Becker
Joint Planning Board

April 22, 2014

Becker Town Hall
12165 Hancock Street
Becker MN 55308

Agenda

7:00 p.m.

1. Call Joint Planning Board Meeting to Order
2. Minutes of March 25th, 2014
3. ML Schendzielos and Son, IUP Request
   - Resolution JPB 14-04
4. City of Becker, IUP Request
   - Resolution JPB 14-05
5. Comp Plan
6. Other Business

8:00 p.m.

5. Adjourn

BECKER JOINT PLANNING BOARD
MEETING MINUTES
APRIL 22, 2014

Present: Mark Limpert - Chair, Brad Wilkening, Tracy Bertram, Gary Hammer, Jerome Kleis, Lucinda Messman
Absent: None
Also Present: Richard Schieffer – Township Attorney, Kelli Neu – Planning and Zoning Staff, Amanda Fielder – Planning and Zoning Staff, Joe Danielson – representing Becker City for their IUP, Lynette Brannan-representing Kim and Greg Konerza who were unable to attend, Todd Schendzielos – M.L. Schendzielos and Son,

Residents attending in opposition to the M.L. Schendzielos IUP: Gary Gilbert, Jason Andersen, Ann Gilbert, Pat R. Burns, DiAnn Boon, Terry Schroeder, Dean Krisko, Jessica Norlin

Meeting called to order by Chair.

Motion to approve minutes as distributed by Bertram, second by Wilkining. Motion carried, all voting in favor.

Schendzielos & Son IUP Request. Kelli Neu reviewed all documents and notes from the Planning Commission public hearing that was held 4/14/2014. See file IUP:JPB RES 2014-04: Schendzielos/Farr for full documentation.

- Site plan changed at the public hearing due to concern of one resident regarding traffic patterns and wear on the shared driveway. Residents present have an easement on the drive owned by Mr. Farr.
- Attorney Schieffer also suggested a change of direction when hauling material out to keep empty trucks on the driveway.
- Review of original IUP and amended condition changes
- PC recommended approval of the IUP with the stated condition changes as noted in JPB RES 2014-04 (brief summary below)
    - Additional entrance for the site stockpiling area
    - Trucks to follow new path as indicated in revised site plan attached to resolution
    - End date for the IUP to be 12/2014 rather than 12/2015
    - Addition of clause "If the Town receives two substantiated traffic complaints from neighbors the Planning Commission will re-address the site plan and traffic flow to determine a new site design."
    - Allow only a dozer, motor grader and water truck to remain on site during the IUP
    - No signs other than traffic control and safety signage allowed
    - Property to be restored to original use rather than residential yard as the property is currently a non-irrigated section of field
- After the Planning Commission meeting, staff received two calls from neighbors regarding concerns about this IUP
- Gary Gilbert provided a letter with some of his concerns noted (see file)
- Since the Planning Commission meeting, there have been several changes to the amount that may actually be stockpiled. It may decrease to as little as 10,000 yards, but IUP still requests for up to 30,000 yards due to the unpredictability of weather and timing issues. Mr. Schendzielos feels that he will probably only need to stockpile 5,000 -10,000 yards max now, but since he started the IUP, he wants to keep pursing so he has a location to stockpile material if needed.

- Discussion ensued regarding what has happened to this point. Chair reviewed basics with the audience then opened up the floor for public comment. [*concerns were voiced in quick succession, answers come later in the minutes*]
- Q: Why is there interest in putting this material here at all? Resident, who attended the Town Board meeting on 4/21/2014, stated that it sounded like all material would be used and there should be no need to stockpile anything. A: Timing. Mr. Schendzielos's contract with the county requires that he move 4,000 yards of material out each day. While the materials are slated for other areas, he must follow the contract timing. There are many variables, including if the roads where the materials are going to go are ready for work or not. He plans to move material directly to the new location whenever possible as it is better for all involved, but he must get the material out of the way in order for the county road 11 project to be completed in a timely manner.
- Q: easement use driveway – while Mr. Farr owns the drive, it is a shared use driveway. School bus, horses, teen drivers, amount of traffic already on the drive (20 vehicles per day) are all concerns of the residents. A: while the board understands the resident concerns, county road 11 upgrades are needed. Traffic should be lessened as CR 11 will be closed to through traffic at this time.
- Concern: dust is another reason everyone is concerned. Residents do not wish to have the property owned by Mr. Farr look like a gravel yard. They feel there has been poor information given and that is why they are here. They do not support this IUP at all.
- Concern: Traffic concerns after CR 11 is reopened is another concern. They do not want to fight trucks on the road and in their driveway.
- Concern: why will it take 7 months to get the dirt off the field? Won't this mean dealing with dump trucks in and out for 7 months and trying to get around dump trucks and onto CR 11 and worries about safety of drivers living off the shared driveway? Much discussion ensued regarding how materials will come in and out of the site. The site plan was examined and discussed.
- Concerns voiced by a resident who has a well 45 yards from the site and chronic asthma/respiratory issues:
    - They live south of the tree line where the stockpiling will occur. They are concerned if the material being placed is clean – has it been tested for lead or other contaminates that may damage their water supply? Right now, all that Mr. Schendzielos can speak to is that the boring that shows silty sand is the material to be stockpiled.
    - How many letters were sent to residents?
    - Worries voiced due to medical condition and amount of dust this will generate as the pine tree row shown on the site plan are scarce. A: Stockpile is to be watered to keep the dust down.
    - Threat of lawsuit issued (from a John Peterson). Chair instructed all present that the board will not speak to threats.
    - Concern over the timelines and again voiced that none of the neighbors of Mr. Farr are for this also over the legality of this notice as there were some items listed that the residents found to be mis-leading in the letter sent out.
- Q: Is the property owner getting something out of this? A: Yes
- Q (Mr. Kleis to Attorney Schieffer): Legally, did we get the timing right on notices? A: Yes. The notice is proper because residents have shown up for the meeting. Whether the words were

proper in the letter won't matter as everyone got the message that the meeting was occurring. Therefore notice is proper.

- Staff: Mailing list was created and sent using the property tax record notice that is on file with the county. There were no glitches in this. One resident did not receive the letter as he recently purchased his property from Mr. Gilbert and Mr. Gilbert received that copy. One other resident did not receive notice, but it was due to postal error, the notice was mailed and published in the *Citizen* newspaper. This is typical of how notices are distributed.
- Notice is in dispute because of a clerical error.
- Mr. Gilbert asked why we are talking about notices and such – we need to discuss solutions. The primary concern is safety due to speed and dust.
- Residents asked if there is a better location and much of the above was repeated and discussed again with more residents stating opinions (one asked to see Mr. Schendzielos's contract with the county for this project).
- The board explained that they are not in charge of selecting sites. They are charged with approving or denying what is before them – Mr. Schendzielos's Stockpiling IUP. They now know that the neighbors are not thrilled with this. Mr. Schendzielos also mentioned that he did not know, until the Planning Commission meeting, that the neighbors did not like this action. His agreement on the land is with Mr. Farr, the property owner, who did not indicate there would be any issue. This is not to be a long term project. Mr. Schendzielos's goal is to put as little material on the site as possible, hauling it directly to other locations if at all feasible.
- Time manner concerns: Mr. Schendzielos stated that 4,000 yards is what he can move each day (resident asked if he could move it all to his Clearwater location). The reason for the stockpiling near the CR 11 project are:
    - Timing – each road project of Becker Township that will receive dirt needs to have signs placed and then moved to new locations in accordance with MN DOT safety.
    - Mr. Schendzielos stated that he cannot stop the backhoe and trucks moving out the 4,000 yards due to signs needing to move to new locations – he needs to have a place to put the material so the trucks can continue to haul. While signs are moving, there needs to be a close location with no road restriction issues to put the material.
- Concern: As neighbors, we really don't want this here. Why was this spot chosen? A: there are no irrigators or woodlands. Also, no need to worry about road weight restrictions as it is adjoining to CR 11.
- Much discussion of impact ensued.
- Discussing of dump trucks in the driveway – residents stated it will be blinding with dump trucks up and down the driveway and not sure that another location couldn't be found. Mr. Schendzielos stated he didn't look any further after agreement with Mr. Farr as location was so convenient to the CR 11 project.
- Kelli Neu addressed the process of how IUP's are reviewed and how residents can reach her if they have complaints.
- Chair asked staff and Mr. Schendzielos if it would be possible to shorten the permit time frame. If the road is scheduled for closure from 5/4-7/4/2014, can the material be moved out in this time rather than allowing until 12/2014?
- Mr. Gilbert replied that he would be ok with the IUP if the time frame is shortened to 7/4/2014 – or to whenever to be sure that CR 11 is still closed when the IUP ends.

- Board asked – does this sound ok? With rain delays, this date may flex – discussion on the best way to write this. Mr. Schendzielos stated that he would rather have the end date of July 31 or August 1 just in case of delays.
- Q (by resident): Are there site checks made when these type of permits are filed? A (staff): permits come into the office and they look at the paperwork, but they do not have authority to tell someone no. However, someone usually looks at sites. Further discussion ensued about this process.

Motion to GRANT AN INTERIM USE PERMIT FOR HAULING AND STOCKPILING OF EXCESS FILL FROM THE COUNTY ROAD 11 CONSTRUCTION PROJECT AT THE PROPERTY LOCATED AT 12309 165TH AVE SE, BECKER after amending JPB RES 2014-04 as follows:

- **Deadline to remove fill to change to August 1, 2014**
- **In the listing of overnight vehicles, include a fuel truck – allowing 4 overnight vehicles**

Motion carried, all voting in favor.

Mr. Gilbert asked if there would be a statement that all neighbors oppose this motion in the minutes.

The clerk read the following from the minutes:
All neighbors on the sign in list wish to state their 100% opposition to this resolution, even with the provisions made by the board.

Board chair asked if all neighbors (Gary Gilbert, Jason Andersen, Ann Gilbert, Pat R. Burns, DiAnn Boon, Terry Schroeder, Dean Krisko, and Jessica Norlin) were in agreement to this statement. No objections were made.

All neighbors listed above got up and left the meeting.

City of Becker IUP Request. Kelli Neu reviewed all documents and notes from the Planning Commission public hearing that was held 4/14/2014. See file IUP:JPB RES 2014-05: City of Becker for full documentation.

- Planning Commission wants to be sure that 107th is restored/maintained to current condition after use. Eyk will be responsible for providing standards.
- Discussion of how dirt will be delivered – first to the site within the city, using the waste water drive, then to 107th
- Haul road conditions added to the resolution as well as a dust control condition
- The board then discussed the prior project IUP vs. this project IUP conditions.
- Other discussion regarding the prior IUP project ensued – and some talk about road restrictions on various roads in the township close to the CR 11 project.
- **Motion to approve JPB RES 2014-05, Granting an Interim Use Permit for Hauling and Stockpiling of Excess Fill from the County Road 11 Construction Project and other City or County Construction Projects on the Property Identified as 05-120-4200 by Hammer, second by Bertram. Discussion for clarification – no changes to this RES? Correct. Motion carried, all voting in favor.**

2014 Becker Comprehensive Plan

- PDF is ready to go on the site – clerk to upload this week

- Large land use and zoning maps coming – clerk expressed appreciation.

Q (regarding the first IUP discussed this evening): How far is the city location from CR 11 project? A: 5 miles and road restrictions would affect loads

Other business:

- Next meeting there are 4 IUP's coming for sand mining for the CR 4 project. All four of the applications have wetlands/shore land and staff has received the Land Use Permits for all 4.
- Lynette Brandon – spoke to an issue with snowplowing. This is more appropriate to Town Board, so after meeting one of the supervisors will hear your issue.

Motion to adjourn by Wilkening, second by Kleis. Motion carried, all voting in favor.

Mark Limpert, Chair

Lucinda Messman, Clerk

Lucinda S. Messman
Becker Township Clerk, Sherburne County, Minnesota
Notarial officer (ex officio notary public)
My term is indeterminate.

Lucinda S. Messman
Becker Township Clerk, Sherburne County, Minnesota
Notary Public (or other notary public)
My term is not permanent