

**OFFICIAL PROCEEDINGS OF THE
RICE COUNTY PLANNING COMMISSION
Commissioner's Room / Government Services Building
Thursday, March 7, 2024 at 6:00 PM**

I. Call to Order

A. Roll Call

The meeting was called to order both in-person and electronically by Chair Charlie Peters at 6:19 p.m.

Members present were: Charlie Peters, Julia Hogan, Garrett Johnson, Matt Purfeerst, Kenneth Engen.

Staff present were: Zoning Administrator Trent McCorkell, Planner Jeremy Edwards, Administrative Coordinator Anna Aguilar, Clerk Laurie Johnson, Clerk MacKenzie Klett.

Commissioners present: Jeff Docken.

Others present: see Sign-in Sheet and Registrant List.

B. Motion by Garrett Johnson, seconded by Matt Purfeerst, Reading of the Notice

RESULT: Approved, AYES: None, NAYS: None

C. Motion by Matt Purfeerst, seconded by Ken Engen, Approval of the Agenda

RESULT: Approved, AYES: None, NAYS: None

D. Motion by Julia Hogan, seconded by Garrett Johnson, to approve the minutes of February 1, 2024.

RESULT: Approved, AYES: None, NAYS: None

II. New Business

1. Final Plat/Thom - Section 15, Warsaw Township

Dave Thom, on behalf of Earl J Thom Trust Et Al, has requested approval of a plat to create three building lots and one outlot. The property is described as: the SW1/4, Section 15, Warsaw Township, Rice County, Minnesota. PID# 14.15.3.00.001. The existing home, on the current parcel, address is: 23775 Dalton Ave, Faribault, MN 55021. The property is Zoned A, Agricultural.

Motion by Garrett Johnson, seconded by Ken Engen, to recommend approval of the Final Plat with the following conditions and findings for Dave Thom, on behalf of Earl J Thom Trust Et Al. The property is located in Section 15 of Warsaw Township.

RESULT: Approved, AYES: None, NAYS: None

CONDITIONS OF APPROVAL – Thom – Final Plat

1. The applicant shall record the Final plat with the Rice County Recorders office within 90-days of the County Board of Commissioners approval of the final plat.
2. Lots and outlots shall not be further subdivided, modified or added to unless approved under the Rice County subdivision regulations.
3. An in-lieu park dedication fee of \$1000 shall be paid to Rice County prior to recording of the plat.

Hearing Minutes:

Zoning Administrator Trent McCorkell (TM) presented the request to the Planning Commission (PC).

The PC asked the applicant, Dave Thom (DT), to come forward to add comments or answer questions regarding the request.

Sean Thom (ST) - We are just trying to split it up into a couple chunks. The farmland will be sold. I'm trying to buy the 40 acres, my brother is trying to buy the other 20 acres and my cousin is buying the building site.

CP - You are aware of the three conditions with the final plat?

ST – No.

CP - They are up on the board.

ST – Yes.

Chair Peters opened the public testimony portion of the item to the public and the no one spoke.

Chair Peters closed the public testimony portion of the item to the public.

Discussion:

CP - Looks straight forward.

GJ - I will make a motion to approve.

KE - I will second.

Motion to recommend approval with stated conditions and findings made by GJ, seconded by KE, and approved unanimously.

2. **Conditional Use Permit/Skluzacek - Section 29, Wheatland Township**

Mike Skluzacek has applied for a Conditional Use Permit (CUP) for a contractor office and yard for an excavation business. The property is described as: Part of the NW1/4 of the NW1/4, Section 29, Wheatland Township, Rice County, Minnesota. PID# 01.29.2.25.002. The property is Zoned A, Agricultural.

Motion by Matt Purfeerst, seconded by Ken Engen, to recommend approval of the Conditional Use Permit with the following conditions and findings for Mike Skluzacek. The property is located in Section 29 of Wheatland Township.

RESULT: Approved, AYES: None, NAYS: None

CONDITIONS OF APPROVAL – Skluzacek – CUP

1. The applicant is to follow all Federal, State, County and Local rules and regulations.
2. The conditional use permit is for a contractor's office and yard for an excavating business. Applicant is to follow the approved site plan. Changes to the business are not permitted without approval of a new/amended permit.
3. All outside storage and parking shall be screened as shown on the submitting site plan. Trees with earthen berms used for screening shall have an initial height of at least 4-ft.
4. There shall be no parking or storage within the Road Right of Way.
5. All vehicles, equipment and trailers stored/parked outside shall be operable and have a current license if said license is required for use on a roadway.
6. There shall be no outside storage of inoperable equipment or waste materials.
7. Bathroom facilities shall be provided for employees. A compliant septic system shall be installed before use of the building.
8. A stormwater plan shall be created and implemented to control runoff from the parking and building areas. This plan must be approved by Rice County Environmental Services prior to construction.
9. All buildings shall meet building code for the intended use.
10. The site is allowed to have one onsite sign meeting the county zoning requirements.
11. Failure to comply with conditions may result in revocation of the conditional use permit.

Hearing Minutes:

Zoning Administrator Trent McCorkell (TM) presented the request to the Planning Commission (PC).

MP - Is the driveway going to be on the gravel road?

TM - Yes and the township did submit comments this afternoon that they are fine with everything.

CP - Right now it is just a bare chunk of ground correct?

TM - Yes, the 37.5 acres doesn't have anything on it.

The PC asked the applicant, Mike Skluzacek (MS); to come forward to add comments or answer questions regarding the request.

MS - We are at my family farm right now, 5580 Leaf Trail, New Prague and our lease is running out so we have to find another place to put our shop.

CP - You are aware of the 11 conditions?

MS - Yes I am.

Chair Peters opened the public testimony portion of the item to the public and no one spoke.

Chair Peters closed the public testimony portion of the item to the public.

Discussion:

MP - Looks like a great spot for it.

CP - He is right off a main road and access is off gravel, so not a traffic hindrance.

MP - I will make a motion to approve.

KE - I will second.

Motion to recommend approval with stated conditions and findings made by MP, seconded by KE, and approved unanimously.

3. **Waiver of Plat/Simonson (Lien) - Section 36, Northfield Township**

Sean Simonson, on behalf of Douglas M and Karen L Lien Trust, has requested approval of a waiver of plat to create a 1.28-acre building lot through the use of a Transfer Development Right (TDR). The property is described as: Part of the SE1/4 of the SW1/4, Section 36, T111 N, R19W, Northfield Township, Rice County, Minnesota. PID# 08.36.3.50.001. The property is Zoned A, Agricultural.

Motion by Ken Engen, seconded by Garrett Johnson, to recommend approval of the Wavier of Plat with the following conditions and findings for Sean Simonson, on behalf of Douglas M and Karen L Lien Trust. The property is located in Section 36 of Northfield Township.

RESULT: Approved, AYES: None, NAYS: None

CONDITIONS OF APPROVAL – Simonson (Lien) – WOP

1. The new 1.28-acre Transfer Development Right (TDR) receiving parcel shall contain a primary single-family dwelling.
2. Any new construction on the parcels is to adhere to all Rice County codes and ordinances.
3. The remaining current parcel and TDR receiving parcel shall not be further subdivided or combined with other land(s) unless approved under the Rice County subdivision regulations.
4. The conservation easement for the TDR sending area shall be recorded at the same time or before the new parcel is recorded.
5. Within one year of this approval the applicant shall record a new deed, containing just the 1.28-acre TDR receiving parcel, at the Rice County Records Office.
6. In-lieu park dedication fee of \$500 shall be paid prior to recording of the new parcel.

Hearing Minutes:

Zoning Administrator Trent McCorkell (TM) presented the request to the Planning Commission (PC).

The PC asked the applicant, Sean Simonson (SS), to come forward to add comments or answer

questions regarding the request.

SS - I am here representing the Douglas and Karen Lien Trust, looking to request a Transfer of Development Right and Wavier of Plat.

CP - You are aware of 6 conditions?

SS - Yes I am.

Chair Peters opened the public testimony portion of the item to the public and no one spoke.

Chair Peters closed the public testimony portion of the item to the public.

Discussion:

GJ - Using the process for what it is intended.

CP - Exactly.

KE - I will motion to approve with the 6 conditions.

GJ - I will second.

Motion to recommend approval with stated conditions and findings made by KE, seconded by GJ, and approved unanimously.

4. **Interim Use Permit/ Kielmeyer (Donkers) - Section 12, Walcott Township**

Corey Kielmeyer, on behalf of Paul Donkers, has applied for an Interim Use Permit (IUP) to allow for temporary placement and operation of an aggregate crushing operation from April through November 2024. The property is described as: the S1/2 of the SE1/4, Section 12, Walcott Township, Rice County, Minnesota. The property address is: 22762 Gates Ave, Faribault, MN 55021. PID# 15.12.4.75.001. The property is Zoned A, Agricultural.

Motion by Matt Purfeerst, seconded by Julia Hogan, to recommend approval of the Interim Use Permit with the following conditions and findings for Corey Kielmeyer, on behalf of Paul Donkers. The property is located in Section 12 of Walcott Township.

RESULT: Approved, AYES: None, NAYS: None

CONDITIONS OF APPROVAL – Kielmeyer (Donkers) – TEPP

1. The permittee shall comply with all rules, regulations, requirements, or standards of the Minnesota Pollution Control Agency, Minnesota Department of Natural Resources, Army Corps. Of Engineers and other applicable federal, state or local agencies.
2. The applicant or operator shall furnish a one-year \$50,000 bond or other financial surety for haul road and site restoration.
3. All financial surety shall be reviewed and approved by the Rice County Attorney's office prior to onsite operations.
4. This Interim Use Permit is to allow for an aggregate crushing operation between April 1, 2024 and November 30, 2024.
5. The hours of operation shall be limited to between the hours of 6 a.m. and 7 p.m., Monday through Friday, and 6 a.m. to 3 p.m. on Saturdays.
6. Applicant to be responsible for repair of county, state and township roads adjacent to the site due to damage hauling from the site. Roads to be restored to their original condition after the aggregate crushing operation ceases.
7. All access drives within the pit and to the paved area of Gates Ave shall be treated with a dust control product (such as calcium chloride), or shall have water applied. Treatments or applications for dust control shall be applied and maintained in a condition to prevent airborne dust, originating from the pit access drives, from leaving the property during times of mining or processing activities on the property.
8. Applicant to strictly adhere to all Rice County codes and ordinances.
9. "Trucks Hauling" signs with red flags are to be posted in locations to be determined by the

County Highway Engineer when hauling from the site and to be removed when hauling is not taking place.

Hearing Minutes:

Zoning Administrator Trent McCorkell (TM) presented the request to the Planning Commission (PC).

CP - Any complaints?

TM – No, we have not received any complaints.

The PC asked the applicant, Corey Kielmeyer (CK), to come forward to add comments or answer questions regarding the request.

CK - Like Trent said, we are just here for our yearly permits.

CP - How many years have you been in this pit?

CK - I don't know, you'd have to ask Paul. He tells me the story every time. At least 50 years, I know that.

Chair Peters opened the public testimony portion of the item to the public and no one spoke.

Chair Peters closed the public testimony portion of the item to the public.

Discussion:

CP - It's been around a long time, and it's out in the middle of nowhere, it doesn't bother anyone.

JH - There haven't been any complaints.

MP - I will motion to approve with the 9 conditions.

JH - I will second.

Motion to recommend approval with stated conditions and findings made by MP, seconded by JH, and approved unanimously.

5. Interim Use Permit/ Kielmeyer - Section 34, Webster Township

Corey Kielmeyer, on behalf of Kielmeyer Construction Inc, has applied for an Interim Use Permit (IUP) to allow for temporary placement and operation of an aggregate crushing operation from April through November 2024. The property is described as: the NW1/4 of the NE1/4, Section 34, Webster Township, Rice County, Minnesota. The property address is: 8127 Chester Ave, Northfield, MN 55057. PID# 02.34.1.25.001. The property is Zoned A, Agricultural.

Motion by Ken Engen, seconded by Garrett Johnson, to recommend approval of the Interim Use Permit with the following conditions and findings for Corey Kielmeyer, on behalf of Kielmeyer Construction Inc. The property is located in Section 34 of Webster Township.

RESULT: Approved, AYES: None, NAYS: None

CONDITIONS OF APPROVAL – Kielmeyer – TEPP

1. The permittee shall comply with all rules, regulations, requirements, or standards of the Minnesota Pollution Control Agency, Minnesota Department of Natural Resources, Army Corps. Of Engineers and other applicable federal, state or local agencies.
2. The applicant or operator shall furnish a one-year \$50,000 bond or other financial surety for haul road and site restoration.
3. All financial surety shall be reviewed and approved by the Rice County Attorney's office prior to onsite operations.
4. This Interim Use Permit is to allow for an aggregate crushing operation between April 1, 2024 and November 30, 2024.
5. The hours of operation shall be limited to between the hours of 6 a.m. and 7 p.m., Monday through Friday, and 6 a.m. to 3 p.m. on Saturdays.

6. Areas mined near the road right of way must be stabilized to prevent erosion of the road right of way. Applicant is to ensure that road right of way maintenance can be safely preformed along the mining parcel boundaries and is to be responsible for repair to any road or right of way damage due to the mining/crushing operations.
7. Applicant to be responsible for repair of county, state and township roads adjacent to the site due to damage hauling from the site. Roads to be restored to their original condition after the aggregate crushing operation ceases.
8. All access drives within the pit and to the paved area of Chester Ave shall be treated with a dust control product (such as calcium chloride), or shall have water applied. Treatments or applications for dust control shall be applied and maintained in a condition to prevent airborne dust, originating from the pit access drives, from leaving the property during times of mining or processing activities on the property.
9. Applicant to strictly adhere to all Rice County codes and ordinances.
10. "Trucks Hauling" signs with red flags are to be posted in locations to be determined by the County Highway Engineer when hauling from the site and to be removed when hauling is not taking place.

Hearing Minutes:

Zoning Administrator Trent McCorkell (TM) presented the request to the Planning Commission (PC).

CP - No comments from Township?

TM - No, we have not received any comments.

The PC asked the applicant, Corey Kielmeyer (CK), to come forward to add comments or answer questions regarding the request.

CK - Same permit as always.

CP - Same conditions.

CK - Yes, everything looks good.

CP - Any questions?

JD - I just want to compliment you on the work you've done there Corey, it's looking good. It's a great improvement from where it was, I haven't heard any comments since last year.

CP - Sounds good.

CK - Thank you.

Chair Peters opened the public testimony portion of the item to the public and no one spoke.

Chair Peters closed the public testimony portion of the item to the public.

Discussion:

CP - It has been improved and taken care of.

KE - I will motion to approve with the 10 conditions.

GJ - I will second.

Motion to recommend approval with stated conditions and findings made by KE, seconded by GJ, and approved unanimously.

6. Interim Use Permit/Budde - Section 8, Walcott Township

Paul and Lisa Budde have applied for an Interim Use Permit (IUP) to allow for placement and grading of 9,125-cubic yards of fill material. The property is described as: Part of the N1/2 of the NW1/4, Section 8, Walcott Township, Rice County, Minnesota. The property address is: 22215 Glynview Trail, Faribault, MN 55021. PID# 15.08.2.00.004. The Property is Zoned UR, Urban Reserve.

Motion by Matt Purfeerst, seconded by Ken Engen, to recommend approval of the Interim Use Permit with the following conditions and findings for Paul and Lisa Budde. The property is

located in Section 8 of Walcott Township.

RESULT: Approved, AYES: None, NAYS: None

CONDITIONS OF APPROVAL – Budde – IUP

1. Grading and Filling is limited to the amounts and in the areas described in the submitted site plan.
2. Prior to any additional grading or filling activities the applicant must verify wetland rule compliance with the Rice SWCD.
3. All land disturbance shall be the minimum time and area needed to complete the project. Alterations must be designed and conducted in a manner that ensures that only the smallest amount of bare ground is exposed for the shortest time possible.
4. Appropriate erosion control structures (silt fence or hay bales) shall be placed down gradient from disturbed areas to prevent sediment from reaching neighboring properties, wetlands, streams and road ditches. Erosion controls shall be maintained until a permanent vegetative cover is established.
5. Mulches or similar materials must be used, where necessary, for temporary bare soil coverage, and a permanent vegetation cover must be established and maintained in perpetuity as soon as weather conditions allow. All exposed soil shall be restored by seeding and mulching within 72 hours of project completion.
6. Fill or excavated material must not be placed in a manner that creates an unstable slope.
7. Alterations of topography must not be done in a manner that would adversely affect drainage or water flow on adjacent or nearby properties.
8. This grading and filling interim use permit shall remain in effect for one (1) year from the date of approval, provided that all conditions of the permit are adhered to.
9. Failure to comply with these conditions may result in revocation of this permit.

Hearing Minutes:

Zoning Administrator Trent McCorkell (TM) presented the request to the Planning Commission (PC).

TM - This is an after-the-fact permit. The fill you see is the extent that will be moved. The IUP is triggered at 400 cu yd.

CP - Is it all clean fill?

TM - We believe it is, it all came from a project site within the City of Faribault that was distributed to a couple of different locations in the county. This is the first you will be seeing of two, maybe three in the near future.

The PC asked the applicant, Paul and Lisa Budde (PB), to come forward to add comments or answer questions regarding the request.

PB - Filling in around the shed to make it look like it belongs, it's pretty steep all around it. And I am filling in between the two driveways because I need to drill a new well and there is really nowhere to put it on the property. Behind the house is the septic system, and in-between the house and the shed is the drainfield. So I'd like to put the well out in front and I would like to have it at the same height as the driveway so that it is level if there are ever problems.

CP - Are you aware of the 9 conditions?

PB - Yes.

Chair Peters opened the public testimony portion of the item to the public and no one spoke.

Chair Peters closed the public testimony portion of the item to the public.

Discussion:

CP - It looked like clean fill.

MP - Yeah it looked clean, and the yard will be a lot more level. It makes sense.

CP - I know the city has a couple sites and it's not his fault, let's put it that way.

MP - I will make a motion to approve with the 9 conditions.

KE - I will second.

Motion to recommend approval with stated conditions and findings made by MP, seconded by KE, and approved unanimously.

III. Public Hearing

7. 7:00 PM - Public Hearing on Adoption of Official Map #2 - CSAH 9

If adopted, an Official Map would prohibit the issuance of building permits for new or expanded structures in the identified area, however appeals may be considered by the Board of Adjustment. An Official Map does not convey any interest in the mapped property and any future acquisition must follow applicable procedures prescribed by law. Any structure built in the mapped area without a permit or in violation of a permit would not have to be compensated for if acquired.

While additional funding for design and construction of the interchange are several years away, an Official Map allows both the public and property owners to make appropriate property investment decisions before adjustments become difficult to accomplish. After a public hearing, the Planning Commission is asked to provide a recommendation on adoption of Official Map No.2 to the County Board where a final vote may be taken.

Hearing Minutes:

Jeremy Edwards (JE) and Dennis Luebbe (DL) presented the request to the Planning Commission (PC).

JE - Good evening chairs. Beginning with this we are doing an official map hearing. In 2020, the county did adopt an official map ordinance. That allows for the identification of future public use areas. The item before us tonight is the I35/County Road 9 interchange that has been identified in studies as far back as 2005, if not before that. Over the last few years, the county along with the city and consultants from Bolton and Menk, along with feedback from MNDOT and other stakeholders, have been working on interchange designs. For this project, they initially came up with 12 possible designs for the interchange, but last year there was another open house and feedback from the public, MNDOT, county and city dwindled it down to 5 design options. Those 5 designs are captured in the footprint of this official map. If this map is adopted, the area within the boundaries of the mapped area would not be able to get building permits without an appeal to the Board of Adjustment. The purpose of that is to ensure that we are not going to have to come in and tear down a brand-new building right away just to build the interchange. It is worth noting that this project is still well off, no funding has been secured for the project at all, it's probably a decade out. With that, we have Dennis Luebbe, the Highway County Engineer, here as well as some folks from Bolton and Menk that I will have come up.

DL - Thank you Jeremy, It is good to be in front of the Planning Commission tonight for this step in the evolution of the long term transportation planning for the county. And I am certainly happy to provide you and the audience a brief overview. Jeremy and your staff captured it well, and I understand the City of Faribault did an official mapping a couple years ago. I think everyone understands the concept. We just got done with the open house a number of folks here were there, and several that didn't stick around for this meeting. I think we are ready to open it up for official comments to be entered into the record. We have the feasibility study that Bolton and Menk is wrapping up as part of this process. The intent is to capture the comments tonight and provide responses if we can and if not provide them at a later date. And capture all that information in the final feasibility report and present that to the county board later this month for their consideration provided we get your recommendation tonight.

CP - Thank you. We will take down your questions and concerns but we are not at liberty to answer them as a board, but we can call one of the engineers up if we feel we want it answered. Otherwise they will be noted.

Chair Peters opened the public testimony portion of the item to the public and the following spoke:

1. James Fisher - *Fairfax Way* - My understanding is we are just looking at the map this evening. I have other questions and comments, but I will talk about it with people later. My one comment on the map itself is that I think the map needs to include the intersection at old Lyndale (46) and County Road 9. I really like seeing shovel ready projects, ready to go. That intersection at 9 will be dramatically affected as soon as things are opened up and I think that needs to be included in this map at this time because I think that is going to be immediately impacted as this moves forward. We need to be able to protect that intersection for the increased traffic it will be getting.
2. Dean Krohn - *150th St W* - I was just curious, I know we are just looking at the map, but I am wondering about drainage considerations. The intersection there is quite wet and if we raise the drainage level there, it is going to back up all the way out to Bagley. As a matter of fact, when the water starts going across County Road 9, during a 6-inch deluge we had overnight, it went over County Road 9 and was actually coming out over 35 as well. I knew that because I saw it on the weather channel, it made the news. My only concern would be consideration for drainage in this planning so we are not flooding everybody out.
3. Chuck Vonruden - *Forest Township* - In the description, it says this will attract high paying jobs. I am curious how you know that? What about this is going to attract high paying jobs and something else is not? How is it you can zero in on that?

Chair Peters closed the public testimony portion of the item to the public.

Discussion:

CP - Those were very good comments around the intersection on County Road 9 which is already a busy intersection. And the drainage I know it's pretty low in that area.

KE - That is true, it is probably something that is going to be taken under consideration once any construction starts.

CP - Yes, which counts.

CP - I am sure it is something you have already looked at if you want to comment on it.

DL - I am not sure of the intersection you mentioned Oh Bagley/46 and 9. I do think in the realm of the long term plan for all of the I35 frontage roads, both the intersections on the East and West of CSAH 9 could be looked at for future geometric upgrades. It's strongly likely to be looked at roundabouts. It is not in our plan, again this project isn't even in our plan, but traffic volumes would probably dictate that we look at them as needed. For drainage, certainly the whole area would be assessed and managed. There are low points throughout the whole study footprint so that is certainly a major part of the planning process. As for the comment about attracting high paying jobs, I do think that is subjective. I can work with our housing staff and EDA staff about if they want to refine what high paying jobs mean, it is not my area of expertise but we can certainly look into that.

MP - I do have one question for you as well, what is your projection on the increase in traffic coming in off this interchange. Any idea on traffic?

DL - I would like to say there is no need for the interchange today, again this is just long term planning to protect an area that we have identified as likely to accommodate a future interchange. To get to this point, the work that Bolton and Menk has done for the last 18 months has included analyzing all the available land in a generally accepted area of development out 30 years. So evaluating land use and look at how its developed, that in turn gives us traffic volumes. We then model those traffic volumes on to our existing highway systems to come up with issues, whether its traffic congestion, functionality, or safety and a lot of that analysis indicates that even with a lot of growth we still won't have traffic problems. We have a good county highway system and we have some commissioners who believe in funding the road and bridge program so we can provide that system. If your question is looking for numbers, we can get you them. I just don't have them in front of me. Again this is long term planning because we think in the future we will have the need.

CP - I do know the future development, it has been talked about along that whole corridor. I will make the motion we adopt the official map No.2 CSAH 9 / I35 interchange.

KE - I will second.

JE - Just a reminder this item is to appear in front of the County Board on March 26, 2024.

Motion to recommend adoption of the official map was made by CP, seconded by KE, and approved unanimously.

IV. Adjournment

Hearing no other items before the PC, a motion was made by GJ, second by MP, to adjourn the meeting at 7:16 pm. Motion carried 5-0.

Respectfully Submitted

Planning Commission

**Anna Aguilar
Administrative Coordinator**


Charlie Peters, Chair