Present: Brad Wilkening, Tracy Bertram, Adam Oliver, Gary Hammer, Lucinda Messman

Absent: Mark Limpert

Also Present: Therese Haffner – City of Becker Planner & Township Planning Staff; Daniel White – Vonco Attorney

Meeting called to order by Chair at 7:02 p.m..

Agenda presented to board with one amendment – addition of a minor subdivision initial request to the Other Business portion of the meeting. **Motion to accept agenda as amended by Bertram. Second by Hammer. No further discussion. Motion carried, all voting in favor.**

**Motion to approve minutes as distributed by Bertram. Second by Oliver. No further discussion. Motion carried, all voting in favor.**

NEW BUSINESS

Ordinance 2015-02: An Ordinance amending the Becker Joint Planning Board code of ordinance regarding major and minor extraction and filling operations.

* Haffner presented the ordinance with edits to the board. See file for complete text of edits
* Board reviewed the document and agreed that many of the clerical and clarification changes should be made, in addition to the following, 21 changes.

1. Board agreed to recommendation to change extraction to extractive permit throughout the ordinance document.
2. Section 1. #4. Clarification edits approved by board
3. Section 3. #1 Board approvals for amendments as follows:
   1. Definition of Extraction approved to read, *The taking of sand, gravel, rock or other earthen deposits from the land.*
   2. Text highway construction struck and changed to read, *public road improvements and maintenance* – this section has been discussed with Eyk. Intent of the board is to allow public road construction projects to proceed without being hindered by our current Mining IUP process. A permit is still required and will still require all the conditions to be met, but by exempting these projects from an IUP requirement – the process should be streamlined and shorten the timeframe required for approval.
   3. Changing text ‘in one mining season’ to ‘*one permitted operation’* throughout the ordinance
4. Section 3. #2 Board approvals for amendments as follows:
   1. Change Town Board to read Joint Planning board.
5. Section 3. #4 Board approved addition of paragraph reading, ‘*Such other uses which, in the sole judgment and discretion of the Planning Commission and Joint Planning Board, are similar to and compatible with the uses permitted or conditionally permitted in this section.*
6. Section 4, #11 Discussion regarding if previously permitted mining operations would be effected by this ordinance occurred. Overall goal of board is to be able to enforce any illegally operating existing facilities in the township. Vonco’s Attorney questioned if this would affect the existing Vonco/Veit CUP’s. Board stated that this ordinance will not affect the existing Vonco/Veit Conditional Use Permits.
7. Section 4, #11-B
   1. time of operations – Board wants to see the time frame in the ordinance stay at 7 am-7 pm, still giving leeway to vary times on an individual permit basis. Discussion that some operations are given a window of 24 hour operation, others operate earlier or later. Board wants the issue of operation time outside these windows to be decided on a case by case basis.
   2. Holidays – these will be defined in our General Zoning ordinance. No need for specifics here.
   3. Board agreed that written notice, prior to blasting, must be issued to the Town
8. Section 4, #11-D.1 – Board agrees that current language is goal and does not feel it is too restrictive.
9. Section 4, #11-D.2 – Board agrees that there are times when the owner and operator are two different individuals/entities and wants to keep the current language in place. Vonco’s Attorney suggested that defining owner to include owner, applicant, operator, etc. into the definition of owner would possibly be a change that would allow the use of the general term owner rather than owner/operator/applicant variant now being used. Board agreed that this would be a positive change and wants it incorporated into this and other ordinances overall.
10. Section 4, #11-E: Board agreed to the following:
    1. Add the text, ‘*Site or’* to the beginning of the paragraph
    2. Strike text at end of paragraph reading, ‘*to not cause an exceedance of applicable air quality standards.’* As the board worries this would tie their hands in enforcing dust control to only those times when there is a technical exceedance – no matter what the impacts are to the neighboring properties.
11. Section 4, #11-J: Board agrees that the current fencing item is how they would like the ordinance to read
12. Section 4, #11-K: Board agrees to the screen suggestions and wants to leave them as listed. Also, the use of Town in this paragraph is appropriate and should be left as is.
13. Section 4, #11-L and #11-M: Board agrees to the edits as they provide clarification
14. Section 4, #11-P.1: Board agrees to striking old wording ‘A CUP . . . on site’ and replacing with ‘*Processing equipment must be specified in the permit,’*
15. Section 4, #11-Q.5: Board agrees to the text clarifications
16. Section 4, #11-S: Board agreed to strike current Payment of Costs text and use, instead, ‘*The applicant shall be responsible for the payment of all of the Joint Planning Board and Town costs to third party professionals associated with the review of any proposed extraction operation.’*
17. Section 4, #11-T: Board agrees to the text clarifications
18. Section 4, #11-V-2.a.1.6: Board agrees to text clarifications
19. Section 4, #11-W-1.v: Board agrees to add text, ‘*existing’* before land uses
20. Section 4, #11-W-2.5.a & g – Board agrees to the text clarification changes
21. Section 4, #12-A: Board agreed to have 130 square feet changed to 9000 (nine-thousand) square feet.

**Motion to adopt Ordinance 2015-02 [see file for full text]: An Ordinance amending the Becker Joint Planning Board code of ordinance regarding major and minor extraction and filling operations with clerical changes as well as the 21 noted changes above by Hammer. Second by Bertram. No further discussion. Motion carried. All voting in favor.**

**Motion to adopt and publish Summary Ordinance 2015-02 [see file for full text]: An Ordinance amending the Becker Joint Planning Board code of ordinance regarding major and minor extraction and filling operations by Hammer. Second by Oliver. No further discussion. Motion carried, all voting in favor.**

OLD BUSINESS

Vonco CUP update: once the court ordered conditions are met, Township Attorney Schieffer had stated that staff would assist in the recording of their CUP (they would pay all fees associated with this). Vonco’s Attorney stated that he believed all documents have been turned into the county and they are just waiting to see if there are any further documentations/clarifications required before being able to say that all conditions of the court orders regarding their county-issued CUP have been met.

OTHER BUSINESS

Haffner presented a map of PID 05-128-4300. Owner wants to subdivide into two 20 acre parcels. It is a minor subdivision process. Our code requires this to be brought tonight to be sure the board is ok with this process prior to the process beginning. Haffner stated there are no issues as far as staff is concerned. The board agreed that the process is ready to begin. Board happy that the intent of the code is working.

**Motion to adjourn by Bertram. Second by Oliver. No further discussion. Motion carried, all voting in favor. Meeting adjourned at 8:36 p.m..**

\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_ \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_

Brad Wilkening, Chair Lucinda Messman, Clerk