

**CITY OF HANOVER
PLANNING COMMISSION MEETING
DECEMBER 19, 2019
OFFICIAL MINUTES**

Call to Order/Pledge of Allegiance

Stan Kolasa called the December 19, 2019, Planning Commission Meeting to order at 7:00 pm. Members present were Stan Kolasa, Jim Schendel, Michelle Armstrong, Dean Kuitunen, and Mike Christenson. Also present City Planner Cindy Nash, City Engineer Nick Preisler, Council Member Doug Hammerseng and Administrative Assistant Amy Biren. Guests were present.

Approval of Agenda

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

Motion carried unanimously.

Approval of Minutes from the November 25, 2019, Regular Meeting

MOTION by Armstrong to approve the November 25, 2019, minutes, seconded by Schendel.

Motion carried unanimously.

Citizen's Forum

Public Hearing

Unfinished Business

Interim Use Permit for the Expansion of the Mahler Aggregate Mine

Nash directed the Planning Commission members to a new version of page C2.0 of the plans which was updated to show the stockpiles locations and where the recycling operations would take place in Phase 1. She continued saying that the applicant had adjusted the end use plan so it is better meeting the intent of the ordinance and additional information is shown on the new page C2.0 plus the view shed analysis. She provided a PowerPoint presentation that is attached to the minutes.

The view shed analysis was taken from the nearest public roadway and the last property on the northeast side of Mallard Street. Given the heights of the berms, the stockpiles will not be seen from these points.

The Planning Commission was presented with draft conditions that have been modified based on past Planning Commission meetings and it will continue to be modified if the Council considers approval of the project.

Armstrong asked for clarification where the conditions started in the memo. Nash said that the conditions start on page four (4) of the memo and continues to the last page (14). Modifications would include grammar and the manner in which the condition was explained.

Armstrong said that the hours of operation seem fairly standard with hours starting at 7 am.

Nash directed the members to look at Condition E3(a) which defines mining operations and the last sentence indicates that the initial start up (warming up) of the equipment is not included as a mine operation.

Armstrong asked about Saturday hours. Nash said that under Hours of Operation (page 10) is listed in compliance with the ordinance as 7 am to 7 pm Monday through Friday.

Scott Dahlke, Mahler Project Engineer: The applicant would like to pursue some allowance for working on Saturday, 7 am to 2 pm. They are proposing to limit the operations to trucking and hauling from piled materials. Other mining operations would not take place. Other pits in the area are open on Saturday and Wright County does not have limitations on mining operations so some also operate on Sunday. Limiting the hours to Monday through Friday may impact projects in the area.

Schendel agreed with Dahlke saying there have been times he has needed materials on a Saturday and could not get them. With rain days during the week, contractors have to work on Saturdays to make up the lost time. He went on to say he was fine with 6:30 am start time even on Saturday. He explained that the mine operation does not have control of the trucks that come in early and line up to get into the mine.

Christenson asked Gary Fehn, applicant, where the majority of his materials end up. Fehn said that it varies but much of it goes to St. Michael, Maple Grove, and Dayton. It tends to go to the northwest Metro region.

Christenson said he is concerned about the materials being brought in to be recycled. Fehn explained that it is usually concrete or asphalt needing to be crushed and that they are currently recycling at another location. He intends to shut down that operation and only have it in the Mahler Aggregate Mine. Fehn said that recycling concrete usually happens in the mine. Nash asked if Fehn could explain how the recycling happens. Fehn said that they usually crush once a year and that the materials are stockpiled until there is enough materials to crush. Having recycling available allows a truck to haul in materials and take new materials out—that way they are not having an empty load one way. He went on to say that it takes about two weeks to crush 40,000 cubic yards of concrete.

Christenson said he is concerned that this will increase the amount of trucks hauling. Preisler explained that recycled materials are desirable because virgin materials are costly. Recycled materials are becoming the norm.

Christenson went on to say that he understands this happening in an industrial setting, but worries about the homeowner that purchased their home and the recycling taking place nearby. Nash replied that the recycling operation would be located in the Phase 1 area which is the furthest it can be from residences.

Hammerseng asked for the applicant's help in understanding the phasing process and answering some of his questions. He questioned whether or not the equipment would stay in one location or move into each of the phases. He also asked why the number of recycled materials was increasing from 40,000 cubic yards to 50,000 and whether this amount was for the entire year or per time during the year.

Fehn responded to Hammerseng's questions. The original plan was to keep the equipment in the Phase 1 area, but that was too far a distance to haul materials. In addition, reclamation of the land would be difficult to do if the operations stayed in Phase 1. The change was to have the operations move into each phase as it happens. Dahlke continued saying that the recycling operation can stay in Phase 1 since it was smaller in nature and that would allow a portion of Phase 1 to be reclaimed and farming start again.

Ken Melcher, 1050 Mallard, asked about the new additions on page C2.0. Dahlke explained that the stockpiles needed to be added to the plans so that was done. The stockpiles will actually be down in the pit itself so very little would be seen outside of the pit.

Hammerseng asked about the berms being built with the topsoil being removed during operations. Dahlke said there is enough topsoil throughout the entire site that berms could be constructed with extra leftover. He added that there had to be enough onsite of the topsoil in order to put it back into reclamation and allow farming.

Ken Warpula asked for clarification that the recycling would stay in the Phase 1 area. Dahlke confirmed this explaining that the screening and washing would move with the mining operations throughout the different phases. He went on to explain that they were asking to recycle 50,000 cubic yards twice a year. That is the number they are anticipating, but it may be less. Dahlke said that it takes about two weeks to crush 40,000 cubic yards. They need to rent a crusher and it is expensive so they build up the pile of recycled materials and crush it all at once.

Kuitunen asked about the fees associated with the imported materials. Nash responded saying that she needs to verify with the city administrator and the ordinances. She said it is typical to have a fee on just on exports.

Armstrong asked about the blank lines that are in the draft. Nash explained that sometimes there is an owner of the property and a separate operator. If there is just Fehn as both operator and owner, the blank lines will be removed.

Kuitunen asked about testing the imported materials. Dahlke said that they are talking to City staff about this and coming up with a method to test it at the time of reclamation. The testing would happen within a specified area to confirm there are no toxic materials and to identify what type of materials are there. Kuitunen then asked if they usually know from where the imported materials come. Dahlke replied yes, they know.

Hammerseng asked whether they have the ability to control what is being brought into the site. Fehn replied that since it is usually concrete, there is not much to be worried about. Preisler added that the City is more concerned with the fill material that will be on the site since that is going to stay forever. He went on to say that the fill material needs to be of acceptable quality and packs correctly. Testing every truck is not practical. He continued saying that staff is working on a practical solution.

Christenson asked for examples of the type of fill. Preisler said examples include gravel, dirty sand, sandy loam, and clay. They are looking for firm and stable fill that will not deteriorate over time.

Warpula asked rhetorically how long concrete has been being recycled and that it was not recycled in the past. Schendel said that concrete recycling has been taking place for about 20-25 years. Warpula said that import fees haven't been in place and may be worth looking at. Schendel commented that those fees would then be passed along to the consumer.

Christenson asked if further discussion had taken place regarding 15th Street reconstruction. Preisler directed him to the separate memo included in the packet. He went on to say that the applicant's narrative has not be updated to include this information and reflect those costs. He continued saying they are working on it and that not everyone is in agreement with what was found with the soil borings. There was a lot of sand found and other fine materials. When a road is reclaimed, the asphalt is ground up and mixed with the materials under it to create the road bed before new asphalt is laid. With too much fine materials, more aggressive rock needs to be added to get it up to the MNDot 10-ton standard. Dahlke said he is in agreement but with one modification. Dahlke continued saying they believe it will work as presented and if more material needs to be added after the road reclamation, after it has been tested to standard, they would add it. Preisler said he understands but that it is his job to point out all of the possibilities and the costs associated with them. These costs need to be planned. Kuitunen commented that the project would contain a two-tiered option. Nash said yes and that staff would be adding conditions and spell out the different aspects and options. Kuitunen was insistent that turn lanes be a part of the proposal since it is a safety issue with the trucks turning and visibility impacted. Christenson said he completely agrees, adding the number of pedestrians and bikers using that street to connect with the trails on either end. Preisler said he doesn't disagree, but costs need to be finalized. Kuitunen said that he understands that but the turn lanes need to be a condition of the IUP.

Nash said that if Planning Commission recommends sending the IUP forward for approval by Council, the members need to add any items or conditions in their motion.

Christenson asked if Nash knew if St. Michael gets haul fees from 15th Street. Nash replied no, but that they do receive gravel tax.

MaryAnn Hallstein asked if the project expectations of costs changes, who is responsible for the overages. Nash replied that it is up to how the agreement is worded.

Nash reminded the Planning Commission that they need to make a recommendation so that it can move on to Council before the January deadline.

Hammerseng asked who decides the haul fee. Nash said that Council would deal with the import and export haul fees as this is a policy decision. She continued saying the gravel tax would be not be a restricted fund, but the haul fee is a restricted fund. This is also a policy decision.

Hallstein said that it would be beneficial to hear the Planning Commissions comments regarding 15th Street from previous meetings. Christenson said that he thinks there should be turn lanes at a minimum and a trail would be a nice to have. Schendel mentioned the County and the possibility of a stoplight or round about located there.

Preisler said that for a signal to be put there, the County does a signal justification report to decide if one would be justified.

Warpula said that the amount of truck traffic to the mine would be based on the market. Fehn agreed saying that mining is market-driven and that a traffic study had been completed as part of the EAW. Preisler said that truck traffic is difficult to predict.

Ed Hunter, 1430 Esterly Oaks Drive, asked how many trucks would it take to haul in 40,000 cubic yards of recycled materials. Preisler did the calculations and said that it would be 2500 trucks to haul in 50,000 cubic yards.

Hammerseng said there is the potential of not having that many trucks hauling may not happen. He went on to say that the mine is going in phases and not all at once, so if there are approximately 100 trucks on a good day as has been stated at previous meetings, there will more than likely be that same amount in the future.

Kuitunen responded to Hallstein's question regarding the Planning Commission's discussion regarding 15th Street. He said that the comments were made during and after the Public Hearing. They included turn lanes, a trail, and a stoplight. The members did not talk about a stoplight since that is handled by the County.

Warpula stated that the City does not want to be left with an empty pit. Nash responded by saying that this project is different in that there is a reclamation plan and that the site is physically different than the Dunning Pit. She directed everyone's attention to a slide in the PowerPoint presentation that showed the points at where roads are stubbed in and how the slope is gentler. The streets will go down, but not as steeply and the area will not be a bowl-shape. The transmission lines are the cause of the oval gradients on the map. They are proposing stormwater ponds to be located around the transmission lines as homes cannot be built under them. There is opportunity in the site for a developer to create a neighborhood. Preisler added that there have been several renderings of the reclamation to get more dirt on the site so that it less

deep. It will dip down and then blend towards the river. An eight percent (8%) grade is the maximum as it meets ADA compliance.

Hammerseng said he appreciates the clarity and the help answering his questions. Putting the berm up in the beginning helps wall it off and the phasing seems better. Nash stated she would like to clarify Hammerseng's comment regarding the berm: the berm along the west will be installed in 2020. The south and east sides will have a berm within one year of a development.

Fehn also added that they usually put up an additional three-foot berm around the mining area for safety reasons.

Kuitunen asked Nash about the status of the financial securities. Nash said they are still working on it and are proposing to review the securities every two years and make adjustments. It will also allow them not to put up a security for the entire operation.

Hammerseng stated that the life of the IUP was 20 years and asked if the City could review it before then. Nash said that there is an annual review and compliance check. Hammerseng replied that this has more teeth than what the current IUP has. Nash confirmed that and said it could allow for amending the IUP as well.

Kuitunen asked if the Planning Commission could state how long the IUP would last. Nash replied that there are conditions drafted for expiration, but that 20 years is the term if all goes well. Kuitunen asked if the applicant would have to go through this all again at that time. Nash said that could happen or they could apply for an extension.

Christenson asked if the IUP was transferrable. Nash said no, it was not transferrable and that it is issued to a specific owner and/or operator. Transferring it may be problematic as the new owner may not understand the conditions and the securities would also have to be transferred.

Kuitunen said to the member that they need to review their lists and decide on conditions. He said that the crushing operation needs to be added to have it stay in Phase 1. Nash said they would need to add that. Other items to be added included the ability to adjust haul fees, the hours on Saturday of 7 am to 2 pm, the turn lanes and limiting the term to 10 years.

Hunter stated that he would like to know how many trucks would be hauling as he has that day off and would like to enjoy the day. Dahlke said that some Saturdays trucks may run and other Saturdays with no trucks. Fehn said that they need to go when the work is there.

Jim Zacijek asked if the Saturday hours would require a change. Nash said that would need to be looked at and may be handled with a variance.

MOTION by Kuitunen moved to send the Interim Use Permit for the Expansion of the Mahler Aggregate Mine forward to Council for approval with the following conditions of keeping the crushing operation in the Phase 1 area, allowing Saturday hours 6:30 am to 2 pm, turn lanes at 15th Street and CSAH 19, and limiting the term of the IUP to 10 year, seconded by Christenson.

AMENDMENT by Christenson to include the consideration of a trail and to include the conditions drafted and presented in the Planner's memo. **Amendment accepted by Kuitunen.**

AMENDMENT by Christenson to correct Saturday hours to 7 am to 2 pm. **Amendment accepted by Kuitunen.**

Motion carried unanimously.

New Business

Planning Commission Meeting Dates and Deadlines

The May meeting falls on Memorial Day and needs to be changed. After discussion, the date was changed to May 21, 2020.

Reports and Announcements

Armstrong thanked the members and said she has enjoyed her time on the Board and will miss everyone.

Christenson asked about the progress about the restaurants and bars in town. Biren said that Big Bore BBQ is waiting for State approval on their plumbing permit and will open sometime in the new year. The Hilltop has been sold and the new owners are looking at a possible coffee shop and wine bar.

Hammerseng said that he will be missing the next two meetings and plans on being back in time for the March meeting. In his absence, Ken Warpula will be attending as the alternate liaison.

Adjournment

MOTION by Armstrong to adjourn, seconded by Schendel.

Motion carried unanimously.

Meeting adjourned at 8:39 pm.

ATTEST:

Amy L. Biren
Administrative Assistant