

Final

Brunswick Planning Commission Meeting Minutes

February 6th 2017

The planning commission meeting was called order on Monday, February 6, 2017 at 7:00pm. The Pledge of Allegiance was said. Rick Kawalek nominated Richard Hall for the chairperson Todd Steffen second the motion all in favor say I, anybody opposed, same sign motion was carried. All the planning commission members were sworn in meeting.

In attendance from the Planning Commission was; Richard Hall, Peter Gravich, Todd Steffen, Sharon King, Richard Kawalek, and the Clerk Brenda Wolff. A sign in sheet was provided for everyone to sign in, and is attached to these minutes.

Richard Hall; started the meeting by explaining this was a meeting for IUP for Terry Nielsen's IUP for blacktop plant in Terry's pit. Richard said to Hardrives Inc: You're going to talk about what you want to do and how you are going to do it. Then the public will have their say, the good bad and ugly we will take turns. Richard said; Terry you have a conflict here. But we are all neighbors, if you were in trouble we would all help you out.

Sharon; brought to everybody's attention that the posting notice for this meeting in the paper said meeting instead of hearing. Both sides said they would waive the way the wording of this meeting was posting in the paper and continue with the meeting. (Meeting/Hearing).

Kevin; distributed a few copies of their packet of history of Hardrives Inc. and their permits and plans for Terry's pit. Kevin is the vice president and has been with Hardrives Inc. for 34yr. Hardrives Inc. is second-generation construction company and started in St Cloud in back in 1963. Hardrives Inc. has about 350 employees, we employ people for Mora, Cambridge, throughout the area. We are here to apply for it or use permit to have the ability to place a portable asphalt plant in Terry Nielsen's pit, Part of the process when Kevin inquired to the township board how to apply for this and the township board sent out the information items they would need to apply. All those items that were asked for are submitted in this application. The drawing plans, all of our permits, how they are going to mine the site. Kevin said to clarify to us to apply for an IUP permit the portable asphalt plant we are not looking to having an asphalt plant, in that location in the spring to the end of fall. It is driven by if we pick up some work in the area, we may not pick up any work in the area. May be working there for two weeks. Larger project could be a month. It isn't like we are looking to put permanent asphalt plant in that site. Initially going in the ground was completely wet when we went in this fall. So we had to place the asphalt plant on the front section of the property. If you look at the maps it shows us with three phases, phase 1 phases 2 phases 3, on the mining. The one map it shows you the placement of the asphalt plant, now that we have determined the grade in the pit we can move the asphalt plant back of the gravel pit. Then we will have our stockpiles

permanently there then, the plant will be behind those stockpiles. In the crushing plant phase 1 phase 2 phase 3. We are here to mine the gravel pit most of the material we mine will go back to the back of the pit. We will need to recycle in materials when we mill and fill.

We grind it up and put back into the base asphalt. This fall when we were in their there was a lot of confusion so we had a visit from the MPCA the DNR and the Water shed district. These three found nothing wrong with what they were doing. Hardrives Inc. has a pit in Peas Township and Comfort in Township. Hardrives add another intern to the pit.

Sharron; asking questions, do you have any updated permit saying that you're in compliance with all these that you say you are.

Kevin; there is no updated permits. These permits are the permit they continue on from that date received and go's so on from there. If we were in violations or were not in compliance it is public knowledge and is listed on their websites.

Sharon said; one of your permits is not valid.

Kevin; the first one is their air admissions for the air quality permit. That is for the crusher, when you move the crusher into the job you have to have that. Once that's issued each year we fill out a form and they comes out and inspects our equipment to make sure were in compliance that year. That is submitted to the state of Minnesota to make sure that were in compliance that year.

Sharon asked for updated 2017 permit to show that they were in compliance, but the permits they have are continued to be good from the date of the issued to today as long as they are in compliance.

Kevin; if the permit is revoked then you need a new permit with an updated date. If we change a component or drum on anything on our machinery we have to apply for a work permit and it have them inspect our equipment again but we have to follow the new regulations every year.

Sharon; again with your 2009 air permit Enforcement staff has been informed of your non-compliance status of your facility and contacts you. We have nothing here to tell that you got back into compliance with this, and according to the MPCA that Sharon talk to said Hardrive Inc. DOC testing is not in compliance and if you started up the machinery again they should call them because you would be doing it illegal.

Kevin; said I don't know who you talk to down there; there's has been a lot of change over at the NPCA division part down there. If we would've fired up any machine without a valid asphalt permit and will we would be find severely. Our permits are current Kevin said.

Sharon; that the person at the NPCA also looked up more records not for that plant in particular and you were in violation of your DOC testing. Sharon said she has the name of the NPCA person she talked to. That person at the NPCA told Sharon they talk directly to you Kevin, not sure if it was personally or what. The person from the

NPCA was also told from Hardrives, Inc., that they were not anticipating coming back to this area again.

Richard opened it up to the public
From the floor:

Del; 1671 100th Ogilvie, Del discussed a conversation he had with a person at NPCA. Kevin said ok, when we have an outside firm that does the testing and they submit that testing to the NPCA. When we receive that call it's about three week later on the asphalt plant. They had within their time frame, once a plant is tested we have to provide result information into the NPCA I think within 30 days, so they already had the results from that plant being tested and they never updated internal records.

Del; said he believes there is s need for an environmental impacted survey.

Richard asked Kevin him what percentage of that material would be asphalt and what would be gravel.

Kevin said in his experience in this area will sell more class 5; he said 35% would be asphalt. Richard asked how deep you are going to go.

Kevin; said we have to say above the water level. How deep is the average deep of estimates and 10to 15 feel.

From the Floor person did not relay his name but, is there a maintenance bond file for that property. Hardrives Inc. would provide a maintenance bond, to put back the land back to farmland in the end.

Richard Hall asked what do you use to heat your asphalt up with.

Kevin answered number six, diesel fuel, and drain oil. To start with we use the worst type of fuel when you test it then you can go to your diesel fuel or whatever you want to use. You have the ability to change if you want. This plant was run on diesel fuel.

Sharon King said; she herself is an outdoor person and she couldn't stay outside no longer than 10 minutes without getting sick to her stomach from the odor and the smoke.

Denny asked the planning commission how many had a comprehensive plan? Did they study it?

The Comprehensive plan is driver of the zoning ordinance.

Denny ask Terry if that pond that he used to hunt ducks on was there when he purchased the land because it is no longer there now. It did show up in the aerial map but it's gone now.

There was wetland there on that property.

Richard Hall the chair went back to the floor to have everyone to say how they felt.

Paul Stromberg lives a ½ mile away for 35yr. The smoke was so bad I had to leave my house. I would like you to deny the application.

Kenny Evenson lives directly across the road to the north. He said his been misleading about the white smoke and with the smell of the flume. The yellow smoke it's very heavy than when it hovers to the ground and you can't see though that cloud for more than 200 yards. Were given the impression this is no big deal but that's not true.

Karen said we got the trucking and I'm right there where all those trucks come down the road and when they slow down there Jake brake is terrible. The impression you want to give us is that there's no affect to us but that's just not true.

Sharon King speaks and has a quote from the EPA states that even if and asphalt plant meets all air conditional standards people that live by an asphalt plant are still exposed to cancer chemicals that can contribute to long-term illness.

From the floor did not relay there name She live across the street she and her daughter have severe health problems. This asphalt plant is not helping.

Ronald Peterson typed up his notes:

From the floor did not reviled there name; the land owner to the south talk about how this smoke disrupted their quality.

Dennis McNally; said we have three or four veterans here. I take offense to that because the noise does matter.

The clock is running the application was January 12, 2017 and we have 60 days to comply. If the recommendation is ready it will be presented at the next board meeting. If there recommendation is ready. The town board will make a decision from that.

Richard; close the public part of the meeting. What do you think Todd? Let me give you something to think about Richard said if they harvest 35 acres at 8 feet deep and they use in 14 yard trucks you're looking at 32,000 truckloads. That is a lot. Richard said he rolled by there on his bicycle and it was very potent smell. I would not live next door to it.

Sharon; starts it's pretty obvious she feels we should deny that application because into many statements throughout the comprehensive plan and zoning ordinance their concept referring to public health and welfare and it's pretty obvious this plan is not good for anybody except hardrives and Terry. It destroyed everybody's health that lives around there.

In the comprehensive plan it talks about land use. Their goal is to use suitable areas be compatible this is already housing development around. They're asphalt plant don't fit. I think it's infringing on the people that are there. It says in the ordinance that if the city person would come up and buy some land that's putting up into the farmland then they would complain that the cows are too loud they can't do that because they moved

up in the air been there that's kind of the same here there and moving in on properties and homeland. People's lives should not be destroyed like that. Is a casual mention of stockpile being materials and there's huge dollars in probably going to be bringing in material nonstop and that's as good as sit there and pile up and make the neighborhood look horrible.

Nothing was ever mentioned in the application of the odor in this smoke control and the noise.

Todd said it's hard to see a group of people come in and tell a person what they can and can't do with their land. Todd said I was told this in one of my hearings she said she moved up here for peace and tranquility and you moved up and deserved my peace and tranquility since now you're here so people are coming is no question. Todd said he don't think the asphalt plant should sit around too many houses.

Peter; said this is off a very busy County Road 4, and pretty close to County road 4,

Richard said asphalt plant can move anywhere. Park it where they need it, like the roads were there need it.

Richard said I can understand the economic part of it but it's just brutal to have to have somebody put up with that. Its 32,000 truck loads. Now that's a lot.

M/S/C/ by Sharon to recommend to deny the asphalt plant seconded by Richard, Craig, Todd, Peter and Rick. This was a unanimous vote to recommend to the board to deny the asphalt plant. Motion carried.

The facts finding are:

A motion was made to deny, hardrives Inc./Terry Nielson permit for an asphalt plant in section 19 in Brunswick Township. By Sharon and second by Rick Kawalek.

After making the motion, we discussed our reason for denial. The main reason is the adverse effects of the nuisance emissions from the existing blacktop plant located on the property. If this was typical of all blacktop plants that may be used at this site, this would cause harm to the health and wellbeing of its neighbors and cause a drop in property values. We went through the list of requirements in Section 13 our zoning ordinance but it doesn't address this activity.

In the agricultural residence district in which this lot is located we note that our zoning in sub division ordinance does allow in Subd.3N mining of gravel crushing and asphalt procession with an IUP, CUP Permit only.

One of the conditions of section 9 Subd.4 E 5 Dust, Noise and smoke control.

With our comprehensive plan land use sec 8. The open storage and accumulation of materials, refuse, tires, appliances, equipment, or vehicles shall be limited to her bed nuisance or prevent a depreciative effect on adjacent properties, or threaten the health

safety and welfare of the public Minnesota statute 561.01 defines nuisance as: anything which is injurious to health, or indecent or offensive to the senses, or obstruction to the free use of property so as to interfere with comfortable enjoyment of life or property is a nuisance. An action may be brought by any person whose property is injuriously affected or whose personal enjoyment is lessened by the noise nuisance and by the judgment of the nuisance may be enjoined or abated, as well as damages recovered.
AND

Subd. 11. General condition of zoning ordinance.

Nuisance. Any visual appearance, noise, odors, heat dust, vibration, smoke, air pollution, glare, electrical interference, or other such objectionable influences, or the storage of refuse or disposal of wastes that construed by the town board to be a menace or nuisance to the public health, safety or general welfare of the town or to have a depressing influence upon property values in the areas shall be prohibited

Adjourn at 10:00




