

MINUTES-PLANNING COMMISSION/BOARD OF ADJUSTMENTS MEETING

Tuesday, June 9, 2020– 7:00 P.M., COMMISSIONERS ROOM, LYON COUNTY GOVERNMENT CENTER, MARSHALL, MN. Due to the COVID 19 Virus, the meeting offered a call in option for board members and participants. Roll call voting utilized on Land use decisions.

MEMBERS PRESENT: Louwagie, Steen, Williams, VanOverbeke, Meulebroeck

OTHERS PRESENT: Crowley, Springstead, and Biren

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

All present recited the Pledge of Allegiance

Identify any conflicts of interest, none identified

AMEND/APPROVE AGENDA: Steen moved, seconded by Williams to approve the agenda as presented. All in favor, motion carried.

Election of Officers –

VanOverbeke nominated Laurel Steen for Chair.

VanOverbeke moved to cast a unanimous ballot for Laurel Steen, Chair for the remainder of 2020, second by Williams All in favor, motion carried.

VanOverbeke nominated Scott Williams for Vice Chair.

VanOverbeke moved to cast a unanimous ballot for Scott Williams, Vice Chair for the remainder of 2020, second by Steen All in favor, motion carried.

Minutes from April 14, 2020- meeting reviewed, Williams moved, seconded by VanOverbeke to approve minutes as presented. All in favor, motion carried.

BOARD OF ADJUSTMENTS: Variance request by Brian Kerkaert to construct two grain bins, one 36' diameter and one 24' diameter approximately 52 feet from the road right of way. This request represents a 48 feet variance request.

Biren read the public notice and explained location showing maps.

Bryan Kerkaert explained the need for the variance. The proposed bins need to be located to work with the existing grain setup. Discussion continued regarding bin logistics.

Clifton Township comments read into the record.

Developed Findings of Fact

Williams moved, seconded by VanOverbeke to grant a variance to Bryan Kerkaert to construct two grain bins, one 36' diameter and one 24' diameter, approximately Fifty-two (52) feet from the road right-of-way. This request represents a Forty-eight (48) foot variance request. The area representing the request is zoned agricultural.

With the following stipulations:

1. That if any of the work performed as allowed by the granting of this variance is ever impacted or required to be removed, the cost of such impact shall be borne by the landowner, including removal and/or relocation of property and facilities.
2. Must obtain a building permit prior to construction.
3. The purpose of which the variance was granted shall be undertaken by the applicant within 18 months of the granting of the variance. For good cause, the Zoning Administrator may grant an administrative extension of up to 12 months. Said extension shall be in writing. If the applicant fails to establish use of the variance within said time limits, the variance shall expire.
4. Adopt Findings of Fact as part of Motion.
5. A copy of this Motion shall be filed with the County Recorder's Office along with the legal description of the property. Additional fees to be paid by the applicant for the actual costs incurred by the county for the recording fees.

VOTING FOR: (Roll Call) Steen, VanOverbeke, Williams, Meulebroeck, Louwagie motion carried.

PLANNING COMMISSION: Request by Lincoln Pipestone Rural Water for a conditional use permit, major essential service to install a water pipeline.

Biren read the public notice and introduced Jason Overby, Employees from LPRW Peter Baudhuin DGR Engineering, LPRW Staff, Don Drietz, and Keith Englkes.

Biren read information pertaining to system.

Overby explained the proposed pipeline including location, size, and need. Low flow, pressure, and supply are problematic. Bids for installation work coming in the end of the month.

Biren, ordinance requires pipeline to be located in the right of way or 90 feet from the centerline. Overby we are working on easements, some landowners are willing some not so much. Don Drietz, easements are a challenge due to tile.

Williams, main lines on private property is that how it will be installed. Overby, working with landowners is assumption but will resort to right of way if needed. Williams, bidding will be difficult cart might be in front of the horse. Baudhuin, separate bid options and different bid prices to cover additional work.

Williams, low pressure issue why don't you just add booster pumps? Baudhuin, pipeline is cheaper alternative, larger pipeline is better function system more moderate system.

Williams, 3 inch lines abandoned, six inch and now 10 inch. Baudhuin, 3-inch lines are still in use.

Williams, as a farmer 12 inch rocks are not acceptable, all rocks need to be picked up six inch diameter need to be removed. Overby, Lewis and Clark Pipeline, created a document to facilitate the restoration, a document signoff for landowner once they are happy with the restoration. This will be implemented here. Williams, a one year walk through after construction would be good. Drietz, there is a condition for packing the trench, there will be less compaction issues and good cover.

Williams, if we are going to be in the road right of way I would like to see elevation shots taken before and after. Utilities continue to raise road ditch and drainage is impacted.

Steen, will these issues be addressed in the final inspection document? Baudhuin made it clear in bid documents that the ditches will need to be restored to pre-construction condition.

Steen, easements in place? Englkes, spoke with landowners most do not want water line on fields, have easements in a couple spots for most part have not obtained easements. Three landowners have said yes, rest have said no. Steen can we assume that this will be in the road right of way on most of the land. Overby, yes, more expensive, we have not paid easements in the past but we do pay a premium for crop destruction.

Steen public comment, Biren, read comments from Coon Creek Township Board and a letter submitted by Carey Johnson.

Williams, not against it our job is to protect the landowners and public, needs more research.

Steen, seeing no other comments let us move to finding of facts.

Developed findings of fact.

Williams, Not talked about, where are you going to stage? Drietz if private land or road right of way is not an option, we will use mile corridors. Meulebroeck, will there be enough room. Overby, it has been done but it is tight, there will be a lot of pressure put on contractor. Biren, what kind of response was given for temporarily storing dirt on private property? Englkes, most landowners 90 percent are willing to temporarily pile dirt. Overby, our attorney drafted a temporary easement document to be used. Drietz, staging areas will not be an issue, landowners are supportive of temporary work.

Williams, need to make certain rocks are buried, tile lines fixed and road ditches maintained, a bond must be required. Biren, what type of teeth does the contract with the funding source have. Overby Rural Development does not. Biren addressed Lyon County Highway utility permits required for work within the right of way.

Biren and Overby explained governance structure and ex official membership of Lyon County. Rick Anderson serves as a elision to the LPRW Board.

Worked on additional conditions

VanOverbeke moved, seconded by Williams to recommend to the Lyon County Board of Commissioners to grant a Conditional Use Permit – Major Essential Service to Lincoln Pipestone Rural Water (Applicant for installation of new service water pipeline). The area representing the request is zoned agricultural and shoreland.

The line will run from Section 19 of Coon Creek Township to Section 30 of Lyons Township mostly parallel to County Road 2 and will cross MN State Highway 23, US Hwy. 91 and the Redwood River.

The proposed water pipeline is to run in the following sections of land:

Coon Creek Township: S 1/2 of Section 19, S 1/2 of Section 20, S 1/2 of Section 21, S 1/2 of Section 22, S 1/2 of Section 23, S 1/2 of Section 24, and N 1/2 of Section 25

Lyons Township: N 1/2 of Section 30

With the following stipulations:

1. Allow inspection of the site during construction. Lincoln Pipestone Rural Water to notify Lyon County Planning and Zoning prior to the start of construction and when construction is completed.
2. Site to remain free of noxious weeds, trash, rocks, and rubbish. Removal of trash, rocks, and rubbish shall take place within ninety-(90) working days of the commencement of the major essential service construction. When backfilling, black dirt to be used for top soil and clay as base.
3. Provide off street parking and unloading of materials during construction.
4. Any essential service line or essential service structure not located within a public right-of-way or any utility easement required by the Lyon County Subdivision Regulations shall be set back at least ninety (90) feet from the centerline of any public road.
5. Provide contact information of the person overseeing the project for Lincoln Pipestone Rural Water.
6. Easements to be obtained prior to the start of construction.
7. All drainage facilities and patterns shall be repaired to pre-construction conditions as soon as possible after construction.
8. The construction activities shall be conducted in such a manner as to minimize impacts on livestock movement and access to agricultural fields.
9. Shelterbelts, windbreaks, fences, and vegetation shall be restored to pre-construction conditions.
10. Must apply for and obtain permits/permission from state, county and township and other appropriate agencies.
11. A copy of the County Board of Commissioner's Motion shall be filed with the County Recorder's Office along with the legal description of the properties. Additional fees to be paid by the applicant for the actual costs incurred by the County for the recording.

VOTING BY ROLL CALL VOTE: VanOverbeke, Steen, Williams, Meulebroeck, Louwagie

VOTING FOR: (Roll Call): Steen, VanOverbeke, Williams, Louwagie, And Meulebroeck

OPPOSED: None

OBSTAINED: None

ABSENT: None

Williams a couple more questions, what shacks are going to be in the right of way. Overby, location for manual pressure relief valves are pin pointed. Williams, how will they be marked. With flags and markings.

Motion by Williams Second by VanOverbeke to adjourn meeting motion passed,

Laurel Steen, Planning Commission

John Biren, Lyon County Planning & Zoning