

**OFFICIAL PROCEEDINGS OF THE
RICE COUNTY PLANNING COMMISSION
Commissioner's Room / Government Services Building
Thursday, April 3, 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 6:49p.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 Julia Hogan, reading of the notice

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

C. Motion by Jim Cihak, seconded by Matt Purfeerst, approval of the updated Agenda

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

TM - There were two requested changes for this evening. Under new business, item 2, the Waiver of Plat for Carlander, they have requested the item be tabled. They wanted to make some changes to the parcel. So, I would suggest tabling that as part of the agenda approval to the next meeting on May 1, 2025. The other request is for new business item 4. They have asked if it's possible to move it up. They have some conflicts with child care and would like to get it done earlier on the agenda. Those are the two changes I have heard.

GJ - Tabling new business item #2 and moving new business item #4 to the front of old business.

D. Motion by Ken Engen, seconded by Matt Purfeerst, to approve the minutes of March 6, 2025

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

Note: New Business item #4 was heard prior to Old Business items and rest of agenda per item C of the Call to Order. Minutes follow published agenda order.

II. Old Business

1. 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 Julia Hogan, to recommend approval of the Interim Use Permit with the following conditions and findings for Corey Kiellmeyer, on behalf of Kiellmeyer Construction Inc. 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

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

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 from approval through November 30, 2025.
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).

JH - Has staff received any comments?

TM - No, not any recent comments on this site. In the past, there have been issues and concerns with the mining activity and proximity to the road right of way. That was several years ago and there has been quite a bit of filling done since then to kind of fix up that area.

JE - I did receive a phone call recently from a nearby resident expressing desire to keep vehicle operations on the tar road and not the gravel road.

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

CK - The summary sums up what we are after. I would like to put our crusher in there and make gravel.

JH - Did staff relay that message that they received a call?

CK - No, but there is a sign right on that road that says trucks hauling to stay off that road. And we typically don't go on that road.

JH - Okay.

KE - Are you aware of the 10 conditions?

CK - 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:

JH - I remember there were some previous issues here a couple of years ago. But it seems like everything was buttoned up and conversations were had, and it seems like there haven't been any issues.

GJ - They have been addressed.

JH - Yes, and it sounds like there is signage for trucks to stay on certain roads.

GJ - I know it can be tough to keep all of them off if they are not from their company, but signs should help deter that.

TM - There would be one change you need to make with the start date to the end date. Since this item was tabled, it's going to be later than April 1st. So possibly just changing that wording to say "aggregate crushing operation from approval until November 30, 2025".

MP - I motion to approve with condition #4 being amended to today's date.

JH - I second.

TM - I just want to make sure that when you said today's date that you meant the actual approval from the Board of Commissioners meeting on April 22nd.

MP - That is what I meant.

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

2. **Interim Use Permit/Kielymeyer - Section 10, Wheeling Township**

Corey Kielymeyer, on behalf of Kielymeyer 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 Ken Engen, seconded by Jim Cihak, to recommend approval of the Interim Use Permit with the following conditions and findings for Corey Kielymeyer, on behalf of Kielymeyer Construction Inc. The property is located in Section 10 of Wheeling Township.

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

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

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's 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 from approval through November 30, 2025.
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 County Road 30 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).

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

CK - We are not going to be mining in there. We are going to be crushing asphalt that is coming off County Road 27, where the big curve is coming into Nerstrand. They are redoing that road, so they will be hauling it in and we will crush it and then they'll put it back down. That's the intention.

GJ - Are you aware of the conditions?

CK - Yes and with the change to #4.

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 - Makes sense.

KE - I motion to approve, changing condition #4 to when approved through November 30, 2025.

JC - I Second.

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

3. **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 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 Ken Engen, seconded by Matt Purfeerst, 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: Julia Hogan, Garrett Johnson, Matt Purfeerst, Ken Engen, Jim Cihak, NAYS: None

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

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 from approval through November 30, 2025.
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).

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

CK - Just looking to crush some gravel in there.

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 - Looks pretty easy.

KE - I motion to approve with the 9 conditions, changing #4 to be upon approval through November 30, 2025.

MP - I second.

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

III. New Business

1. Interim Use Permit/Miller - Section 4, Forest Township

Austin Miller has applied for approval of an amendment to an Interim Use Permit for a Home Occupation syrup blending and bottling company. The property is described as: Part of the SW 1/4, Section 4, Forest Township, Rice County, Minnesota. The property address is: 4566 Clearwater Trail, Lonsdale, MN 55046. PID# 06.04.3.75.001. The property is Zoned A, Agricultural.

Motion by Julia Hogan, seconded by Matt Purfeerst, to recommend approval of the Interim Use Permit with the following conditions and findings for Austin Miller. The property is located in Section 4 of Forest Township.

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

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

1. The Interim Use Permit (IUP) is for a home occupation maple syrup business consisting of a commercial kitchen with processing, storage and packaging areas within the existing 2000-sqft storage building.
2. There shall be no more than one employee of the business that does not reside in the onsite home.
3. All vehicles and trailers stored/parked onsite shall be operable and have a current license.
4. There shall be no outside storage of commercial materials or equipment on the property.
5. The applicant is to follow all Federal, State, County and Local rules and regulations.
6. Prior to any additional inputs being added to the onsite septic system, a septic permit shall be obtained.
7. Failure to comply with conditions may result in revocation of the Interim Use Permit.

Hearing Minutes:

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

JH - There haven't been any compliance issues with their existing IUP that staff know of, correct?
 TM - No.

The PC asked the applicant, Austin Miller (AM), to come forward to add comments or answer questions regarding the request.

AM - We were here a few months ago and got the approval to have a concession trailer for our bottling facility. We realized after we bought some new equipment and everything was going great that we needed a lot more space than what this provides. We aren't looking to add any additions to this building, it would just be building a room within the existing shed that would be utilized as commercial kitchen space. We will need to add all new septic, and we will be drilling a new well. Permits will be pulled and everything will be done by licensed contractors as far as the major trades go. We plan to follow through with that, just looking for permission to scrap the trailer and use the building.

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 - Small business growth.
 JH - Sounds like they need more space, which isn't a bad thing.
 MP - The bacon maple syrup must be selling well.
 JH - I motion to approve with the 7 conditions.
 MP - I second.

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

2. Waiver of Plat/Carlander - Section 3, Walcott Township

John Carlander and Matthew Carlander have applied for approval of a Waiver of Plat to create a 2.5-acre building site through the use of a Transfer Development Right (TDR). The property is described as: Part of the NW1/4, Section 3, Walcott Township, Rice County, Minnesota. PID# 15.03.2.50.001. The property is Zoned A, Agricultural.

Motion by Jim Cihak, seconded by Matt Purfeerst, to table the Wavier of Plat for John Carlander and Matthew Carlander until the May 1, 2025 Planning Commission meeting. The property is located in Section 3 of Walcott Township.

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

3. **Waiver of Plat/Sorgatz - Section 13, Morristown Township**

David Sorgatz has applied for approval of a Waiver of Plat to create a 4.41-acre building site through the use of a Transfer Development Right (TDR). The property is described as: Part of the SW1/4, Section 13, Morristown Township, Rice County, Minnesota. PID# 13.13.3.00.005. The property is Zoned A, Agricultural.

Motion by Ken Engen, seconded by Jim Cihak, to recommend approval of the Waiver of Plat with the following conditions and findings for David Sorgatz. The property is located in Section 13 of Morristown Township.

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

CONDITIONS OF APPROVAL – Sorgatz (Voegelé) – Waiver of Plat (WOP)

1. The new 4.41-acre Transfer Development Right (TDR) receiving parcel shall contain one principal 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).

JH - Will they have a hard time getting a driveway in there and meeting setbacks?

TM - They do have a driveway permit for the access point. I believe there is a condition that the township had on it about removing an old driveway for that. Not really a problem setback-wise with the driveway. They are going to have to be fairly careful with the house location, they do have a proposed location that looks like it meets everything. But if they were to vary from that they may have some difficulties.

JH - Because 18%?

TM - Yes, 18% slope over 50ft in length, so if there is a shorter slope, they can typically address that. But if it's a longer slope over 18% or more, the property either 1 or 2 to the East had a variance request for the slope requirement to do the grading. That was another transfer right from the same property.

JH - I am sure staff will become aware of that during the building permit process.

TM - Yes, with the building permit we will be looking at the slopes, as well as all the setbacks, whether from the road or livestock facilities in the area.

The PC asked the applicant, Benjamin Voegelé (BV), to come forward to add comments or answer questions regarding the request.

David Sorgatz (DS) - The spot that Jeremy is going to build on, I had a trailer there many years ago when I was farming with my dad. When he retired, I just moved across the road. I've been living there for 40 years. It is an ideal spot for a house.

GJ - Are you aware of the 6 conditions?

DS - Yes, that'll be fine.

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

Kim Halverson Kitzman - *Elkton Trail* - I am the owner of Halverson farms, which is the farm site

there. I do hold a state-licensed feedlot permit. The feedlot was there until September 2018, when it was removed by the tornado. In 2019, there were plans to rebuild, and then we all got hit with COVID and contracting was a bit of an issue. For the last 3 months, I have been in the process of moving through the contracting process, so I don't want this to inhibit my need to rebuild.

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

Discussion:

JH - It sounded like staff said that even with the location of the house, it would still meet the 1000ft setback, so there wouldn't be an issue with this proposed house and the feedlot. So even if this house does go forward, it would still be fine with the feedlot.

KE - I understood that TM said once you got across and off the road it would be passed the 1000ft requirement.

GJ - Perfect, looks like it should work out for both.

MP - Looks like a great spot for a house.

KE - I motion to approve with the 6 conditions.

JC - I second.

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

4. **Waiver of Plat/Voegele - Section 23, Shieldsville Township**

Benjamin Voegele 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 NW1/4, Section 23, Shieldsville Township, Rice County, Minnesota. PID# 09.23.2.25.001. 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 Benjamin Voegele. The property is located in Section 23 of Shieldsville Township.

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

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

1. The new 5.0-acre Transfer Development Right (TDR) receiving parcel shall contain one principal 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, Benjamin Voegele (BV), to come forward to add comments or answer questions regarding the request.

Megan Benzinger (MB) - My husband and I bought this property from Ben. I am currently a Faribault resident and I will be moving to Faribault again. We bought this plot of land from Ben, to build a

house, from ag to residential. Mine is a pretty cut and dry case, I don't have anything with my land or any issues.

GJ - Are you aware of the 6 conditions?

MB - 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:

JH - Looks pretty cohesive with the surrounding larger parcels with single family homes. So, it wouldn't be out of place.

KE - It's what TDRs are for. I motion for approval with the 6 conditions.

MP - I second.

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

IV. Adjournment

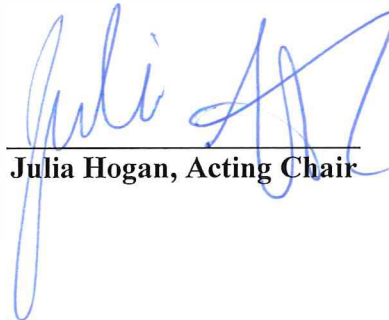
Hearing no other items before the PC, a motion was made by JC, second by MP, to adjourn the meeting at 7:20 pm. Motion carried 5-0.

Respectfully Submitted

Planning Commission



**MacKenzie Klett
Office Support Specialist**


Julia Hogan, Acting Chair