

**Becker County Planning Commission
May 8, 2018**

Members Present: Chairman Jim Bruflodt, Vice Chairman John Lien, James Kovala, Harry Johnston, County Commissioner Larry Knutson, Mary Seaberg, John Skarie, Dave Blomseth, Jim Kaiser, Ray Thorkildson, Robert Merritt, Planning & Zoning Director Kyle Vareberg, Zoning Technician Joseph Doll, Becker County Attorney Brian McDonald and Attorney Scott Anderson.

Meeting called to order by Chairman Bruflodt at 7:00 p.m. Introductions were given. Veterans Service Office Administrative Assistant Mary Lou Schmit recorded the minutes. Motion to approve previous minutes (Kovala with changes; Lien). Motion carried.

The meeting was recorded. Chairman Bruflodt explained that because of the nature of the Strata application, new business will be conducted first for time purposes. Protocol for the old business of Long Shore Development – comments to board only. 2 minutes per person to speak. Avoid redundancy. Read correspondence after. Close testimony. Question applicant. Adjudicate within 60 days. If beyond next scheduled meeting adjudicate tonight. Applicant may table at any time. Forward to County Board of Commissioners.

New Business

1. APPLICANT: Mike Ullmer 27201 Co Hwy 9, Lake Park, MN. **Project Location:** 27201 Co Hwy 9, Lake Park, MN. **LEGAL LAND DESCRIPTION:** Tax ID number: **07.0002.000** Section 01 Township 140 Range 043 BEG 1163.38 FT W OF SE COR N1/2 OF SE1/4 TH W 766.40 FT N 196 FT NELY 834 FT E 154.05 FT & S753.10 FT TO BEG PT N1/2 SE1/4. **APPLICATION AND DESCRIPTION OF PROJECT:** Request a Conditional Use Permit to establish a boat and recreational repair shop.

Mr. Ullmer has pictures of cleaned up property per previous request. Kaiser inquired about outside storage. Mr. Ullmer indicated that he will have in future, on higher ground.

Kovala asked what size signs he is posting? Mr. Ullmer stated a 4x8 and 4x4. One is down road the 1 ¼ miles, and he has permission from landowner and is in compliance.

Chairman Bruflodt asked for questions from the general audience; there were none. There was no written correspondence.

MOTION:

Jim Kaiser made a motion to accept the application as presented; Jim Kovala, second. All in favor; motion carried.

2. APPLICANT: Danny Olson 17705 Co Hwy 1, Lake Park, MN. **Project Location:** County Hwy 4, Lake Park, MN. **LEGAL LAND DESCRIPTION:** Tax ID number: **06.0248.005** Section 17 Township 138 Range 043 PT GOVT LOT 4: COMM NE COR TH WLY 330', SLY 412.5', ELY 330' TO E LN, NLY 412.5' TO POB; & S1/2 OF SE1/4 EX 5.74 AC IN

47 NE COR AKA 06.0254.001; & EX 6.72 AC IN SW1/4 OF SE1/4 OF ON S LN AKA
48 06.0248.0003; & EX 10 AC FOR 06.248.001 **APPLICATION AND DESCRIPTION OF**
49 **PROJECT:** Request approval of a Preliminary Plat.

50
51 Scott Walz surveyed the preliminary plat. Application is for 2 ½ acre lot subdivision with 14
52 lots. The property meets and exceeds requirements for zoning. Road constructed per
53 requirements.

54
55 Jim Kaiser asked if it was 16 lots instead of 14. Scott Walz indicated that it was an error; 16
56 lots is correct and meets all requirements.

57
58 Chairman Brufloft asked for questions of the general audience; there were none.

59
60 Chairman Brufloft asked for written testimony. Steve Sorenson, Chairman of Cormorant
61 Township, submitted a letter in favor of proposed plat. Testimony closed by chairman.

62
63 **MOTION:**

64 **Dave Blomseth made a motion to approve the Preliminary Plat; Jim Kaiser second. All**
65 **in favor; motion carried.**

- 66
67 **3. APPLICANT: Gould's Hearts Desire LLC** 1850 Skyline Ranch Road, Rapid City, SD.
68 **Project Location:** 31376 Co Hwy 50, Park Rapids, MN. **LEGAL LAND**
69 **DESCRIPTION:** Tax ID number: **34.0088.000** Section 13 Township 141 Range 36 GVT
70 **LOT 3 LESS N 100' W OF HWY and 34.0216.000** Section 14 Township 141 Range 36
71 **WEIGELS SUBDIVISION 141 36 OUT LOT 3 APPLICATION AND DESCRIPTION**
72 **OF PROJECT:** Request a Change of Zone from Commercial (Parcel #34.0088.000) and
73 Agricultural (Parcel #34.0216.000) to Residential, a Change of Zone from Agricultural
74 (Parcel #34.0216.000) to Commercial, and approval of a Certificate of Survey.

75
76 Gould's Heart Desire LLC wishes to retain a Change of Zone and Certificate of Survey. The
77 property meets or exceeds requirements. Scott Walz spoke for Gould's Hearts Desire LLC.

78
79 Jim Kovala asked about the campground. Walz indicated that there are 5 campsites north of
80 the lodge. Kovala remarked that there were some RVs parked there. Walz said there are 6
81 cabin structures.

82
83 Larry Knutson asked if this was a change of the Conditional Use Permit. Walz said the
84 Conditional Use Permit covers family and non-family use.

85
86 John Lien asked if it was just 3 new lots. Walz said yes, with a small zoning change.

87
88 Chairman Brufloft asked for questions from the general audience. Martin Vanyo addressed
89 the board; he has a home to south. He reiterated that there have been campers there for years.
90 He asked the reason for rezoning. He is not opposed, he just wants to understand. He asked
91 if there would be 3 new cabins. Walz showed him the map. Mr. Vanyo has no objections to
92 the application.

93
94 Glen Walters, Chairman of the Two Inlets Township Board, approached the board. He has
95 several concerns and received many letters and phone calls regarding this application. The
96 application and maps show residential zoning, and there is only a 200 foot setback. Area 88
97 is marked as agricultural, but is only forest or pasture. Two Inlets Township Board requests
98 tabling the application until the application and maps are in agreement, then contact all
99 concerned parties.

100
101 Walz concurred that the informational packet was not complete, and in error. The 3 tracts, A,
102 B, and C, are zoned residential. He thought the landowner wanted to retain the original
103 zoning, but they want it zoned commercial.

104
105 Walters asked to send corrected information to all surrounding property owners. He has
106 received at least 27 phone calls about this. He asked to board to follow policy and put out
107 correct information.

108
109 Larry Knutson remarked that it was a good point, and asked Walz to issue correct
110 information. Jim Kovala recommended tabling the application until next month. Walz
111 replied that the client was not here, but doesn't believe they would have an issue with tabling
112 the application. Knutson won't accept the application without correction. Walz said to table
113 the application.

114
115 Dave Keller, who owns a resort next door, had concerns about complex density. Based on
116 entire amount of lakeshore, he didn't think they could build more. It would be too high of a
117 density if they build on lots. The matriarch of the family has recently passed away, so the
118 lodge should come down. Walz has done a density calculation, and it is still within allowable
119 limits. However, per the deceased matriarch's wishes, the lodge will be coming down.
120 There is enough room for 36 units.

121
122 Kyle Vareberg presented written testimony from June Goetzke. She remarked about the
123 inaccuracy in information and septic issues.

124
125 Kyle Vareberg presented written testimony from Teresa & Dennis Goodrum, who object to
126 dividing the parcel. They also cited septic issues, and requested denial of the application.

127
128 Chairman Bruflo dt closed testimony, and the application was tabled.

129
130
131 **Old Business:**

132
133 **1. APPLICANT: Long Shore Development, LLC** 13274 435th St SW, Fertile, MN
134 56540 **Project Location:** 23677 W Long Lake Rd, Detroit Lakes, MN. **LEGAL LAND**
135 **DESCRIPTION:** Tax ID number: **08.0549.000** Section 31 Township 139 Range 041 31-
136 139-41 E1/2 E1/2SW1/4; NE1/4 NW1/4 E OF RR ROW; NW1/2 NE1/4; SW1/4 NE1/4;
137 GOVT LOT 7 LESS 8.8 AC TO DNR; LESS PT GOVT LOT 7 S OF W EXT OF N LN
138 GOVT LOT 9 & E OF LN COMM E QTR COR SEC 31, N 222.3', SW 41.9' TO POB: SW

139 212.2', SLY 333.9' TO LK & TERM **and 08.0551.001** Section 31 Township 139 Range 041
140 PT E1/2 NW1/4: COMM SE COR NW1/4 E 663.86' TO POB: N 1664.17', SWLY AL
141 RWY 1731.9 E 408.06' TO POB. **APPLICATION AND DESCRIPTION OF**
142 **PROJECT:** Request a Conditional Use Permit to allow for development of a Sand & Gravel
143 Pit mining and processing operation.
144

145 Bill LaFond of Strata Corporation gave a power point overview of the basic project design
146 and explained the project site, new and existing. LaFond Noted that there are already several
147 gravel sites nearby, not all active. According to the power point, this will be a well-protected
148 site. Material will be conveyed across the area to be washed. Only concrete aggregates will
149 be made. Rock Ridge will continue with no change due to the introduction of the new pit.
150 The new pit will extend the life of aggregate operations by 18 to 20 years. It is 92 acres,
151 surrounded by forested areas on all sides except for 4 sites. This is where 4 sight and sound
152 berms will be constructed to provide additional shielding. They will be soil berms, shaped,
153 soiled, and seeded with additional erosion safeguards until the seeding has established. They
154 will redirect the sound from the site.
155

156 The crushing operation is in the extreme southwest corner of the site. Noise and dust
157 generation will occur with crushing, but Strata uses state-of-the-art dust control. They intend
158 to operate this site on a part-time basis, 8 to 10 weeks per year, for 15 years. It is not
159 intended for year-round use. No site reclamation will begin until the following year. The
160 bottom surface of the pit is relatively level, while the top is not. It will begin in the
161 southwest, then go east and north. They will reclaim on an annual basis; no open areas will
162 be left until the end of the project.
163

164 The goal is to make the site as invisible as possible to the surrounding community, and they
165 have considered all adverse impacts. From every viewpoint they have taken every effort to
166 shield neighborhoods from these impacts. They plan to leave as many topographical areas as
167 possible natural and intact. Younger spruce trees approximately 6 to 10 feet tall will be
168 removed from the northwest area of the site and be replanted in the northeast area. There
169 will be no impacts to the two wetlands near the northwest corner and the east side of the site.
170 A 100 foot buffer will be maintained there, with a 50 foot buffer for the sight and sound
171 berms. There will be ample storm and erosion protection to prevent sediment runoff from
172 entering the wetlands. The portable crushing plant will move in and out on an annual basis.
173

174 Removal and stockpiling of soil from the project are separate operations, and can occur
175 before, during or after operations. Projected use from 2018 to 2031 is 8 to 10 weeks per
176 year; from 2032 to 2036-37 will be longer, 5 to 6 months per year. The gravel deposit will
177 be depleted in the 2035-2037 time period, with over 5 million cubic yards of gravel removed.
178

179 All efforts will be made to protect native grasses and plants, and provide silt and storm water
180 runoff. They will have a permit from the MPCA (Minnesota Pollution Control Agency).
181 They expect the noise to be far below levels required by state and MSHA (Mine Safety and
182 Health Administration) standards. Per standards, during one hour of monitoring, noise
183 cannot exceed 65 decibels, but will be less than 10 decibels. It will be difficult to hear the
184 operation outside of the area.

185 Dust output is also monitored by MSHA, as to how it impacts employees, and they maintain
186 very strict standards. Strata has a state-of-the-art dust suppression system; statistics and
187 additional information are available.
188

189 Visually, this is a clean operation. It is difficult to see the surrounding residential areas, even
190 without leaves on the trees. Residents have expressed fears about property values. Strata
191 commissioned a study of property values approximately 2 months ago, which was provided
192 to the Planning Commission. This type of operation does not negatively impact property
193 values in Detroit Lakes or the Becker County area. Taxable property valuations have
194 actually gone up.
195

196 The Planning Commission then questioned Mr. LaFond.
197

198 Robert Merritt said he had looked at the mine reclamation plan and found things weren't
199 quite right. He said that LaFond alleged that the pit won't be in a shoreline district. Merritt
200 said the arrow is incorrectly placed, he has done a GIS measurement and has a map. The pit
201 is within 1000 feet from the shoreline district, and below the water table. LaFond responded
202 that they have no plans of mining below the water table within the shoreland. He also stated
203 that he will check the information and get it corrected if necessary. Merritt said that figure 3a
204 AA prime's ground water is connected to the lake. Mining below ground water level has the
205 potential to change the head direction. The water is presently coming from the west. There is
206 7000 feet of shoreline, injected with water, running into the lake. Changing the direction will
207 take out about 13% of that distance, creating a trench. This may drop the lake level, directing
208 flows
209 to the south. LaFond indicated they will address these concerns, and experts are present at
210 the meeting to explain this. The environmental review was completed several months ago,
211 and no concerns were expressed. They have consulted with hydrologists and geologists, and
212 will discuss these concerns later in the presentation. Merritt disagreed with LaFond's
213 assertions.
214

215 The Chair asked for other questions from the board; there were none.
216

217 Jason Kirwin with Environmental Scientific presented on behalf of Strata Corporation. He
218 presented information regarding geological, environmental, and hydrology issues. He
219 reviewed the comments, and explained the EAW process. First, they look at the project and
220 identify the issues. Second, they change the project to eliminate the issues. They constructed
221 a draft, which was submitted to County, State and Federal levels. No state or federal
222 agencies addressed Merritt's concerns. Due process ends because no issues were uncovered.
223 He has additional information about this process.
224

225 This project is not new, and Strata is doing exactly what they proposed to do: mining down to
226 the water table just like the present pit. The Conditional Use Permit addresses all of these
227 concerns to hold them accountable to a higher standard. They are proposing removal of less
228 than 10% of the available aggregate.
229

230 He referred to the DNR table regarding Long Lake water levels, which showed that an area
mined from 2006 to 2008 and then reclaimed did not lower the water level. There was no

231 impact. It was lower in the 30s and 40s, so there is no correlation between mining and
232 reclaiming on water levels.

233
234 Merritt cited a USGS study from 1982 regarding flow direction. The maps show that the
235 flows where ponds are go south, and don't impact the lake. Jason showed a map of a USGS
236 outwash deposit. Outwash is gravel and rock created by running water or glaciers. Strata is
237 mining a small point, with an area of 800 x 1800 feet mined below the water table. LaFond
238 stated that it is very difficult to measure aquifers. The mine area is on the edge of the deposit
239 and the aquifer. Jason cited another study, Hydraulic Impacts of Quarries on Gravel Pits,
240 DNR, 2005, which included several sites. At this point some members of the audience
241 questioned the relevance of this information. Chairman Brufloft reminded audience that
242 comments aren't accepted yet.

243
244 Jason continued, stating that most sites are mined below the water table. The DNR put
245 monitoring ponds at some sites to monitor flow. They concluded that pits had no negative
246 impacts on ground water levels, and will not affect water available to wells. They will alter
247 ground water flow, which could affect wetlands. Alluvial pits had no impact on ground
248 water levels. Redirection of ground water flow to a pond and ditch system did lower water
249 levels. In the Felton ditch system, there was no culvert, and the ditch doesn't freeze. The
250 ditch drains the Felton mine. Long Shore has no ditch system, and is not proposing
251 dewatering of the site. They do not believe that they will impact water levels of Long Lake;
252 Felton is not a comparable system. Merritt said he was incorrect, that the flow changed.
253 Jason replied that they only talked about the most obvious one. Merritt indicated that there
254 were problems with this. Jason stated that it was not a reasonable expectation that it would
255 happen, and they would have mentioned it if it was. John Lien remarked that in 2000, the
256 Conditional Use Permit stated no mining within 1000 feet. Jason said he was not an expert
257 on ordinances, and the comment about 2000 was not about this project, which does not
258 prohibit mining within shoreline zone. Lien wanted to know why the DNR was opposed.
259 Jason replied that when you provide a detailed mine plan, it raises many questions, which are
260 more likely to be answered. The new plan should have answered those questions. Lien said
261 the new plan has a lot of data, but can be interpreted differently, and has more of an impact on
262 the lake. Jason replied that ground water flow follows topography, generally, and the new
263 project area was 35' higher before, with the flow going to the lake running south to east.
264 Merritt said he wasn't right. Chairman Brufloft said it was time to move on, as everyone had
265 made their point.

266
267 Chairman Brufloft then opened the floor for public comment, which was limited to 2
268 minutes per person.

269
270 Ron Bjorklund: lives half mile south of the current operation. Culverts across County 6.
271 Loud. Cut all the trees down. Has complained to Township Official Ken Shroyer. Listens to
272 noise all night long.

273
274 Mayor Matt Brenk, City of Detroit Lakes: appearing on behalf of City Council. Preserving
275 assets. Carefully vetted. Rights of property owners. Potential for residential growth.
276 Investments in jeopardy. Generates revenue, but short-lived. Economy needs additional

277 workers and residential development. Chairman Brufloft asked if the city had a timeline for
278 annexation.

279
280 Charles Ramstad, City Attorney, appearing on behalf of the city. Submitted a letter April 5.
281 Conditional use, effects on surrounding property. Noise, dust, lights, can they be adequately
282 addressed. Primary concern-orderly and consistent development. Will project impede uses
283 predominant in area. Area is becoming urban, Long Lake is prime development area. A 2.7
284 million sewer project around Long Lake is in the works. The new mine is in a residential
285 neighborhood. CUP should not be granted because of effect on orderly development. If the
286 plan proceeds, see conditions in the letter submitted. The County's own ordinance requires
287 performance bond to ensure that taxpayers don't get stuck doing reclamation. Strata is
288 operating under a lease. The County should determine the cost of reclamation and post bond.
289 Make sure Strata is limited to their promise of 8-10 weeks.

290
291 Tom Anderson, President of Long Lake Association: read list of speakers. The new mine
292 boundaries are right next to neighborhoods, the Concordia station, and a spring-fed lake.
293 Bad for environment, makes very little sense for Becker County.

294
295 Tera Guetter, Pelican River Watershed, Technical Review Panel: EAW refutes the plan; Kyle
296 indicated the board received her packet. Letter from Bill LaFond; July 2017 met with Bill to
297 review EAW document. April 2017 County discussions, would not complete scoping EAW.
298 Nobody told Review Panel. County requested standard EAW instead of EIS. EIS was urged.

299
300 Jaimie Deraney, doctor: lives 450 feet from boundary of project. Constant noise, dust, trains,
301 all night long. Plans by Strata are not reasonable. Noise not in compliance. Becker County
302 has a 20 year comprehensive plan, should work with city. Page 92 of ordinances addresses
303 water quality, infrastructure, and annexation, stewardship of lakes, waters, and wetlands. A
304 better location could be found for this project.

305
306 Bob Koshnick: Silicosis- silica is the main ingredient from sand, causes respiratory
307 problems, kills a lot of people. Silica and dioxide goes into the bloodstream, causes
308 autoimmune reaction, rheumatoid arthritis, lupus, etc. Turn down the application, it's too
309 close to residential area.

310
311 Paul Orth: Questions the transparency of the project. Believes there is a need for an EIS.
312 County Administrator said applicant wrote document. All property owners didn't get
313 notices. Kyle stated that notices were sent to all residents within a quarter mile radius, and
314 was listed in the legals in the newspaper. The tour of the project was advertised, but turned
315 out to be a meeting. First hearing tabled. Chairman Brufloft said that on the tour everyone
316 was allowed to speak. When the Committee tours, they also meet. Kovala was surprised that
317 no citizens spoke at the tour.

318
319 John Riewer: Wants board to deny. There are environmental concerns. A home is most
320 people's largest personal asset, their dream and refuge. Says he was naïve to believe that it
321 would not be commercially developed further. Shady Hollow's application was denied to
322 protect residential properties. This is a quality of life issue. Additional noise, dust, and

323 blight too close to homes. Mary Seaberg asked if the development was built after Rock
324 Ridge was already there. Riewer replied yes, but they hoped it was going to conclude, not
325 expand. Afraid of what the future holds for the neighborhood.

326
327 Levi Wold, Long Lake Campsite: in operation since 1972, project is so close to resort and
328 city limits, mining close to lake and water table. Radon in ground. Lots of noise and dust for
329 campers. 2007 U of M study, \$300 spent per day in Becker County by tourists. Will hurt
330 lodging tax and number of campers. Noise and dust.

331
332 Kregg Wolf, Lakecrest Resort: the new project will hurt tourism. Negative long-term effects
333 on drinking water and water level. Please deny.

334
335 Lee Kessler-Retired civil engineer. Impact on ordinary high water level. Disagrees with
336 conclusions of effects; they are opinions, not based on fact. Not expected, not likely,
337 typically: translates to 'they're not sure'. Too much ambiguity. Request denial. If approved
338 include clause, no mining below ordinary high water level. Merritt- would you used those
339 same words in your line of work. Kessler-no, I wouldn't, I would want to more positive.

340
341 Mike Ring-Counselor Realty. Sold dozens of properties in that area. Proposed operation
342 will have an effect within 3 mile radius, if not more. Already affecting sales. Why did Strata
343 contact Barnesville for a market study and not use a local individual to conduct the study.
344 Property taxes far outweigh gravel tax. Right to enjoy homes.

345
346 Dr. Brian Bishop-chair of Biology, Concordia College. Involved with shoreline restoration,
347 developing 40 acres of corn and soybean into pollinator and native grasses habitat. There has
348 been a doubling of bees since pollinator projects. Use area for research and outdoor
349 classroom which serves several thousand students. Gravel pit will seriously impact
350 experience for them and for area middle school students. Dust will impact plants, wildlife,
351 pollinators, photosynthesis, and can cause invasive species. Impacts migratory birds.
352 Affects nature enjoyment for residents and visitors. Vote no.

353
354 Linda Brown-vice president for finance, Concordia College Corporation LLC map. Provided
355 a hand out to the record. Land given to the college in 1974 for biological and environmental
356 field station. Valuable station and experiences for all ages. Long Lake is presently free from
357 invasive species. The present project application threatens this balance. Do not grant.

358
359 Steve Menden-Wenck Associates. Reviewed the EAW. Plan did not cover all impacts.
360 Additional monitoring of ground water and surface water would be advisable. Incorporation
361 of annual or semiannual review of mine plan, review potential or actual impacts. Robert
362 Merritt-with regards to monitoring. If we monitor and find alterations in flow dynamics, how
363 will we mitigate that? Steve-not sure he has the best answer for that. Agrees with broader
364 statement that quantity of water won't probably be very significant. However, rerouting of
365 ground water should focus on quality of ground water.

366
367 Barry Burchill: there are so many non-binding phrases and contradictions. Aggregate will
368 not be trucked from site, but if it is, they will water the road. How to take all of this.

369 Environmental impact of building a house. Legacy. What is Plan B if this goes wrong. Take
370 a step back and consider.

371
372 Jim Wensman-didn't get a letter. Power washed the patio, amount of sludge from dust that
373 rolls in from three quarters of a mile away is getting worse. Didn't get a notice. House
374 values can go down. Questioned LaFond on the average depth of the mine in the water table.
375 LaFond-15 feet deep mining, 5 to 10 below water table. Wensman – for every 11 feet into
376 the water table, Long Lake can drop 1 foot.

377
378 Walt Aanenson: don't approve the application. Ambiguous wording. Petitioner wrote the
379 study that says they don't anticipate any problems.

380
381 Mike Herzog, Herzog Roofing. OSHA requires commercial roofer to vacuum silica dust
382 when roofing. Why not in a gravel pit? What will that dust do right now?

383
384 Chairman Brufloft asked for further public comment; none. He then asked for any written
385 comments not previously submitted for review.

386
387 Kyle Vareberg read a letter from Don Maristuen.

388
389 There was no further written evidence to present.

390
391 Chairman Brufloft stated that this portion of the hearing was closed. Applicant has the right
392 of rebuttal.

393
394 Scott Anderson, Attorney, clarified for audience that applicant has opportunity to respond.

395
396 Chairman Brufloft asked if Bill LaFond had anything to rebut.

397
398 Bill LaFond asked the commission if they had any questions. The big picture perspective is,
399 previous projects proposed are not the project proposed here. Comments made about EIS vs
400 EAW was dictated by administrative rule by the State of Minnesota. When ruling came
401 about, this project fit the category of an EAW. If there had been significant environmental
402 effects, then an EIS would have been requested. They were properly reviewed. Not
403 profitable for his geologist to debate Mr. Merritt. Chairman Brufloft stated to hold off now,
404 there was nothing further to add.

405
406 Harry Johnston asked how necessary is it to excavate below water level. LaFond- hard to
407 answer. It is not absolutely necessary, but desirable. They are trying to recover as much
408 gravel as possible, and trying to mine outside of the shoreline district. He took strong
409 exception to previous allegations about water affect. This practice is done all over the nation,
410 the same kind of mining. When you are not dewatering (dewatering has bigger impact), we
411 are not proposing dewatering. We are just taking a scoop of gravel out of the water table.
412 We have lots of experience doing that over the years. Its common practice.

413

414 Larry Knutson did some calculations, and asked if mining under the water table was about
415 13% of project. LaFond stated that they estimate net cubic yards of 5.4 million. 631,000 of
416 that come from mine #5, under and above water table. Less than 10% of the project involves
417 mining under the water. NO (response from audience). A lot of other things, irreversible
418 damage by mining under water table. Seaberg asked the difference between scoping EAW,
419 mandatory EAW, before an EIS? Why was it changed? LaFond replied that an EIS includes
420 socioeconomic factors, traffic, and other issues. It can get very complex..You do a quick
421 EAW for scope of EIS. Seaberg also asked if Strata was governed by MPCA and OSHA.
422 LaFond replied that they fall under MSHA and a lot of other federal agencies. Seaberg-do
423 they regulate you? LaFond-yes, all the time.

424
425 Jim Kaiser asked if Strata owned the land for the project. LaFond-no. Kaiser - have you
426 ever owned the Land. Bill – not to my knowledge. The lease was recently updated and filed
427 with the county, but he was not privy to the details. Kaiser-So Strata has always had a lease.
428 Bill-yes, and there's a new one on Long Shore for the new project. Kovala told LaFond that
429 when he talked to them in April, he was surprised to learn they would only mine for 8 to 10
430 weeks. They wouldn't be able to mine in a late spring like this one, which pushes it into May
431 and June. Could you mine only in April and May. LaFond replied that their desire is to mine
432 as early in spring as possible. Seaberg asked, desire, could it go all year. LaFond- no, only
433 the 8 to 10 weeks. Chairman Brufloft reminded the crowd to give respect to speaker, as the
434 public part of the hearing is closed. Knutson-so if it's a late spring, could you mine in
435 September and October. LaFond-you mean if we can't in the spring, yes we could, but that's
436 difficult to answer tonight. Chairman Brufloft commented that their product demand will
437 dictate a lot of that. LaFond stated that they have no desire to mine during summer months.
438 Merritt asked why not. LaFond replied that it was because of the lakeshore, and they don't
439 want to disrupt people's lives and the tourist season. Knutson asked how many stockpiles
440 they would have. LaFond said not many, and they would never be any higher than the old
441 tree canopy. Chairman Brufloft asked what the difference between this project and Rock
442 Ridge was. LaFond stated that 30 to 40 years have created a large sand inventory which is
443 being whittled down. For every ton of rock produced, you need one ton of sand, but it
444 produces 4. It will not be stockpiled at Long Shore. Kaiser asked about the trains running in
445 the middle of the night. LaFond explained that they have 24 hours to load the rail cars and
446 notify Burlington Northern, or pay extra. They own the cars but still have to pay extra if not
447 released to BN within 24 hours. They have no control over when BN picks them up.
448 Chairman Brufloft asked if there were any other questions; there were not.

449
450 Chairman Brufloft asked for discussion by the board.

451
452 John Lien remarked that it was a lot of info to go through. He read from the Zoning
453 Ordinance and stated CUP criteria. He highlighted the criteria and the potential problem
454 with uses. Is it a nuisance, are there adequate measures in place to prevent noise, dust,
455 fumes, etc. Shoreline areas face potential soil erosion, pollution, and water diversion.

456
457 Chairman Brufloft commented that it was hard to hear 2 professionals disagree
458

459 Robert Merritt stated that he is a Minnesota Licensed Professional Geologist and worked for
460 over 32 years as a DNR Hydrologist. He asked Attorney Anderson the following question:
461 during the pre-meeting, where is the burden of proof, and who has the burden of proof. Is it
462 on the applicant. Anderson replied, yes, in general. The applicant has the burden of coming
463 forth with evidence that the criteria of the ordinance is met. It's a little broader than that, in
464 that others may bring forth evidence.

465
466 Jim Kaiser stated too Larry Knutson that there was nothing in the environmental review
467 process for the EAW that sparked an EIS, correct.

468
469 Larry Knutson stated correct, a negative declaration was made by the County Commissioners
470 for the need for an EIS, and all agencies were given a comment period and comments were
471 received.

472
473 Larry Knutson asked Attorney Scott Anderson under the conditions of the Zoning Ordinance
474 for CUP criteria in Chapter 8, Section 11 if a CUP could ever be approved. Anderson said
475 things can be different in different lights, people look at things differently. The Planning
476 Commission is to view the evidence and come to a conclusion you want to, but some
477 conditions are broad.

478
479 Ray Thorkildson stated he could not vote for the application because of health issues,
480 environmental concerns, the City's concern for future development, but the number one issue
481 being water. It's just the wrong place.

482
483 Mary Seaberg asked LaFond why they could not go elsewhere. LaFond stated if they did,
484 they would have trucking issues.

485
486 Jim Kaiser stated the applicant has been attempting to obtain a CUP since 2002. The only
487 way to control things, is to own the property. He told the audience they've had the
488 opportunity since 2002 to negotiate to buy the property, and control it. He stated he could
489 live with voting for it but would not be in favor of mining into the water table so a stipulation
490 would have to be made not to mine into the water table.

491
492 **John Lien made a motion to deny the Conditional Use request as written. Attorney**
493 **Scott Anderson suggested that the motion be reworded as a Motion to deny the**
494 **conditional use permit and to direct Staff and Counsel to draft findings consistent with**
495 **a denial. John Lien adopted the suggested motion language and made a motion to deny**
496 **the conditional use permit and to direct staff and counsel to draft findings consistent**
497 **with a denial. Robbert Merritt Second. In favor: Kovala, Johnston, Seaberg, Skarie,**
498 **and Thorkildson. Opposed: Knutson, Blomseth and Kaiser. Motion Carried.**

499
500 **The Planning Commission agreed to hold a special meeting at 7:00 a.m. on May 22 to**
501 **consider the findings of fact drafted by staff and counsel.**

502
503
504 **Informational Meeting:** The next informational meeting is scheduled for Wednesday, June 6th, 2018 at
8:00 am in the Third Floor Meeting Room of the Original Courthouse.

505

506 Since there was no further business to come before the Board, James Kovala motioned to adjourn. All in
507 favor. Motion carried. The meeting adjourned.

508

509

510 Jim Bruflo dt, Chairman

John Lien, Vice Chairman

511

512

ATTEST _____

513

Kyle Vareberg

514

515

516

517

518