

**Town of Gnesen Planning Commission
September 21, 2022 Minutes**

Members Present: Carter Williams, Kathy Buran, Pete Bergman, Kevin Middleton, Joe Ferguson, Dick Delano, Carol Jacobson, Nathan Horyza, Zoning Officer; and Sarah Blix, Planning and Zoning Secretary.

Members Absent: Sherri Underthun, Matt Thibodeau

Others Present: Bob and Joanie Vavrosky, Christine and Deke Melone, Russel Krook, Susie Bellefeuille, Sarah LeDoux, Austin Sersich, Steve Larson, Ted Raymond, Ross Benedict, Tom Kvas, Brett Bellavance, Tim Grahek, Jeff Carlson, Jay and Marcia Haller, Josh Elleson, Shanna and Andrew Lucero, DeeDee Elleson

APPROVAL OF AGENDA: A motion was made by Kevin to approve the agenda, second by Joe. All vote in favor.

APPROVAL OF MINUTES: A motion was made by Pete to approve the August 17, 2022 minutes, second by Dick. All vote in favor.

PUBLIC HEARING FOR CUP REVIEWS: Carter called the CUP Review Public Hearing for to order at 7:30pm. Ulland Brothers (Liberty, Palmer, and Oscar Pits) – Carter said that no “trucks hauling” signs were noted at any of the pits. Carol made a motion to require trucks hauling signs and that they are put out when pit is in operation and taken in at night per St. Louis County recommendations, second by Pete. Carter said he believed that the Commission had a discussion last year about the need for trucks hauling signs. Joe said that if it is in the ordinance then the ordinance stands. Carol changed her motion to read what the ordinance states which is, *All entrances and exits shall be constructed so as not to create a safety hazard and, during the hours of operation of the pit, “Trucks Hauling” signs shall be placed along all public roadways leading to the pit at a distance not less than five hundred (500) feet from the pit access road. Signs must be removed or covered when the pit is not in use for more than a forty-eight (48) hour period.* Second by Pete, all vote in favor. Carter stated that with that motion all pits are required to utilize trucks hauling signs as it states in the ordinance. Carter said as for the Oscar pit, it was noted that ground water was being used to wash aggregates. Nathan asked if it has been authorized by the DNR to do so. Nathan said that proof of such authorization is required by the Township so that we know it is ok to use the groundwater for this. Tim stated that he can get something from the DNR for the Township for our files. Carter questioned Tim what is happening in the Palmer pit. Tim stated that it is currently being used as a screen plant to process aggregate. Carter made a motion to approve the CUP reviews for Ulland’s three pits – Oscar, Liberty, and Palmer with the conditions that trucks hauling signs will be utilized as stated in the ordinance and DNR approval will be sent to the office stating that it is ok for Ulland to be using groundwater to wash aggregate, second by Carol. All vote in favor. Deke Melone stated that the smell that is coming from Ulland’s hot mix plant has returned and that he believes it is being driven by the direction of the wind. Deke said this should be considered when approving the CUP review as the odor has not been mitigated. Carter suggested setting up a separate meeting to discuss the hot mix plant. Joanie Vavrosky said she is questioning whether the permit should even be approved tonight or not. Carter said that he hears their concern and asked if the Commission could finish the CUP reviews and come back to the hot mix plant issue. Members of the audience agreed that this would be ok. KGM Contractors (Snow Creek, Abramson Pits) – Nothing noted during the pit inspections. Carol made a motion to approve the CUP reviews for both the Snow Creek and Abramson Pits, second by Kathy. All vote in favor. Viele Contracting – Sarah stated that there was not an updated reclamation plan turned into the office. Kevin made a motion to approve Viele’s CUP review with the condition that they will get an updated reclamation plan turned into the office, second by Pete. All vote in favor. St. Louis County Twin Pines Pit – Carter stated that there had been resident complaints about noise coming from the pit earlier this year. Ross Benedict stated that at this time there is no activity in the pit. Ross said that the logging was not a pit activity that was under his control. Pete made a motion to approve the CUP review for St. Louis County, second by Kevin. All vote in favor. Cedar Drive Excavating – Gary Juten was not in attendance for the CUP reviews. Sarah

stated that no complaints have been made to the office. Carol made a motion to approve the CUP review for Cedar Drive Excavating and to notify them that they are required to utilize trucks hauling signs as stated in the ordinance, second by Carter. All vote in favor. Salvage Yards: Ted Raymond, Steve Larson, and Brian Johnson – Carter made a motion to approve the CUP reviews for all three salvage yards, second by Kevin. All vote in favor. Greenhouses: Suzie's Greenhouse. Dick made a motion to approve the CUP review for Suzie's Greenhouse, second by Carol. All vote in favor. Seeds of Hope Youth Ranch – Kevin made a motion to approve the CUP review for Seeds of Hope, second by Carol. All vote in favor.

PUBLIC DISCUSSION: Joe said to all residents who were in attendance at tonight's meeting that the Commission is aware of the problems they are experiencing with the hot mix plant on Rice Lake Road. Joe said the Commission receives all the complaints that come into the office. Joe stated that Ulland has been trying to resolve the problems and was questioning if there was any documentation from the MPCA stating that Ulland is in violation of any air quality standards. Joe said unless there is evidence, the Commission cannot deny their CUP permit simply because neighbors complain of odors. Deke said he understands and said he is not accusing the plant of not following MPCA standards but was wondering if there was more that can be done. Deke asked if the hotline number that Ulland had established can be sent out to more than just the Sunshine Lake residents. Carter replied saying that any complaints could be called into the office which has always been the procedure but so far none have come in. Carol said that she checked with Bubbling Brook Child Care Center and they have not made any complaints. Deke stated it is not in line with the Comprehensive Land Use Plan. Joe said that the Commission can't go backwards on issues only forward and that Ulland's has been around for a long time. Joanie stated that the Comp Plan authorizes the creation of regulations for land use and that one of the Comp Plan goal statements says, "*Gnesen Township will work to mitigate impacts of industrial development that would degrade the rural character of the township, quality of life, and services.*" Carter said that he interprets that as new industrial development not a company that has been operating in the township for the last 30 years. Bob Vavrosky stated that the MPCA does not test foliage or groundwater and that the EPA needs to come in and test as well. Bob said there has been a change in the environment over the last 30 years resulting in a basic decline regarding birds, bees, butterflies, etc. Bob said that there have been many solutions offered to Ulland such as moving the hot mix plant so that residents can maintain the green, quiet environment Gnesen is known for. Deke said he wants to thank Ulland for the efforts they have done so far and that he wants to keep working with Ulland's. Deke suggested postponing approving the review for a month and have Ulland come back next month with a plan on what they can do to try to mitigate the problem. Jeff Carlson said that Ulland's has tried using the ecosorb product and are currently using a counter flow plant. To try to eliminate the odor issue they have since bought a new drum plant, which is the newest technology, to replace the counter flow plant. Jeff said they have only gotten 7 complaints – 2 about noise, 1 about wood smoke at night. Jeff said there is a quality control manager on site every day. Brett Bellavance added, if you have an air quality permit than you are complying and that he feels that Ulland has been going above and beyond this past summer to try to be a good neighbor. They have been doing stack testing to see why maintenance and tuning isn't working. Brett said all tests so far show that they are in compliance. Ted Raymond asked if the topography of the lake could cause the smells to hang around longer. Brett said that the topography could definitely play into it. Tim Grayhek said that stack height could be added to help disperse the air rather than having it hang where people can smell it. Joanie asked if Ulland would be willing to work with residents to come up with a plan. Carter said that there was already a motion made to approve the review of Ulland's CUP, but asked if any of the Commission members wanted to make an amendment to that motion. Joe said he would make an amendment to add Ulland Brothers will continue to work with neighbors to develop a further plan to mitigate odor problems and provide updates to the Town Office, second by Dick. All vote in favor. Carol said she would like to thank Ulland for all the time and efforts they have put into this already.

Suzie's Greenhouse parcel split – Nathan stated that in a SR zone you need a principal dwelling and that by splitting it off you create a commercial zone. Carol questioned Nathan because a gravel pit does not need a principal dwelling to have a CUP. Nathan said that this is what the attorney told him and he was just relaying it to the Commission. Nathan said that splitting off and selling the greenhouses is not the original intent of the

CUP. Dick said that it was discussed that Suzie's used to be considered agricultural but then somewhere along the way that rule got changed. Carter asked if greenhouses are allowed in SR zones with a CUP and Nathan said yes. Sarah stated that she thought greenhouses were allowed with an IUP in SR zones not a CUP. Nathan apologized and said yes, greenhouses are allowed in a SR zone with an IUP according to our ordinance. Nathan said that according to the ordinance Suzie's was done wrong initially. Nathan said he was not at the August meeting but heard that Suzie was given the ok to move forward with the parcel split. Sarah reminded the Commission that Suzie had come in asking for guidance because she needed to get a survey done but didn't want to pay for one if she wasn't going to be allowed to split her parcel. The Commission was given two options for a split and they told her what option they approved. Nathan said that he will get ahold of Suzie and let her know that what she is proposing is not allowable. Sarah asked if our ordinance states that for a CUP in a SR zone a principal dwelling has to be attached. Nathan stated that there is specific language that states you are allowed one accessory structure to be constructed prior to the principal dwelling being built.

CONTINUING BUSINESS:

Communication Tower Moratorium: Reconvened Public Hearing is scheduled for Monday, November 14, 2022 at 7:00 pm.

Short Term Rental: Public Hearing is scheduled for Monday, October 24, 2022 at 6:00 pm.

Nuisance Ordinance and Administrative Fine Ordinance: Nathan said there has been a lot of discussion on how to deal with ordinance violations in the Township. Nathan said he reached out to Mike Couri and asked if the sample nuisance ordinance he had provided could be tweaked to fit the township's needs. Mike had explained the need for a nuisance ordinance is because ordinances can be grandfathered in while nuisance ordinances cannot and they can be retroactive. Nathan said he brought this to the Town Board already and is asking the Commission to create a subcommittee to redline both the sample nuisance ordinance and the administrative fine process so they are relevant to Gnesen Township. Carter asked the Commission if anyone was interested. Kathy, Joe, and Carol all said they would help Nathan. Carol will set up the meeting. All communication will go through Sarah in the office.

NEW BUSINESS:

IUP vs CUP: Nathan said that many municipalities are using more IUP's rather than CUP's because IUP's have a time limit on them whereas CUP's are indefinite unless the CUP get revoked. Carter mentioned that an IUP is also not recorded on the deed like a CUP is. Nathan stated that if that is a change that the Commission would like to pursue then they would need to change the chart in the ordinance. Sarah will provide the chart at the October meeting to discuss then.

ZONING OFFICERS REPORT: 7049 Van Road – Nathan was contacted by a potential buyer because it was found that an addition was added without a permit. The potential buyer asked Nathan what he could do. Nathan said that by purchasing the property the purchaser would inherit the problem. Nathan said that on E Van Road a storage building was built without a permit. The resident thought a 150 sq ft building could be constructed without a permit. Nathan said that while that is true you are still required to meet all setbacks. Mn Power has sent the township their preliminary plans for unnamed plat 11.

BOARD MEMBERS REPORT: None

The next P&Z Meeting will be held on Wednesday, October 19, 2022 at 7:30 pm.

A motion was made by Pete to adjourn, with a second by Dick. All voted in favor. Meeting adjourned at 9:09 pm.

Respectfully submitted,

Sarah Blix, Planning and Zoning Secretary

Carter Williams, Acting as Planning Commission Chair

Date

Date