

MINUTES-PLANNING COMMISSION/BOARD OF ADJUSTMENT MEETING

TUESDAY, OCTOBER 8, 2013, 7:00 P.M., COMMISSIONER ROOMS, LYON COUNTY GOVERNMENT CENTER, MARSHALL, MINNESOTA

MEMBERS PRESENT: Anderson, Thooft, Steen, Ludeman, Chalmers, Sturrock,
Others Present: Ritter, Biren, Zimmer, and Olson

Ludeman opened the meeting at 7:00 p.m.

PLEDGE OF ALLEGIANCE TO THE FLAG

IDENTIFY ANY CONFLICT OF INTEREST. Sturrock will abstain voting on the essential service request because he serves on the Marshall Municipal Utility (MMU) Board.

AMEND/APPROVE AGENDA. Thooft motioned, seconded by Chalmers to approve agenda. All voted in favor, motion carried.

CORRECT/APPROVE MINUTES FROM THE JUNE 11, 2013 MEETING. Thooft motioned, seconded by Steen to approve the minutes as presented. All voted in favor, motion carried.

BOARD OF ADJUSTMENT:

VARIANCE: None.

PLANNING COMMISSION:

ESSENTIAL SERVICE REQUEST - MAJOR

Public Hearing, Marshall Municipal Utilities has applied for an essential service permit-major to construct the Sandnes Raw Water Main Project. The corridor is starting with one mile of 24" and 15 miles of 20" diameter PVC pipe, the pipeline route will generally follow the west side of Marshall along Lyon County Highway 7 and Channel Parkway, then following the US Highway 59 right-of-way north to Lyon County Highway 24, then turning to the east and following the Lyon County Highway 24 right-of-way to 250th Avenue, then turning to the north and following the 250th Avenue right-of-way to Lyon County Highway 10, then turning to the east and following the Lyon County Highway 10

right-of-way to 260th Avenue, then turning to the north following the 260th Avenue right-of-way into Yellow Medicine County. All located in Lyon County, Minnesota.

Steve Johnson is present to represent MMU. Biren provides maps describing the project route. Johnson- MMU started exploring for water in 2001, in 2011 they drilled wells north of Cottonwood where an adequate water supply was discovered. 4 or 5 possible delivery routes were considered and the preferred is what is proposed today. This stemmed from water appropriations of the Marshall and Dudley aquifer. The DNR told MMU that a third source must be found. All required permits from the DNR have been received. MMU is currently at its 25% delivery threshold, considered by the DNR as being critical. Any threshold greater than 25% and the DNR can force MMU to start its water conservation program and limit water usage.

Biren- Essential services are defined in the ordinance as major or minor. This is a major service so a conditional use is required, essential services within right-of-way or within 90 feet of the road. Everything on this route is within the right-of-way. The work will be digging a trench and installing pipe with directional borings in some spots. The pipe will be an average of six feet deep. Notice was sent to the townships and Lake Marshall Township responded with no concerns. MMU has an existing agreement with Vallery Township to use right-of-way.

Johnson- the project will be in the right-of-way with no private easements. Temporary easement for bore pits though, but these expire in two years. Ludeman- planned start date? Johnson- 90% of the permitting and approval is done, MMU will accept project bids until the end of October, decide on contractor by December, and begin construction around the January 1, 2014. Sturrock- where in the ditch will the water line be installed? Johnson- on the upslope side of ditch opposite of the roadway. All drainage will be videotaped prior to use. Sturrock- describe the existing conflict between tile lines and route. Johnson- unit price to repair tile if damaged during installation, hopes to work with property owners to located lines.

Anderson- amount of total boring required for project? Johnson- boring all water crossings. There are two types of boring: T1- casing around main and T2- just boring. Bituminous road and most driveways will also be bored, intended to miss as many culverts as possible. Anderson- will MMU stand behind damage from areas not bored. Johnson- yes, covered in unit prices for repair of any damage. Biren- the County Highway Engineer and Ditch Inspector have been notified of project. The Ditch Inspector, Todd Hammer, would like to be invited to the pre-construction meeting along

with getting contractor contact information. County Engineer Aaron VanMoer has issued a permit for project. Ludeman opens the discussion up for public comment.

Chuck Norland, Vallers 15- 250th Ave has three farm places in one square mile. If route would go one mile east from here, there are only two homes for a two mile stretch. Power poles, REA, and rural water on 250th Ave. Johnson- Doesn't section 15 have water, maybe a county ditch? MMU's route is still flexible and can be changed. Norland- no surface water on 260th Ave. Sturrock- can the board issue a modification permit? Biren- the altered route would require a separate permit because those landowners on 260th Ave were not noticed under this current permit request. Johnson-MMU's engineers have driven route several times, locates were called on for all major utilities, 4 or 5 different routes considered and this was the optimal one. Norland- less farm places along 260th Ave. Johnson- we will bore under driveways so farmsteads are not a major consideration.

Greg Heintzeman- Concerned about line boring driveways, specifically his own in Fairview 20. Johnson- bore without casings at this location. Bonnie Heintzeman- where will the bore be in the ditch? Johnson- bore will likely be in the bottom of the ditch. We want to prevent affecting ditches and culverts because MNDOT will require resloping if disturbed. Thooft- where will the infrastructure along the route be located, referring to valves, flushing areas? Johnson- Everything will be right of the pipe in the right-of-way. Chalmers- disruption of traffic during construction? Johnson- crossing and open cuts would be all that affects traffic. MNDOT rules will be followed. Driveway open cuts should take less than a day. Chalmers- will field approaches and accesses also be covered if damaged? Johnson- correct, same as driveways. Ludeman addresses finding of facts with checklist.

Thooft- township road closings? Johnson- about a day, will close at mile mark so users can go around section. Most cases, the contractors will try to keep one lane open. Biren- staging areas for equipment/materials? Johnson- multiple staging areas will be available in the city of Marshall, up to the contractor as to which they will use. No overnight parking, MNDOT rules will be followed. Thooft- night work? Johnson- work hours will likely be set from 7:00am to 7:00pm with no anticipated night work. Motion made by Thooft, seconded by Chalmers to recommend the permit be granted by the County Board. All vote in favor, Sturrock abstains. Motion carries. Chalmers- questions contingency plan language in factor 3 of the motion. Biren- contingency plan would not be possible because a change in scope would require a new permit.

Chalmers motioned, seconded by Thooft to adjourn at 7:45 pm. All voted in favor, motion carried.

Respectfully submitted,

Planning and Zoning/Board of Adjustments

Luke Olson, Lyon County Planning & Zoning