

**OFFICIAL PROCEEDINGS OF THE
RICE COUNTY PLANNING COMMISSION
Commissioner's Room / Government Services Building
Thursday, March 6, 2025 at 6:00 PM**

I. Call to Order

A. Roll Call

The meeting was called to order both in-person and electronically by Chair Garrett Johnson at 6:40 p.m.

Members present were: Garrett Johnson, Kenneth Engen, Julia Hogan, Matt Purfeerst, Jim Cihak.

Staff present were: Zoning Administrator Trent McCorkell, Senior Planner Jeremy Edwards, Administrative Coordinator Anna Aguilar, Office Support Specialist MacKenzie Klett.

Commissioners present: Charlie Peters

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

B. Motion by Ken Engen, seconded by Jim Cihak, reading of the Notice

RESULT: Approved, AYES: Julia Hogan, Garrett Johnson, Matt Purfeerst, Ken Engen, Jim Cihak,
NAYS: None

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

RESULT: Approved, AYES: Julia Hogan, Garrett Johnson, Matt Purfeerst, Ken Engen, Jim Cihak,
NAYS: None

AA - The last 3 items, all TEPPs for Kielmeyer, have requested to table to the April 3rd meeting.

D. Motion by Matt Purfeerst, seconded by Julia Hogan, to approve the minutes of February 6, 2025

RESULT: Approved, AYES: Julia Hogan, Garrett Johnson, Matt Purfeerst, Ken Engen, Jim Cihak,
NAYS: None

II. Admin Task

1. Revised 2025 Meeting Schedule

Fall MACPZA conference dates were published and they conflict with our original October meeting date.

Motion by Jim Cihak, seconded by Matt Purfeerst, to approve the revised 2025 Meeting Schedule.

RESULT: Approved, AYES: Julia Hogan, Garrett Johnson, Matt Purfeerst, Ken Engen, Jim Cihak,
NAYS: None

III. New Business

1. Waiver of Plat/Giles - Section 23, Webster Township

Colin Giles, on behalf of landowner Beaver Creek Bluffs LLC, has applied for approval of a Waiver of Plat to create a 5-acre building site through the use of a Transfer Development Right (TDR). The property is described as: Part of the E1/2 of the SE1/4, Section 23, Webster Township, Rice County, Minnesota. PID# 02.23.4.00.002. Current property address: 2143 70th St W, Northfield, MN 55057. The property is Zoned A, Agricultural.

Motion by Matt Purfeerst, seconded by Jim Cihak, to recommend approval of the Waiver of Plat with the following conditions and findings for Collin Giles, on behalf of landowner Beaver Creek Bluffs LLC. The property is located in Section 23 of Webster Township.

RESULT: Approved, AYES: Julia Hogan, Garrett Johnson, Matt Purfeerst, Ken Engen, Jim Cihak,
NAYS: None

CONDITIONS OF APPROVAL – Giles – Waiver of Plat (WOP)

1. The new 5.0-acre Transfer Development Right (TDR) receiving parcel shall contain one principle single family dwelling.
2. Any new construction on the parcels is to adhere to all Rice County codes and ordinances.

3. Prior to issuance of a building permit for a home and within one year of this approval, the applicant shall record a new deed at the Rice County Recorder's Office separating the TDR receiving parcel.
4. The remaining parcel and TDR receiving parcel shall not be further subdivided or combined with other land(s) unless approved under the Rice County subdivision regulations.
5. The conservation easement for the TDR sending area shall be recorded at the same time or before the new parcel is recorded.
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, Collin Giles (CG), to come forward to add comments or answer questions regarding the request.

CG - That line is actually south, it doesn't go into the field. It basically starts at the field edge and the pine trees, then wraps around. I believe once you get to the north part of that parcel it is actually more to the west, it does not take up that much field. It takes up like half of that.

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

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

Discussion:

GJ - I feel like we got a lot of our questions answered during the Board of Adjustment meeting.

KE - I agree.

MP - I motion to approve.

JC - I will second with the 6 conditions.

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

2. Preliminary & Final Plat/Ellingson - Section 36, Shieldsville Township

Larry Ellingson, on behalf of landowners Larry R & Denise M Ellingson Trusts and Cory G Michaelson Trust, has applied for approval of a preliminary and final plat for a lot line rearrangement involving two lots. The properties are described as: Lots 1 and 2, Block 1, Hendrickson Estates 2nd Addition in the S1/2 of Section 36 Shieldsville Township, Rice County, Minnesota. PID#s 09.36.3.77.001 & 09.36.3.77.002. Property addresses are: 7575 and 7581 209th St W, Morristown, MN 55052. The properties are Zoned GDS, General Development Shoreland.

Motion by Jim Cihak, seconded by Julia Hogan, to recommend approval of the Preliminary & Final Plat with the following conditions and findings for Larry Ellingson, on behalf of landowners Larry R & Denise M Ellingson Trusts and Cory G Michaelson Trust. The property is located in Section 36 of Shieldsville Township.

RESULT: Approved, AYES: Julia Hogan, Garrett Johnson, Matt Purfeerst, Ken Engen, Jim Cihak, NAYS: None

CONDITIONS OF APPROVAL - Ellingson - Preliminary & Final Plat (Pre & Final Plat)

1. Final plat shall be recorded with the Rice County Recorder's office within 90-days of the County Board of Commissioners approval.
2. Any adjustments required by the County Surveyor or Recorder shall be made prior to recording of the plat.
3. All construction is to adhere to all Rice County codes and ordinances.

Hearing Minutes:

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

GJ - Did the original house meet setbacks?

TM - To my understanding the current house does meet all setbacks requirements. The applicant just wants a little more room there to allow for a shed meeting setback requirements. There is actually a survey showing that change in boundary.

JH - So they have to vacate the drainage and utility easement?

TM - Yes, there are some easements they need to modify with this. Because this is a fairly minor change, it is being done both as a Preliminary and Final Plat at the same time.

The PC asked the applicant, Larry Ellingson (LE), to come forward to add comments or answer questions regarding the request.

LE - I am asking to move the lot line over a little bit to make room to build a detached garage.

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

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

Discussion:

JH - Looking at this just from a plat standpoint, I don't have an issue. It is pretty straight forward; they are just adding land from the parcel to the east. Just as a plat, I don't have an issue with this.

GJ - I agree with you, bare minimum at least he can make it around the house.

MP - It looks like there is a pretty good neighbor agreement too. And a lot of easements being changed and things like that, so they have thought this out pretty good.

GJ - It will be interesting to see it with a shed in there.

JH - But just as a plat, I have no issue with this.

GJ - I agree.

JC - I motion to approve with the 3 conditions.

JH - I second.

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

3. **Waiver of Plat/Tuma - Section 9, Forest Township**

Kyle Tuma has applied for approval of a Waiver of Plat to allow for a property line rearrangement adding land to the subject property. The property is described as: Part of the NE1/4 of the SE1/4, Section 9, Forest Township, Rice County, Minnesota. PID# 06.09.4.00.007 Property address is: 4050 Clearwater Trail, Lonsdale, MN 55046. The property is Zoned A, Agricultural.

Motion by Ken Engen, seconded by Matt Purfeerst, to recommend approval of the Waiver of Plat with the following conditions and findings for Kyle Tuma. The property is located in Section 9 of Forest Township.

RESULT: Approved, AYES: Julia Hogan, Garrett Johnson, Matt Purfeerst, Ken Engen, Jim Cihak,
NAYS: None

CONDITIONS OF APPROVAL – Tuma – Waiver of Plat (WOP)

1. The applicant shall record a new combined deed at the Rice County Recorder's office within 90-days of the County Board of Commissioners approval.
2. Any adjustments required by the County Surveyor or Recorder shall be made prior to recording of the new combined deed.
3. All construction is to adhere to all Rice County codes and ordinances.

Hearing Minutes:

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

MP - Can you go back to the aerial photo?

JE pulled up the aerial photo on the screen.

The PC asked the applicant, Kyle Tuma (KT), to come forward to add comments or answer questions regarding the request.

KT - I am just adding some land there, I would like to put an addition on to the existing shed. My neighbor just wanted to make sure that you guys knew and it was stated, the amount of land that I am buying is 15,726 sqft.

GJ - Are you aware of the 3 conditions?

KT - I am not, but if you put them up, I will take a look at them. Okay, yes.

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

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

Discussion:

GJ - Seems easy.

JH - He is able to add more land now with the Wavier of Plat modification that increased the acreage allowance.

KE - I motion to approve.

MP - I second with the 3 conditions.

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

4. **Conditional Use Permit/Lynch - Section 26, Webster Township**

Gary Lynch, on behalf of landowner Gary Lynch Trust, has applied for an amendment to an existing Conditional Use Permit to add two additional 90,000-gallon storage tanks for a Liquefied Petroleum distribution service business. The property is described as: Part of the NE1/4 of the SW1/4, Section 26, Webster Township, Rice County, Minnesota. PID# 02.26.3.00.002. The property is Zoned A, Agricultural.

Motion by Jim Cihak, seconded by Matt Purfeerst, to recommend approval of the Conditional Use Permit with the following conditions and findings for Gary Lynch, on behalf of landowner Gary Lynch Trust. The property is located in Section 26 of Webster Township.

RESULT: Approved, AYES: Julia Hogan, Garrett Johnson, Matt Purfeerst, Ken Engen, Jim Cihak, NAYS: None

CONDITIONS OF APPROVAL – Lynch – Conditional Use Permit (CUP)

1. The applicant is to follow all Federal, State, County and Local rules and regulations.
2. The Conditional Use Permit is for a liquefied petroleum (LP) (propane) gas distribution service business consisting of bulk LP storage for delivery. Onsite activities consist of storage of bulk LP and delivery equipment. Changes to the business are not permitted without approval of a new/amended permit. Applicant is to follow the 2023 site plan with the 2025 additions.
3. Business storage shall not exceed the following: One (1) 45,000-gallon bulk propane (LP) storage tank, two (2) 90,000-gallon bulk LP storage tanks, six (6) trucks/trailers, and six (6) employee vehicles.
4. The gravel fenced area shall be screened to roadways by a combination of tree planting and earthen berm to equal a minimum 6-ft height over the existing ground level.

5. Tree plantings shall be at least a single row of an evergreen species with the spacing not more than 20-ft between trees and shall be maintained to provide for screening.
6. No onsite retail sales.
7. A portable toilet or rest room shall be provided for employee use.
8. All vehicles and trailers stored/parked outside shall be operable and have a current license.
9. Only business equipment owned or leased by the onsite business shall be stored on the site.
10. All buildings shall meet building code for the intended use.
11. Proof of compliance with applicable state/federal/local rules and regulations shall be submitted to the Rice County Environmental Services Department upon request.
12. 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).

JH - Are they required to have state permits too? Or just the Conditional Use Permit with the County?

TM - For us, it's just the CUP. I'm not sure what there is for bulk storage. Usually that ends up being addressed under the building permit issuance. Whether there is signoff from the fire department and different things, I know there are some requirements. The applicant can better address that. The only change in conditions that I have listed was the addition of the 2 bulk tanks.

JC - I think that condition 7 addresses that a little bit. Portable toilet or restroom shall be provided for employee use, I don't think that there would be anybody else there other than employees.

TM - That should just be for employee use. When we have sites that are used by trucks coming and going, we have that type of condition included.

The PC asked the applicant, Gary Lynch (GL), to come forward to add comments or answer questions regarding the request.

Brian Lynch (BL) - Our proposal is to add two more 90,000-gallon tanks. It's a fairly quiet facility, we generally only have one employee that goes through there a day. It is not a high traffic area. It is a fairly large expansion, but it is more for energy security for our customers with the energy consolidation pipeline reversal. They shut a terminal down in Mankato. We would like to have at least a week's supply to satisfy our customers heating needs in the dead of winter versus a day or two supply. As you can see it is not our truck terminal. We generally only keep about 3 trucks there; I think our proposal was up to 6 trucks and 6 employees. That is not the case, we like to keep it quiet. It's just for longer term storage and like I said for energy security.

GJ - You are aware of the 12 conditions? Obviously, all of them being the same except the addition of the two tanks.

BL - Yes. We have everything done. We had to let the berm settle for a year so we did not tackle the trees. That will be done this spring.

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

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

Discussion:

KE - My only concern was the planting of trees, but he addressed that.

GJ - Looks like a pretty quiet site.

JC - I can attest to that, it's in my area and I travel through there a lot.

KE - I do as well for work.

MP - I am totally for it. Having more storage on site, whether it's the dead of winter or for fall tilling. I think it is just business needs, so I am all for it.

JC - I motion to approve subject to the 12 conditions.

MP - I second.

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

5. **Interim Use Permit/Bongers - Section 5, Cannon City Township**

Roger Bongers, on behalf of landowners Roger Bongers and William Bongers, has applied for an Interim Use Permit to continue operation of an aggregate mining crushing and washing operation. The property is described as: Part of the W1/2 of the E1/2, Section 5, Cannon City Township, Rice County, Minnesota. PID#s 11.05.4.25.002 & 11.05.1.50.001. Property address is: 2598 158th St E, Faribault, MN 55021. The property is Zoned A, Agricultural and WS, Wild and Scenic.

Motion by Matt Purfeerst, seconded by Ken Engen, to recommend approval of the Interim Use Permit with the following conditions and findings for Roger Bongers, on behalf of landowners Roger Bongers and William Bongers. The property is located in Section 5 of Cannon City Township.

RESULT: Approved, AYES: Julia Hogan, Garrett Johnson, Matt Purfeerst, Ken Engen, Jim Cihak, NAYS: None

CONDITIONS OF APPROVAL – Bongers – Interim Use Permit (IUP)

1. The Interim Use Permit (IUP) is for a sand and gravel mining, crushing and washing operation. Crushing operations shall only occur in the A, Agricultural zoned area of the property.
2. The landowner and operator(s) 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.
3. This Interim Use Permit (IUP) shall be valid for a period of five (5) years from its issuance and must be renewed prior to that time or the site completely restored. Failure to renew the permit or to restore the site shall result in the County exercising the bond and using the proceeds to restore and properly close the site.
4. The applicant or operator shall furnish a six (6) year \$100,000 bond, or other approved financial surety, for haul road repair and for site restoration. All sureties shall be reviewed and approved by the Rice County Attorney's office prior to any work on site.
5. The mineral extraction mining operation shall be restricted to the area on the applicant's submitted site plan, subject to compliance with setback requirements. Any other deviation from these boundaries will require application for a new Interim Use Permit. Mining boundaries and required setbacks shall be marked onsite prior to mining and markings shall be maintained throughout the operation.
6. The hours of operation shall be limited to between the hours of 7:00 a.m. and 7:00 p.m. Monday through Friday and 7:00 a.m. to 3:00 p.m. on Saturdays.
7. A 20-foot setback shall be maintained between the operation and all property lines. A 100-foot setback shall be maintained from any road right-of-way. All setbacks shall be marked prior to mining and markings shall be maintained until the site is restored. No equipment or materials shall be stored within the setback area. Previously mined areas within the setbacks may be graded and restored as shown on the mining final restoration plan.
8. The banks shall be sloped at a minimum 4:1 (Horizontal: Vertical) and the operator shall be required to keep the pit or excavation in such conditions as not to be in danger of caving or sliding banks, to ensure stability.
9. Topsoil from the excavation site is to be stockpiled on the premises for use in restoration of the site. No topsoil is to be removed from the site.
10. The applicant is to follow the approved reclamation plan. Reclamation shall be ongoing so that previously mined land is reclaimed as new areas are opened to mineral extraction, at no time shall more than 10-acres be open to mining use. The site is to be completely restored upon completion of permit.

11. The applicant is to be responsible for repair of county, state and township roads adjacent to the site due to damage hauling from the site. The roads are to be restored to their original condition after the gravel mining operation ceases.
12. All access drives within the site and to the paved county road 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 drive from leaving the property during mining or hauling activities on the property.
13. Solid waste shall not be placed in the gravel pit; illegally dumped material shall be immediately removed by the applicant.
14. The site is to be cleaned of all debris and equipment after closure of the pit.
15. "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.
16. The site shall be secured at access points.
17. Failure to comply with conditions may result in revocation of the Interim Use Permit (IUP).

Hearing Minutes:

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

MP - The no work zone on the bottom, I just want to clarify, that's in the Ag district so they can't mine in there?

TM - No, that is in the Ag district where they are able to do that. Those are areas where they are done mining. But they would be south of that line if they do set up crushing or washing on the site. I don't believe that they set up for that in the last 5 years but they do have that option to. That has been fairly important to be able to do. There is another mining operation to the west and because of Wild and Scenic Zoning they are unable to do that type of processing. So, if there does become an operation that needs crushing or washing facilities, they have a space to do that on this site.

The PC asked the applicant, Roger Bongers (RB), to come forward to add comments or answer questions regarding the request.

William (Bill) Bongers (BB) - I actually live right across the road from the site. Nobody asked about those tires in the ditch there.

JC - I was going to.

BB - They are temporarily there for crossing the blacktop. It is just a nicer way to cross the black top so you don't chew it up.

JC - I fully understand that.

BB - This is just to cover our backside in case there is any more crushing or washing. There is a bunch of 1.5-inch rock and boulders in there. It is mostly used for the big yellow pile everyone questions when they drive by. It's for the farmers, they bed cattle with it. It's actually sandstone. It is pretty quiet down there.

GJ - Are you aware of the 17 conditions?

BB - Yes, it's been a while since I read them.

GJ - They should be similar to your previous permits.

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

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

Discussion:

GJ - It looks like a normal gravel pit permit.

MP - I go by there quite a bit and it is pretty quiet. And they do haul sand out to all the farmers, so he is

spot on.

GJ - It seems that everyone is aware of where they can and can't do stuff.

MP - I motion to approve.

KE - I second.

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

6. Interim Use Permit/Kiellmeyer - Section 34, Webster Township

Corey Kiellmeyer, on behalf of Kiellmeyer 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 2025. 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 Matt Purfeerst, seconded by Engen, to table the Interim Use Permit for Corey Kiellmeyer, on behalf of Kiellmeyer Construction Inc to the April 3, 2025, Planning Commission meeting. The property is located in Section 34 of Webster Township.

RESULT: Approved, AYES: Julia Hogan, Garrett Johnson, Matt Purfeerst, Ken Engen, Jim Cihak, NAYS: None

7. Interim Use Permit/Kiellmeyer - Section 10, Wheeling Township

Corey Kiellmeyer, on behalf of Kiellmeyer 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 2025. The property is described as: the NE1/4 of the NW1/4, Section 10, Wheeling Township, Rice County, Minnesota. The property address is: 15905 Johnson Trail, Nerstrand, MN 55053. PID# 12.10.2.00.001. The property is Zoned A, Agricultural.

Motion by Matt Purfeerst, seconded by Ken Engen, to table the Interim Use Permit for Corey Kiellmeyer, on behalf of Kiellmeyer Construction Inc to the April 3, 2025, Planning Commission meeting. The property is located in Section 34 of Webster Township.

RESULT: Approved, AYES: Julia Hogan, Garrett Johnson, Matt Purfeerst, Ken Engen, Jim Cihak, NAYS: None

8. Interim Use Permit/Kiellmeyer (Donkers) - Section 12, Walcott Township

Corey Kiellmeyer, 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 2025. 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 Ken Engen, to table the Interim Use Permit for Corey Kiellmeyer, on behalf of Paul Donkers to the April 3, 2025, Planning Commission meeting. The property is located in Section 34 of Webster Township.

RESULT: Approved, AYES: Julia Hogan, Garrett Johnson, Matt Purfeerst, Ken Engen, Jim Cihak, NAYS: None

IV. Adjournment

Hearing no other items before the PC, a motion was made by JC, second by MP, to adjourn the meeting at 7:09 pm. Motion carried 5-0.

Respectfully Submitted

Planning Commission



**MacKenzie Klett
Office Support Specialist**



Garrett Johnson, Chair