine is done and the road is fully reconstructed, the City will be in charge of the maintenance. The City has a pavement management plan and has increased the overall maintenance and road repairs within the City over the past few years.

Christenson asked if the reconstruction includes both sides of the road. Messner replied that St. Michael owns the north side of the road and Hanover the south side. The center line is the boundary line between the two cities. At this time, St. Michael is not interested in bringing the road up to a 10-ton standard.

Dahlke stated that the applicant has proposed that the City of Hanover pay for the road upgrade using the monies collected and any future monies. They received a quote for a full depth reclamation with five inches of new pavement and shoulders for approximately \$200,000. He went on to say it is an old county road so the base is going to be stronger than a city street and that he expects this to be similar to the River Road project last year.

Kuitunen asked if there are any regulations such as having turn lanes at CSAH 19 to allow the trucks more room. Messner said that this was something that could be discussed and something that should be looked at.

Dean Hiller, 1283 Irvine Drive, asked if an acceleration lane would be possible. Messner replied that would have to come from Wright County as CSAH 19 is a county road.

Hiller continued asking if this was the best use of these properties or if there was something that would be more beneficial to the City and its residents. He also questioned that if the applicant is not following the current IUP, will they do the same with the new IUP.

Hiller asked who would be responsible for the development of the area after it is mined out and how would it be saleable. Nash replied that the ordinance requires the mining operation to leave the area in developable condition.

Hiller also asked if the mining operation pays business taxes and if they get TIF money. Nash said that they do pay property taxes and that they are not eligible for TIF money. She said she is not sure what other types of taxes they pay.

Burke asked if the applicant could go past Phase 5. Nash said there are properties in the area that contain aggregate materials and lend itself to mining. She continued saying if the IUP goes past 20 years, another permit would need to be put in place as an extension to the mining operation. This would only occur if mining is still allowed within that zoning district. It would be subject to another public hearing.

Messner was asked about the detour route when 15th Street is under construction. He said that would need to be determined and it would become part of the agreement. Dahlke said they would like to have it done earlier in the season when the need for aggregate is not in high demand.

Armstrong asked what are the current hours of operation. Fehn answered 7 am to 7 pm. He continued saying that he is asking for a 6:30 am start time so that employees have time to arrive before hauling starts as well as fire up the machines. When asked about the type of noise that occurs during the start-up time period, Fehn said it would be engines idling and it would be two front end loaders at the maximum.

Armstrong stated that it appears it is not imperative or necessary for this early start time but rather one of convenience. She is concerned about the start time.

Dahlke said that they are asking for Saturday hours as a catch-up day in case of inclement weather during the week. He explained that aggregate cannot be stockpiled at sites and needs to be brought in, used immediately and so forth. He said that Saturdays would be limited to loading and hauling. Burke said Saturday hours would have an impact on a greater amount of people.

Armstrong also asked Fehn how many other cities allow him to work on Saturday and what were these cities. Fehn said he needs the Saturday hours to remain competitive and that Monticello is the only city that allows a 6:30 am start.

Christenson asked how enforcement would work for trucks coming in early. He said that other cities have strict hours of operations and that these hours are enforced. Nash said that there are ways to enforce it, but it takes someone to be present to do the enforcement.

Hiller asked if a walking path along 15th Street would be considered as there is not a safe way to walk that street. He also said that it would connect two trails so it made sense. Messner said he could bring it to the meeting for discussion.

Hiller also asked if there any developers interested in the property since housing is in high demand and believes that this is a better fit for the property than mining. Staff is unaware of any interested developers.

Melcher expressed concern about the dust that will be generated. He said that the farm fields already produce dust throughout the year and added mining dust will only generate more. He agreed with the others about the noise levels. He wanted to know what it would do to property values. Melcher said that he understands the business side of this, but also the concerns raised by residents. He and his wife built their house with the intention of staying in Hanover. Other concerns expressed by Melcher included the feeling that it will take longer than 20 years to mine it out; the measurements don't appear to be accurate on the site plan and suggested taking a look at that scale; and he is concerned about the height of the berm and being able to see over it.

Another guest asked when this application for expansion came about and why it wasn't discussed at an earlier public hearing for the extension of the mine operation. Nash replied that it was discussed and that an application for expansion would be forth coming.

Nash read an email from the Sloan Carlson Family at 1044 Mallard which expressed concerns about the length of the IUP and the reclamation process. He believes that growing the City by developing future houses is a better use of the land. A copy of the email is attached.

Nash read another email from Aaron Tschaekofske, 11669 11th Street NE, who expressed concern about property values decreasing and devaluing his investment. A copy of the email is attached.

Ed Hunter, 1430 Esterly Oaks Drive: Fix the road, run the mine Monday through Friday, and no Saturday hours.

Melcher asked if the berm would be constructed right away. Dahlke replied that the berm would be done in sequence with each of the phases. Once the phase was completed, the berm material would be used for top cover and farming would be allowed to continue.

Kuitunen asked if the crushing operation would be moved into the areas of Phases 4 and 5. Fehn said his goal is to keep it in Phase 1 but may have to move it to Phase 2. If that would occur, Phase 1 would be closed.

Hiller wondered if the expansion could be scaled back. He said that you can't go back once the permit is issued.

Kolasa closed the Public Hearing and re-opened the Planning Commission meeting at 8:22 pm.

Kolasa reminded the audience that the hearing had closed and if they wished to speak, they needed to raise their hand and wait to be acknowledged.

Christenson asked Messner what the elevation drop is from the current neighborhood to the area that will be reclaimed and if the berm would remain. Nash said that there will not be a berm. Messner said that to the lowest point, there is a 30-foot drop. This is one of his concerns outlined in the memo.

Kuitunen asked about lift stations for the development. Messner said that this is another of his concerns and there would definitely be a lift station. The gravity sewer is not deep enough and the lift station is needed. He used the lift station near the Historic Bridge as an example of this occurring.

Armstrong said that her biggest concern is the hours of operation. Nash said that she started listing conditions and that this is on it. The ordinance does not allow a 6:30 am start time so a variance from the ordinance would be needed.

Nash reminded the Board that conditions in this IUP will be more robust than previously approved IUPs.

Christenson said he is concerned about bringing materials in to be recycled and crushed. He would prefer if this is not permitted. Nash said that it is typical to bring in materials and then haul out aggregate. Christenson said there would be more traffic and it could be done elsewhere, in an industrial area.

Kuitunen said that he and Christenson live in the area that will be affected by the expansion so they understand the concerns expressed by residents. He believes that the Board will take into consideration what is best for the residents and best for the City. He agrees that 15th Street is a safety concern.

MOTION by Kuitunen to table the Interim Use Permit for the Expansion of the Mahler Aggregate Mine until further information is provided in order to make an educated decision, seconded by Armstrong.

Motion carried unanimously.

Unfinished Business

None

New Business

Review of Amendments to the Zoning Ordinance

Nash explained that no action was needed tonight, rather it was a continuation of looking at ordinance changes.

Kuitunen asked about the progress of the shoreland ordinance changes. Nash replied she is still working with the DNR.

Nash covered the red-lined changes that were part of the agenda packet. Changes included updating and adding definitions; adding villa/townhome standards; and matching language to State statutes.

Bill Bolte, 10111 Beebe Lake Road, was present to discuss the possibility of changing the accessory building ordinance to allow a structure, such as a gardening shed, to be allowed in the front yard when it is on a larger parcel of land with the house towards the back.

Some of the members agreed that something such as this made sense and were amenable to looking at a change. Others stated that it is working fine and no changes were needed. The planner was in agreement that no changes would be needed and that it was more of a variance issue than an ordinance change.

Armstrong asked about allowing a “granny condo”: allowing a small additional house on a larger property or allowing living quarters in a shed. Nash replied that this was discussed in the past and that it was decided that something like this needed to be part of an existing home, not separate from the home. Armstrong said that she feels that if there is room on the property, there should be some leeway to do it if possible, but also realizes that it would be hard to regulate.

Nash said that a public hearing will be held at the November meeting for the ordinance changes.

Reports and Announcements

Kuitunen and Christenson were appreciative of the latest newsletter.

Adjournment

MOTION by Armstrong to adjourn, seconded by Christenson.

Motion carried unanimously.

Meeting adjourned at 9:32 pm.

ATTEST:

Amy L. Biren
Administrative Assistant