

Minutes of the Meeting of the Avon Township Planning Commission

October 29, 2014

Avon Township Hall (16881 Queens Road, Avon)

Call to Order: Chairman Mergen called to order the regular meeting of the Avon Township Planning Commission at 7:30 PM. in the Main Chamber of the Town Hall.

Pledge: Clerk Saupe led the Pledge of Allegiance.

Roll Call: Present – LeRoy Gondringer, Will Huston, Gerry Kremers, Ken Mergen, and Stephen Saupe.

Approval of Agenda: Kremers added two updates (1st St NE road issue; ticket income) to the agenda. Huston moved to approve the agenda as amended. Gondringer second. All in favor. Motion carried.

Minutes: Gondringer moved to approve the minutes of the September 24, 2014 meeting as presented. Mergen second. All in favor. Motion carried.

Public Hearings:

Chairman Mergen opened a Public Hearing to consider a request by Knife River Corporation for an Interim Use Permit for an asphalt plant at the Ramler/Pierskalla gravel mine site. Ms. Holly Brisk and Mr. Dan Ranweiler were present to represent Knife River. The asphalt plant was set up today and it will be used to complete work on County Road 4. Ms. Brisk stated that the company was requesting to extend their existing IUP for the asphalt plant through the 2015 construction season. The conditions of the new permit would remain the same as the existing IUP. A site inspection was held at 6:00 PM today and was attended by most members of the Board of Supervisors and Planning Commission. In addition, about a dozen members of the public were present. No comments about the IUP were received prior to, or during, the hearing. Gondringer moved to close the public hearing. Kremers second. All in favor. Motion carried.

The Findings of Facts showed that the Interim Use Permit: (1) is consistent with existing Township ordinances; (2) must meet the conditions of the existing IUP; (3) is compatible with present land use in the area and is not visible from the road or nearby areas; (4) is screened by existing gravel piles and that the air quality is good; (5) environmental issues are addressed by PCA and County regulations and that the air quality is handled by a filtering system; (6) there will be minimal impact on property values in the area; (7) will generate excess traffic but this hasn't been a problem to date; (8) will not affect the general health, safety or health of residents; (9) conforms to the goals/objectives of the township comprehensive plan in that natural resources are being used for everyone's benefit and a reclamation plan is in place; (10) will not affect public services and facilities; (11) a reclamation bond has been provided; (12) this is an extension of the 2014 asphalt plant permit.

The main complaints received by the Township about the site involve the crusher, but that is already permitted. Another complaint is that some of the trucks have used Jake brakes. Mr. Ranweiler estimates that only 20-30% of the trucks have them but drivers will be requested to avoid their use near the site. The general consensus is that Knife River is trying to be a good neighbor.

Huston moved to recommend to the Supervisors to grant an Interim Use Permit to Knife River for operation of an asphalt plant with the conditions: (a) generator startup not be earlier than 5:30 AM, plant hours not exceed 6:00 AM to 6:30 PM, M – F, with no weekend or holiday hours; (b) the last truck will come in no later than 9:00 PM; (c) no hauling on Township roads; (d) signage be installed as per MN DOT and County regulations; (e) notification is received a week in advance of startup; (f) Avon Township officials reserve the right to access the property to determine if conditions of the permit are being met; (g) all equipment and waste must be removed from the site at the completion; (h) the operation must comply with all pertinent Township, County and State regulations; (i) a performance bond of \$5000 will be maintained; (j) signage is placed at the site entrance; and (k) noise, air emissions, storm water, and other environmental considerations comply with EPA, MPCA and other regulatory requirements. Gondringer second. All in favor. Motion carried.

Scheduled Business:

1. **Baumgard Variance** – Mr. John Baumgard (17522 Springwood Lane) appeared to request a variance for a 12' x 16' garden shed that would be closer to the road than is currently permitted. No driveway to the structure is requested. Since he will be unable to attend an upcoming meeting and since the work won't be completed until spring, Mr. Baumgard requests the public hearing process sometime in the spring. Mergen moved to recommend to the Supervisors to approve a public hearing to consider a variance request to install a 12' x 16' garden shed 10 feet closer to the road than is currently permitted by ordinance, and that the actual date/time for the hearing will be set by the Clerk after Mr. Baumgard has completed the appropriate paperwork and paid the appropriate fee. Gondringer second. All in favor. Motion carried.
2. **Dehn Driveway** – Mr. Kurt Dehn contacted the Clerk about action on his driveway request. He was told that the Township had taken no action because the Township was under the assumption he was not planning to pursue a variance from Resolution 08-06-14.
3. **Truck Parking** – Trucks parked along roads in residential can present a hazard to school buses, snowplows and if left running can be noisy and release odors. Gondringer moved to request from the Supervisors direction on whether to develop a road ordinance related to truck parking in residential areas. Mergen second. All in favor. Motion carried.

Other & Old Business: *none*

1. Form reviews & evaluation – variances, driveway notification form

Announcements/Reports:

1. **Upper Spunk Lake Road Construction** – Huston reported that the project is nearly complete with some shouldering work remaining. The contract will be reviewed since completion is after the date original agreed upon. There were a few concerns by residents about access to their drives. Westwood is inspecting and handling the situation. The road should have a lifespan of 20 years but as long as 40 years with good maintenance.
2. **MOU** – The Township is reminded that copies of various town actions (i.e., variances, conditional use permits, interim use permits) should be sent to the County per our MOU.

3. **Maps** – Huston has given Supervisor Bresnahan two township road maps.
4. **1st NE** – Kremers reported that the ownership of this road is not clear though it belongs to either the City of Avon or County.
5. **Fees from Tickets** – Kremers provided information that suggests it might be possible to reclaim a portion of the fine paid by residents for tickets. The Clerk will investigate.

Adjournment: Gondringer moved to adjourn the meeting at 8:47 PM. Mergen second. All in favor. Motion carried.

Next Meeting: The next meeting is November 26, 2014 at 7:30 PM.

Respectfully submitted,
Stephen G. Saupe, Clerk

Approval:

Ken Mergen, Chair

Date

Attest:

Date