

Approved

Supervisor's Planning and Zoning Meeting
Minutes March 02, 2021

Silver Creek Township

On Tuesday March 02, 2021, the Silver Creek Planning and Zoning Committee met at the Silver Creek Town Hall located at 3827 134th Street NW, Monticello, Minnesota 55362, Wright County, and State of Minnesota. The meeting was tape recorded for transcribing purposes only. Vice Chair Heikkinen called the Supervisor meeting to order at 7:00 p.m. There were 16 people in the audience at the start of the meeting. All present stood and recited the pledge of allegiance to the Flag of the United States of America. Motion by Supervisor Ludenia to continue the Supervisor Meeting until after the P & Z Meeting. Second by Supervisor Klein. All present in favor. Motion Carried. P & Z Chair Richard Chwalek continued with the P & Z Meeting. Discussed that the meeting is now being recorded and can also join via Zoom.

Members Present:

Chris Klein	Richard Chwalek	
Dan Ness	Mike Ludenia	Mark Egge via Zoom
Barry Heikkinen	Tom Vanek	Dan Mielke

APPROVAL OF THE CONSENT AGENDA ITEMS:

Minutes of 02/02/2021. Motion to continue minutes to the next meeting by Supervisor Klein, Second by Supervisor Ness. Motion carried

CHAIR REPORTS: None

New Business:

Knife River 4301 CR 39: Boundary request withdrawn at this time: Yearly request for the purpose of asphalt plant operations, truck hauling and stockpiling/storage of recycled materials for the 2021 construction season. Mark Magnuson was present to discuss the CUP for the purpose of asphalt plant operations and bringing in granite storage and the asphalt plant. Hours of operation would be Monday-Saturday 7 am to 7pm with a 6:30 am generator start up. No Sundays. Wright County bids will be let this Friday, so don't know how much work they will have. Last year they moved the plant back and turned it to help with noise, the new entrance and exit was completed. They may have worked one Saturday last year. The request is pretty much the same as last year. There will be some crushing. They use additives to mask odors. The bad odors are if they have to use the polymer oils mostly on State jobs when they are required to use it. They do try to mask it but when you get a low pressure zone it can be a problem. Supervisor Heikkinen asked if they would be open to starting a little later on Saturdays. They thought they could, they are hoping not to run on Saturdays, unless they are mandated by the State to do so. Wayne L who lives across from the pit has concerns with trucks with straight pipes. He had pictures of trucks that were a problem. The smoke was worse in the fall when a different plant moved in.. Knife River discussed what they had done, there were trucks that they kicked off the job site last year and would like you to call if there are problems so they can deal with it. The smoking was probably the use of the different oils and they do put in additional additives when they hear about it. They kept some of the pictures to check into it. Tom Paumen with property south of the plant was concerned that when the new extension opened there was no berm put up or silt fence put in, so the runoff from the hill is going in his wetland. There was no weed spray applied so the seeds come unto his property. Mr. Magnuson would like them to meet with John Henry out there and discuss what needs to be done. Someone from the Township will

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meet with them also. Tom should call the Township or the County if there continues to be problems. Another resident has an issue with the tall sand piles that cause sand blasting on his property when the wind is strong. Also there are people that are trespassing on the pit property. They can meet with Knife River out there also to discuss what can be done. If people are seen in the pit the Sheriff should be called to report it. Motion by Supervisor Klein to continue the CUP as in the past and as written. Just make a note when it goes to the County that representative from Knife River will meet with land owners concerning noxious weeds and sand blasting. Second by Tom Vanek. Amended to add that no trespassing signs are up to date. Motion carried unanimously.

MPM/Hoffman:(Johnson Pit) 14650/14584 CR 75: petitions to allow changes to the CUP only for the asphalt plant and only to complete the I-94 project. They request to allow overnight work for the 2021 season to haul asphalt, and to increase the number of Saturdays work days allowed between April 1 - November 15, 2021. They request that this be extended to the 2022 construction season in case the project is not completed in 2021. Mike Killian, Kevin Foster, Greg Tishbirek, Adrian Johnson, Lindsey Van Voert from MPM and Tom Dobberthein with Hoffman Construction were present to discuss the request. Wright Co. suggested that MPM and Hoffman combine their requests. They would like to amend the current CUP for the temporary asphalt plant at the Johnson Pit to allow the temporary plant to operate for the 2020 and 2021 season. The request is strictly for completing the I-94 job. In 2020 MPM only processed 35,000 ton of asphalt and in 2021 they are looking to produce 220,000 ton, to meet the schedule MPM they are requesting that overnight operations be allowed this season, Saturday operations be allowed during the season as well and would like no night hauling after 7pm condition be removed from the CUP. The first request for overnight work, we have not received a set schedule for the project for 2021 and will need to perform night work from April 1 to Nov 15, 2021. Overnight would entail operation for the asphalt plant and the hauling of asphalt. Overnight work would begin Sat.at 6pm. They will also need to increase the number of Saturdays allowed per season, since the project requires so much more asphalt than what was laid in 2020. They need the no night hauling be removed. Hoffman's will need to conduct overnight hauling of sand and aggregates and MPM will need to conduct overnight hauling for asphalt the project. There would be no night hauling Saturday night. MPM would also like the amendment to be extended to the 2022 season. The extension of the 2022 season is only to complete the I-94 project from Monticello to Clearwater. MPM request is to continue to operate out of Johnson's pit. They are requesting these changes to be able to complete the project as quickly as possible, will try to limit truck traffic with proper staging and traffic control plans. When the project is complete the plant will be removed from this location. Tom from Hoffman Construction said this is a design build project and it was delayed last year. Supervisor Forsman mentioned that there is a large dirt pile that is higher than the berm, will that be leveled off, (Mr. Johnson said yes it would) and will the odor be more controlled. MPM said they can add more additive to try and mask the odor. Supervisor Heikkinen asked if the loads were being covered and was told they should be because they do not want the asphalt to cool. He also asked if the start time can be moved from 6:00am to 8:00am. The new request is for Sunday morning to Saturday morning at 6am. They will not run Saturday night. The amended hours are only for the I-94 project 2021 and only into the 2022 season if needed.

Resident Johann Massmann said that the pit was supposed to be a 10 year deal, I should be shut already, if it is approved then some time down the road others will ask for it and say it is a past practice. If the owner or operator would say I'm going to close the plant as in the original agreement and it was in a contract form h might go along with it. The asphalt plant

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was not in the original agreement, why would the Board approve this. MR Johnsons feels there is still 300,000 tons of material left in the pit. Resident Sally Heikkinen had concerns about what the Township can do about the traffic speeds on the roads. Supervisor Forsman asked if the trucks be schedules so they are not waiting in line blocking the sight on the road. MPM stated that trucks hauling asphalt are not on 75 they are in the pit or on 94. They have been told not to park on 75 and they can only come 10 minutes before the asphalt operation starts. Tom with Hoffman said last year they started bringing the trucks to the truck stop and staging them there to keep them off of the road. If there is an issue he suggests that you call the Sheriff and report them. There have been no complaints to the Township, Hoffman's or MPM last year. Motion by Supervisor Forsman to have the petition be allowed for the 2021 season, with the option for 2022 to include all the requests. Motion carried 7-2

Kenneth Schwartz CR 75 PID 216-100-251200: Continued from 2-2 Request for a CUP to allow mining of material with processing to include crushing, screening and washing.

Supervisor Klein apologized if people were cut off at the last meeting and not allowed to speak about this request.

Paul Otto and Ken Schwartz presented the request. The County site inspection was done today and they meet with the County last month and it does meet all the County setbacks and it is allowed in the land use plan. The closest home is over 600 feet away. This is farther away from homes than other mines in the County. Ken pointed out on the map where the mining area would be, the rest of the property he would continue to plant crops. The County asked how much water the crushing uses; it is 200-250 gallons per minute while they are there. They may need a sediment pond. His family will be running the operation. How many phases will there be. Phase 1 would be 6-8 acres for 3 to 5 years. If a phase 2, it would move to the east. The land use for this area is Ag and mining is allowed. He is planning a berm, vegetation, grading, watering, and sweeping the road, and fencing along with the OSHA rules. The County will want a surety in place to clean it up when it is done. Question about the water drainage, Ken said he ask never seen water sitting, the plans to show that there will be a sediment pond in the bottom of the mine which will be 30 feet down. There is a State permit needed for water control. They will restore the area when done so it can be continued to be farmed. Is there a week control plan? He plans to mow what he can, but if a problem he will have to spray. The berms will be mowed. Berm will be along the highway and if needed others may be done. Question asked why an EAW not needed. Answer because the permit is only for the acres requested, so it would not be over 20 acres. Turn lanes will be needed on Hwy 75. Set back from the property line is 30 ft. If homes are close the County may require berms be put in. Attorney Stuart Alger was present to discuss Donna Pasternak and Scott Spears concerns and the reason why he feels this request is not allowed in this area, because not in the land use plan, property values would be reduced and would interfere with residents' use of their property. (Request to see the 40 page report) Residents in attendance gave their concerns. Noise and dust pollution, ground water problems, air quality, lower property values, storm water runoff, ground water supply, what happens if neighboring property lose their well water or if it is polluted, extra traffic and safety on Highway 75 for vehicles and for school bus stops. Other concerns were people getting hurt on the property and expansion of the pit in the future.

Mr. Otto feels that the County has told Ken that this request fits on the property. There are County & State rules that must be followed.

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Motion by Supervisor Klein to approve the CUP request, to abide to all the County conditions and terms they normally have for this. That there be some flexibility in the berm placement, that natural drainage is not altered to that it would impact neighboring properties and that there is adequate signage of mining activates and no trespassing. Second by Richard Chwalek. Motion failed 4-5.

Motion by Supervisor Heikkinen to deny the CUP request as listed on the application for Mr. Schwartz, second by Supervisor Ness. Motion Passed 5-4

Old Business:

Unfinished Business:

Misc.:

Upcoming Items:

ADJOURNMENT: A motion by Supervisor Klein to adjourn, second by Supervisor Forsman. Motion carried. The meeting adjourned at 9:55 pm.

Respectfully Submitted,
Silver Creek Township Clerk,
Nancy Betzler
03/02/2021 Minutes
Approved by Board of Supervisor's
04/06/2021
