

**MINUTES**  
**Blue Earth County Planning Commission**  
**Regular Meeting**  
**Wednesday October 4, 2023**  
**7:00 p.m.**

**1. CALL TO ORDER**

The meeting was called to order at 7:00 p.m. by Chairman Joe Smentek. Planning Commission members participating in the meeting included Bill Anderson, Kurt Anderson, Joe Smentek, and Taryn Surdy. Staff members included John Considine, Scott Salsbury, and George Leary.

**2. APPROVAL OF MINUTES**

Mr. Kurt Anderson made a motion to approve the minutes of the September 6th Planning Commission meeting. Mr. Bill Anderson seconded the motion which carried unanimously.

**3. APPROVAL OF AGENDA**

Mr. Leary indicated that the Planning Commission would also be provided with an update regarding the amendment to the Land Division Chapter of the Ordinance.

**4. NEW BUSINESS**

**PC 25-23**

**Gross Revocable Family Trust and Ross & Stephanie Blume**, Request for review and approval of an Interim Use Permit to operate a Short-Term Rental Unit, under new ownership, in the Shoreland of Lake Washington. The property is zoned Rural Residence and located within the Shoreland of Lake Washington located in the Northwest Quarter of the Northwest Quarter of Section 20, Jamestown Township. The property address is 4210 Fairview Ln, Madison Lake, MN.

Mr. Considine presented the staff report.

There was no comment provided by the applicants.

Jerry Kalheim addressed the Planning Commission. He indicated he is very pleased with the new owners. He stated he had reviewed the Short-Term Rental Ordinance and suggested that it is missing an enforcement mechanism sighting numerous issues with non-compliance by the previous owners.

The Planning Commission expressed no concern or questions regarding the request. Mr. Kurt Anderson stated the property does have a colorful history. He added that it was one of the first short-term rentals to be reviewed. He stated there was much discussion and debate that went into the drafting of the ordinance.

Chairman Smentek indicated he was pleased with the 14-day rental.

There was no other comment or questions from the Commission.

Mr. Kurt Anderson made a motion recommend approval of the request to the County Board based on the findings prepared by staff and with the conditions recommended by staff.

Ms. Surdy seconded the motion which passed unanimously by a roll call vote.

**PC 29-23**

**Lee & Kristine Bohrer**, Request for review and approval of the final plat of Terrace View Subdivision No. 2. The plat will change four existing lots into two lots and one outlot. The properties being platted are zoned Rural Townsite and located within the Urban Fringe Overlay District. The properties are in the southwest quarter of the northwest quarter of Section 4 in Decoria Township.

Mr. Leary presented the staff report.

The applicants were not represented.

There was no public comment.

No questions, concerns or comments were expressed by the Planning Commission.

Mr. Bill Anderson made a motion to recommend approval to the County Board. Chairman Smentek asked if his motion included the findings prepared by staff and with the conditions recommended by staff. Mr. Anderson said yes.

Ms. Surdy seconded the motion which passed unanimously by a roll call vote.

**PC 31-23**

**Township of Sterling**, Request for review and approval of a conditional use permit to develop a cemetery. The property is zone Agricultural and Conservation and includes Outlot A of the Morris Subdivision located in part of the Southwest Quarter of the Northeast Quarter of Section 15, Sterling Township.

Mr. Leary presented the staff report. He indicated the applicants had initially met with a representative of the Public Works Department who had no issue with the proposed layout of the cemetery. Staff had also received comments earlier in the week from the Public Works Director indicating the burial plots and headstones needed to be 130 feet from the center of County Road 151. Mr. Leary asked the Commission to consider forwarding a recommendation to the County Board with the understanding that the setback and cemetery layout plan may change prior to the County Board Hearing.

Gregg Olson was present on behalf of the cemetery association. He indicated he had been involved with the project since its inception. He indicated he was somewhat blindsided by the news from earlier in the day regarding the increased setback adding that he had met with a Public Works supervisor on-site who had no issue with the layout plan. He added that no structures are planned, possibly some trees in the grassland and a possible fence, but no structures. He stated that the cemetery is not for an individual, but for the community.

There was no further public comment.

Mr. Kurt Anderson indicated the applicants have demonstrated a need for the cemetery and that it is a reasonable request.

Chairman Smentek echoed Mr. Anderson's comments. He added that he had no concern with the setbacks as proposed and that the development plan appear to allow sufficient off-street parking.

There were no other questions, concerns, or comments expressed by the Planning Commission.

Mr. Kurt Anderson made a motion recommend approval of the request to the County Board based on the findings prepared by staff and with the conditions recommended by staff.

Mr. Bill Anderson seconded the motion which passed unanimously by a roll call vote.

### **PC 32-23**

**Ruth Roxanne Fess and R & E Enterprises of Mankato, Inc.**, Request for review and approval of an Interim Use Permit for an aggregate mine and associated processing activities. The site is located in the Southwest Quarter of Section 5, Lyra Township. The property is zoned Agriculture.

Mr. Salsbury presented the staff report.

The applicant was present and available for questions.

Russ Berndt addressed the Planning Commission. He indicated he lives ¼ mile from the site. He expressed his concern with the potential noise of engine breaking and related a recent experience he had at another location with neighboring hills and the impacts of truck engine breaking. He added that he even hears the engine breaking of trucks that approach the stop sign to the east near Good Thunder. He stated that County Road 13 will be rebuilt, and that County Road 1 is already showing signs of wear. He added that his mother owns land adjacent to the proposed site giving him concern with the impact the noise may have on his horses. He asked that a noise study be conducted.

Mathias Phelps asked how the applicants will keep trucks from using the nearby township roads. He also asked why they intend to bring concrete to the site for processing. He added that he too has concerns with the potential for noise issues.

Katie Wigen addressed the Planning Commission. She said she has the nearest house at 2,000 feet but they are only 100-feet from the entrance. She expressed the following concerns, comments, and questions:

- Noise will be amplified.
- There is not much wind in the valley. How will the applicants control dust? Will they use air filtration systems?
- She disagreed with the noise findings. She added that aggregate mining and crushing, and truck traffic will add noise and it will become a nuisance.
- Request a noise study.
- Place a ban on engine breaking.
- Place a limit on mining hours.
- The added noise will impact their ability to work effectively at home.
- The existing vegetation on the site will help reduce noise and should be left in place.
- There are environmental considerations. The site is just outside of Shoreland. The application is lacking environmental considerations. There will be direct impacts on wetlands from dewatering.
- Her family does a lot of outdoor activities, and the mining activity will impact their family activities.

- She recommended that an Environmental Assessment Worksheet be conducted.
- Will another hearing be conducted if dewatering takes place?
- Cleaning of spillage on the road should be immediate.
- A condition should be added to prohibit the use of the township road.
- The proposed use will be injurious to their use of their property.

The applicants provided no additional comments.

Chairman Smentek stated that the concerns expressed are valid. He added that the County Board is charged with the special nuances. The Planning Commission needs to decide if the proposal fits, and the County Board can add special conditions.

Mr. Salsbury indicated that a condition for the haul route could be provided.

Mr. Kurt Anderson said he had no questions or concerns and indicated the report was thorough.

Mr. Bill Anderson stated he had no questions or comments.

Ms. Surdy stated she always has concerns with gravel pits. She encouraged a tighter time frame, especially on Saturday. She indicated she has noticed noise echoing in the valley and that she has a lot of environmental concerns that could involve human error, disturbing of topsoil, and leaking into the ground.

Chairman Smentek offered his concerns with the use of the township road. He added that dewatering would be in violation of MPCA regulations. Beyond that it appears to be a straight-forward request that meets the requirements.

Mr. Leary offered his concern on the ability or inability to enforce the restriction on the use of the township road. He asked if the applicants were given the township road gravel contract, would they be able to haul gravel onto the township road due to the condition being considered.

Following the discussion, Mr. Kurt Anderson made a motion to recommend approval of the request to the County Board based on the findings prepared by staff and the conditions recommended by staff. The motion died due to lack of a second.

Mr. Bill Anderson then made a motion to table the item for 30 days until the next meeting. Ms. Surdy seconded the motion. A roll call vote was taken with Mr. Bill Anderson and Ms. Surdy voting in favor and Mr. Bill Anderson and Mr. Smentek voting in opposition. The motion failed due to lack of a majority of the full Planning Commission membership.

Mr. Kurt Anderson stated the Planning Commission is not involved in the minutia. That is up to the County Board. He added the Planning Commission gathers information and forwards it to the County Board.

Chairman Smentek stated the Planning Commission cannot order the noise study.

Mr. Kurt Anderson indicated that waiting 30 days may make it more palatable and three additional members may be present.

Ms. Surdy made a motion to recommend approval of the request to the County Board with operating hours of Monday through Friday to end at 6:00 or 6:30 p.m. and with the addition of a condition to remove the use of the township road.

Mr. Considine asked for clarification on the time included in the motion indicating the motion stated 6:00 or 6:30.

Following additional discussion, Ms. Surdy amended her motion for hours to end at 6:00 p.m.

Mr. Salsbury asked if the motion included anything on Saturday hours.

Chairman Smentek indicated the motion was limited to Monday through Friday.

Mr. Bill Anderson asked how the restrictions placed on the use of the nearby township road would be enforced.

Mr. Kurt Anderson indicated it would be a condition for the applicant. He stated his belief that the county did not have the authority to place signage on township roads. That would be the job of the township. He added the township could post it as no truck traffic, but there is agricultural truck traffic taking place as well.

Chairman Smentek indicated it would be a condition of the permit. If the residents saw this, it could be brought to the attention of the County Board and the permit could be revoked.

Mr. Leary asked the Planning Commission if the applicants secured the township road maintenance contract and from an economic perspective wanted to gravel the nearby township road with gravel from the proposed site, would they be prohibited from doing so. He further asked how the restriction would be enforced.

Chairman Smentek acknowledged it would be difficult to enforce. He opined that the complaint would be provided to the County Planning Agency. If determined to be factual, the applicants would need to cease the activity or potentially place their permit at risk of revocation. He added that it is his understanding the township does not want the road to be used for this proposal. If there was a road maintenance agreement between the applicant and the township, the township could come back to amend the permit.

Following the discussion, Chairman Smentek asked if there was a second to the motion made by Ms. Surdy.

Mr. Bill Anderson seconded the motion. The motion carried unanimously following a roll call vote.

## **5. OTHER BUSINESS**

- A. County Board action on items from the previous Planning Commission meeting:
  - John & Catherine Kaliski - Interim Use Permit to operate a sawmill and associated uses as a Level II Home Occupation in the Agricultural District. APPROVED
  - Lee & Kristine Bohrer - Request to vacate the utility easement lying between Lots 14 and 15 of Terrace View Subdivision. APPROVED

- Blue Earth County - Interim ordinance to prohibit the operation of cannabis businesses within Blue Earth County. The interim ordinance establishes a moratorium prohibiting the establishment of a business operating under the State of Minnesota Statute Chapter 63 until January 1, 2025. APPROVED
- Brian & Ashley Linde -Request for review and approval of an After-the-Fact Interim Use Permit to allow for the placement of fill in excess of 50 cubic yards in the shoreland area of Minneopa Creek. APPROVED

**B. Chapter 20 Land Division Ordinance Amendment Review**

John Considine provided the Planning Commission with a review of the amendments being made to the Land Division Chapter of the Ordinance. Members of the Planning Commission expressed no issues or concerns with the pending amendments.

**6. ADJOURNMENT**

Ms. Surdy made a motion to adjourn the meeting. Mr. Bill Anderson seconded the motion, and the meeting was adjourned at 8:50 p.m.

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 Planning Commission Chair

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 Date

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 Planning Commission Secretary

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 Date