

Polk County
Planning Commission
March 25, 2022

Call to Order: 9:03 A.M.

Members in Attendance - Mike Powers, Paul Jore, Rolland Gagner, Mike Schulz, Kristi Jerde, Don Cavalier, and Joan Lee

Members Absent: Tom Noah, Arlet Phillips and Len Vonasek.

Also Present: Polk County Environmental Services' staff: Jacob Snyder and Michelle Erdmann.

Minutes: A motion was made to approve the Planning Commission minutes from February 25, 2022 meeting by Cavalier. Second by Gagner. All in favor.

Introductions were done to welcome new member Kristie Jerde, representing Commissioner Jacobson's district.

Public Hearing: IUP – Knife River Materials Parcel #29.00138.00

Powers read the notice of the hearing, waiving the reading of the full legal and turned the meeting over to Snyder.

Snyder then stated that the applicant is requesting an Interim Use Permit (IUP) to operate a temporary hot-mix asphalt batch-plant and contractor yard, valid for 5 years, located in the General Agricultural District in Section 29 of Gentilly Township.

Ordinance requirements for this request are found in PCZO Sections 12.3020, 12.3030, 12.3031 and 12.3032.

Snyder said the applicant is requesting an IUP for a temporary hot mix asphalt batch-plant and contractor yard for a period of 5-years. The property is approximately 80 acres located in section 29 of Gentilly Township. The asphalt plant is to be executed on approximately 3 acres located on the southeast side of this parcel adjacent to 180th Ave SW. The applicant has submitted a supplemental information packet and a plan of operations for the use of the site.

Snyder stated that the Interim Use Permit would be to operate this plant/contractor yard from the spring of 2022 through the Fall of 2026. If issued, the IUP will be valid for a period of 5 years from the date of issuance. The applicant stated in the application that the erosion control plan involved the topsoil to be placed into berms for erosion control between excavation areas and

wetlands/surface waters as needed. Silt fence will be installed to protect wetland areas if necessary. Topsoil will be stripped and placed in berms on the property between mining areas and wetland areas if present to protect from erosion. This will also keep the topsoil available for reclamation purposes and screen the contractor yard items from the south. The applicant noted that the noise will be controlled from several stockpiles placed in planned areas to provide the best sound barrier for noise travel. Back-up beepers will be turned off and strobe lights turned on for low-light operation (safety). The excavation areas are lower than surrounding property minimizing sound travel. The applicant plans to mitigate dust control with calcium chloride or similar type dust control measures that will be placed onto haul roads exiting the property if needed. Water will also be used within the mining area to control dust from operations.

Snyder said the applicant also stated that the site will typically be used by 3-5 individuals but could have 5-20 individuals with several trucks in and out of the site daily dependent upon projects' asphalt needs. The project is using aggregate from the site to use in the asphalt operations. Our office has received an extensive contractor storage yard list of equipment as well as a plan of operations for the asphalt batching activity. The site shall be screened via existing trees to the north, existing sloped property from north to south, and aggregate berm stockpiled to the south. The neighboring residences by the site include an old farm site south of the operation (approx. 1,600 feet away) a single-family home approximately 2,300 feet to the north of the proposed operations, and another single-family home located approximately 4,000 feet to the SW of the proposed asphalt operations.

Snyder said the applicant stated in the application that site reclamation will occur upon completion of aggregate mining, the site will be leveled and sloped appropriately for the surrounding area and landowner. Existing topsoil will be re-established onto the disturbed areas. This allows for the natural area seed to be maintained on the site. Additional seed will be added to enhance full coverage growth. Seeding mixture shall be completed with the recommendations from the Polk County Soil and Water Conservation District. The applicant stated in the application that they have all permits and fulfills all requirements mandated by all government agencies for mining and hot mix asphalt operations. Spill Prevention, Control and Countermeasures (SPCC) is a major EPA requirement that KRM has trained their employees on. This plan covers many items including quantities of diesel fuel, asphalt cement, hydraulic oils, etc. which is used in the operations. The plan covers inspections, design and repairs needed to minimize potential pollution hazards. The plan also covers emergency steps to be taken if pollution occurs.

Snyder read the following letters received from neighbors:

- 1) Christine Anderson, neighboring resident, contacted our office via phone and letter to express her concerns; I recently received a letter from you regarding knife river materials IUP application. I live at 26117 180th Ave SW which is on the road that they will be utilizing. More specifically I live just south of the Snow Sled Inn. She has the following four (4) concerns regarding this permit: 1. The speed in which the trucks will be traveling past my home and the Snow Sled Inn. I currently walk the road daily (weather permitting) with my dog but with the high speed that the trucks will be traveling it will no longer be safe for us to do this. 1a. This will also not be safe for those that go to the Snow

Sled Inn. Many people park along the roadside, and the backs of their automobiles often are part way across the road as there isn't any other place for them to park. And most importantly the people, children and sometimes pets are crossing the road or outside dining. 2. There currently is only a Yield sign and not a stop sign, vehicles traveling on that road do not stop and barely slow down. I fear that without a stop sign that there will be a major accident on that corner with the increased volume of semi-truck activity. 3. The increased amount of dust that daily truck will cause. I currently have sodium chloride applied in front of my house, but I am not sure if that will be enough with the increase of traffic. Or in the case of another dry summer which I had to water the road with a garden hose to keep the dust down. Not to mention that I moved to the country so that I could have my windows open. I will no longer be able to do this. 4. The noise and hours of operation. I understand that they are trying to get as much done during the short season that we have but with their stated days and hours of operation it will be nearly impossible to enjoy any part of the spring, summer or fall for the increased traffic, dust, and continuous noise from the plant itself. How would I remedy this? I would request that they take the other road instead of coming this way past my house and the Snow Sled. I would request that there be a speed limit put on and enforced of 10 mph or less. I would request that the county install a stop sign on the corner. I would request that knife river materials be responsible for the dust control for the road for the entirety of their time here. I would respectfully request some modifications to their days and hours.

- 2) Theresa Brault, neighboring landowner, contacted us via letter stating that the Polk County Zone deny the permit to Knife River Materials to build an asphalt batch plant and contractor yard on parcel #29.00138.00. What will happen to the Gentilly Creek if the asphalt enters the Gentilly Creek? The Gentilly Creek would never be the same, what a great loss! The plant would bring in a lot more truck traffic that would have to go through the small town of Gentilly; how would that affect the citizens that live in that town. What about the smell and the oil film that everyone around the area would have to deal with? Not to say what it would do to the Snow Sled Inn; if you had to smell the asphalt, listen to the plant run and listening to the truck traffic while you were trying to enjoy your meal or trying to have a conversation. I see my land (sec 28, parcel #29.00131.01) value going down with an asphalt plant so close by. I am asking the Polk County Zone to deny the permit to Knife River Material and not allow an asphalt batch plant and contractor yard to be built near the Gentilly Creek, the town of Gentilly, and farmland.
- 3) Crystal Guzman, neighboring resident, contacted our office via letter stating that as trucks will be using 270th St SW, the gravel road that runs on the north side of our property, we have the following concerns. 1. We have small children and are requesting speed limitations near either side of our property warning drivers of such as our children frequently play outside and ride bikes and walk on the road. 2. We also would like to request dust control measures in front of our property from the highway to the quarter section line.
- 4) David Hoppe, neighboring landowner, contacted our office via letter stating that Hoppe Farms Inc is requesting dust control be applied to 270th St SW beginning from Highway

46 heading east for one half mile, bordering cropland in Gentilly section 32 NW ¼ for the duration of the Knife River Material project.

- 5) Gentilly Township contacted our office via letter stating that there are concerns from the Gentilly Township board of supervisors regarding the request by Knife River Materials. First, we are aware of and intend to be present at the upcoming meeting regarding this permit. Second, we want to outline any concerns we have to help resolve our concerns either before or at the meeting. 1. We have concerns about bridge #60L20 along 180th Ave SW, which connects Hwy 11 and 270th St SW being able to withstand the constant heavy truck use whether full or empty. 2. We would like to see the stretch of road along 180th Ave SW from Hwy 11 to 270th St SW and along 270th St SW to County 46 (bypass road) treated with calcium chloride or other acceptable means of controlling dust. 3. The Township would need assurance that the roads involved be restored to current (date before business begins) condition when their business ends. This would not mean simple addition of gravel but actual deterioration of the roadbed as well. Sincerely Duane, Spear Chairperson-Gentilly Township.

Snyder then went over slides showing: the application, location maps, wetland maps, KRM letter/application, topography map and pictures of the property and area showing the roads, creek and neighbors property locations.

Snyder said there is no wetland areas near this project, but silt fencing will be used if they get close/near one. Steff Basgaard, KRM Environmental Manager, said that there will be no night paving from this location. Normally night paving is determined by need by the State, Township or County. It generally happens around St. Cloud and south of there. Snyder said the mining portion is a principal use in the ZO if they get the state permit – it is just an allowed use. We do not make any decisions on the mining.

Snyder said that the typographic map shows that drainage appears to go south then west so there is very limit concern for the Gentilly Creek/River being contaminated. We have a shoreland district that goes 300' along all rivers, creeks and lakes in the county. Snyder then stated that staff recommends approval of the IUP with the following conditions:

1. Any IUP issued under this Ordinance is granted solely to the applicant and/or the business entity named in the application, and for the premises named in the IUP application. No IUP of any sort granted pursuant to this Ordinance is transferable to any other person or premises. If a change of ownership, control or location of any licensed premises occurs whether pursuant to move, sale, transfer, assignment or otherwise, the owner must complete a new application subject to approval pursuant to this Ordinance.
2. The IUP shall be granted for a period of 5 years and shall expire unless reapplication is received before the expiration date.
3. The operational plan shall be followed, any deviation from this plan will need to be approved by Polk County Planning & Zoning staff.

4. The operations truck traffic must use County Highway 46 to approach the site from 270th St SW and no trucks from this operation can pass over bridge #60L20 on 180th Ave SW.
5. Dust from operations shall be controlled via dewatering and calcium chloride or similar products as to not create a dust nuisance to neighboring properties. Calcium chloride or a similar approved product must be applied to the truck route from County Highway 46 to the entrance into the site used for the contractor yard and asphalt operations.
6. The roadways used to enter the site shall always be well maintained and passable for adjacent landowners to access their properties.
7. That the interim use will not be injurious to the use and enjoyment of other property in the immediate vicinity for the purposes already permitted, nor substantially diminish or impair property values within the immediate vicinity.
8. That the establishment of the interim use will not impede the normal and orderly development and improvement of surround vacant property for uses predominant in the area.
9. That adequate utilities, access roads, drainage and other necessary facilities have been or are being provided.
10. That adequate measures have been or will be taken to provide sufficient off-street parking and loading space to serve the proposed use.
11. That adequate measures have been or will be taken to prevent or control offensive odor, fumes, dust, noise and vibration, so that none of these will constitute a nuisance, and to control lighted signs and other lights in such a manner that no disturbance to neighboring properties will result.
12. That the use of the property shall at all times be in compliance with all Federal, State of Minnesota and County of Polk rules and regulations.

Basgaard said their typical operation is that the asphalt batch plant compliments the aggregate mining. It is all based on projects that they are awarded in the area. Typically, those jobs are 20-25,000-ton jobs that take about 2 weeks to complete, and we never know when those jobs will be put out for bids. So, the asphalt plant is not in operation all season long. Typically, each job takes about two weeks of operating the batch plant. He also said they are EPA permitted and monitored for pollutants. Truck traffic would only be when they have jobs in the area. They would like to have the potential to use 180th if the bridge can handle it, all depending on the job location. He also stated that they would prefer to use other options than calcium chloride the entire roadway that they would use a combination of water, calcium chloride and other similar products to control dust.

The Township was asked about the bridge load restrictions/documentation. Duane Spear, Township Chairperson, said he contacted the Highway Department and was told it could carry

legal loads. It is a box culvert not a bridge. Greg Benoit, neighbor, said what about unloaded trucks? Snyder said the truck traffic map sent in the packet was to minimize the number of trucks going through Gentilly. Christine Anderson, neighbor, stated her concern with aggregate hauling. Powers asked about competition in the area? Basgaard said there are other operations in the area, but only one would get the job. Schulz asked if the other two in the area got IUP's? Snyder said yes, they had. These operations are not set up to operate 24/7, as there are only so many projects in this area.

Pam Delage, Gentilly Township Board member, asked where the aggregate was coming from? Basgaard said on this site. Delage said mining has already caused road problems for the township and that they don't seem to obey the 40-mph speed limit through Gentilly. Also, that the smell is a concern for those that have health issues, and this would leave them housebound. Spear asked why this area, a residential area, making us have to smell all summer long.

Basgaard said they do drilling all over the county to find aggregate. Many operations are 50% closer to homes than this one would be. There is even one by his house that is only 150 feet away. He reminded everyone that this doesn't run all summer long, it would, on average, only run for 2 weeks or so and it could be years before they get the next job. Spear asked why they need 2-3 of these so close together. Snyder said there were 2 IUP's last year. They are all looking to establish a site to be ready to bid out jobs. The County typically has a 5-year forecast for projects, and they must mine the aggregate on site to minimize truck traffic.

Spear asked why there are no rules about people's discomfort? Snyder said there are, that is why we are doing this, working on everyone's concerns. We cannot control other truck traffic, today our only decision is this asphalt batch plant and contractor yard, not the mining.

Jerde asked about clarification about the asphalt and contractor yard and the mining. Basically, the mining trucks will still happen? Basgaard said, no, mining will only happen on a project basis. He said we are going through an IUP as required. We also get permits from the State/MPCA for the smell and dust – sometimes they sit at the site to regulated/verify we are in compliance. The same with the EPA for pollutants. We also work with the DNR. They have ongoing controls. Snyder said this IUP is just one step in the process.

Gene Dufault, Gentilly Township Board, asked for clarification as to where on the site the mining will take place. Anderson wanted to clarify, mining all year, but asphalt batch plant only two weeks? Basgaard said we are a project company, we don't only mine in this area. Lee said she reached out the PC Highway Department about the bridge – she was told since it is a box culvert there is no set limit, just what the legal load limits are.

Cavalier asked Basgaard if he feels they can meet the needs and conditions set by PC PZ? Basgaard said yes, however he would like to make an amendment to the calcium chloride, so that they could use other products not just that one and that it would be applied only during operations and not the entire season.

Joyce Benoit – neighbor, said she has concerns about the Snow Sled road and the struggle that farm equipment has getting through there. Also, she thinks a stop sign and speed limit reduction

would be good options to help things. Snyder said the township would need to ask the Highway Department about installing the stop sign and speed limit issue.

Basgaard said they do maintain the haul roads when in operation, blade and gravel them. We know that if we treat people right, we will stay in business. Pat Guzman, neighbor, said their road when it rains or when the frost boils come up it is awful. He also said near the bypass the road tends to wash out. His biggest concern is traffic for the two weeks and the road quality near his family property. Gagner asked if anyone is sure the bridge/box culvert can take the weights? Snyder said that is why we are trying to limit that these trucks don't use it, but we cannot control other companies/farmers from using the road, but with this specific permit, we are able to address traffic routes.

Dufault said the bridge has had several repairs over the years and he has concerns about a lot of use that could cause problems. He wants to know it will be fixed to a condition we can live with when the 5 years is done and that the road integrity will still be there. These roads, 270th and 180th will now open all year long, no longer a minimum maintenance road, and they don't want the integrity of the road to change.

Greg Benoit said he has done some online research the learned about the road and aggregate tax that requires fees to be paid to help maintain roads. The statute says that the tax is paid with 42.5% going to the County road and bridge fund and 42.5% to the township for road maintenance. Snyder said that is all run through our Highway and Records office. KRM will pay an aggregate tax and if they were to haul off site, as aggregate not asphalt, they will pay more.

Dufault said the township got about \$16,000 and that is not enough to fix a road for even a mile, much less two miles. It does cover some, not a lot. We as a Township are not against the IUP request, our concern is with maintaining our roads, bridges, dust control and making sure things remain in good quality.

Pat Guzman, neighbor, is concerned for his children. There is no speed limits signs and the trucks travel fast creating dust issues as well as the jake brake noises. We also have concerns with those leaving the Snow Sled and traveling south to avoid being stopped. I know we cannot control the traffic, but if we could do what we can to make it safe for us and others.

Snyder asked Basgaard if there is anything they can do for temporary signage? Basgaard said we could do things like that fairly easily, but generally the township or county install the signs. We do teach our driver's to be cautious around the neighbors and to slow down. We don't have jake brakes on our trucks, however we do hire independents that may have them. Snyder was wondering if during operation if something could be placed by the Guzman property. We could add something to the plan of operations, so it is a written item. Basgaard said we meet with staff at the start of each project, reminding them to slow down and we want to be liked by the neighbors. I am always open to receiving calls from concerned landowners, my number is listed in the packet you received. Jerde asked about the dust control from County 46 to the site, and that it will be maintained. Basgaard said we will dust control in front of people's homes, not

sure on what the distance is, and can do more of the road if needed. Snyder said the condition was for calcium chloride or similar product, water would be one of those options.

Jore asked about blading the road once calcium chloride has been applied. Basgaard didn't seem to think it would be an issue.

Powers closed the meeting for comments.

A motion was made by Jore to recommend approval of the IUP to the County Board with staff conditions – amending the condition on dust control to state water is an option. Second by Cavalier.

Ayes: all

Nays: none

Motion carries.

Snyder stated that this will now go before the County Board for final approval on April 5, 2022 at 8:40 a.m.

Next meeting is set for April 22, 2022. Meeting adjourned.