

## PLANNING COMMISSION MEETING MINUTES

October 25, 2010

7:00 p.m.

### 1) Call to Order

Commission members present: Chair Heck, Strandell, Warner, Sandholm, and Stulberg.

Commission members absent: Pollmann, Watson. Staff present: Senior City Planner Breanne Rothstein, Assistant City Planner David Abel, and Council Liaison Cheryl Fischer.

#### a) Approval of Agenda

The Planning Commission adopted the agenda by unanimous consent.

#### b) Approval of Minutes

Motion by Strandell and second by Sandholm to approve the minutes from the September 27, 2010 Planning Commission meeting as presented. Motion carried 4-0-0.

### 2) Public Hearings:

#### a) EXCAVATION/FILL PERMIT: Application from Larry and Carol Seeley to dredge and maintain a channel in Halstead Bay in the Elbert Lea Shores neighborhood and remove approximately 600 cubic yards of material, R-1 – Zoning, PID #17-117-24-21-0024.

Abel stated the applicant is seeking an excavation/fill permit to remove approximately 600 cubic yards of material from an existing channel located on the north western edge of Halstead Bay. The purpose of this excavation is to maintain the channel at an elevation of 923.4 feet (original elevation in 1959), to maintain the channel, and to increase the navigability of the channel for recreational use.

Abel stated the city's involvement is with the excavation permit for the removal of substantial amounts of material, and this dredge triggers that threshold. However, the agencies responsible for the dredging permit extend beyond local jurisdiction. The Minnehaha Creek Watershed District (MCWD), as directed by the DNR, is responsible for allowing the dredging activity to take place. The MCWD has given Conditional Approval for a permit application to dredge this channel (MCWD Approval Letter was available in the packet dated 10/25/10). Abel stated there have been no public comments submitted to the City regarding this application.

Larry Seeley (3260 Williams Lane) is the point person for all of the neighbors who have agreed to contribute to the dredging. They will dredge it to the original level and the material will be taken to a spot out of this county that has been used before. The MCWD has agreed to the dredging with a deposit amount in an escrow account. It was noted the dredging would be done by a backhoe on the ice.

Warner questioned why they waited until now when the letter from the MCWD was dated in March 2010. Mr. Seeley stated they hired a contractor to have this done last January and that contractor did not get the correct permits so they started working on this a few weeks ago so they could have all the correct paperwork in order.

Chair Heck opened the public hearing at 7:08 p.m.  
Hearing nothing, Chair Heck closed the public hearing at 7:08 p.m.

Warner questioned if there was any concern with the trucks falling through the ice. Mr. Seeley stated the trucks will be on the ice; the contractor has done this before. Warner questioned if the city needs to be concerned with liability. Abel stated the MCWD and the DNR have authority and control over the water and any issues would be handled through those agencies.

Strandell questioned if there is a contingency on the permit if this winter was not cold enough and the dredging needed to be done in a year. Abel stated staff would continue to talk with the contractor and residents.

Motion by Sandholm and second by Strandell to approve the application from Larry and Carol Seeley to dredge and maintain a channel in Halstead Bay in the Elbert Lea Shores neighborhood and remove approximately 600 cubic yards of material, R-1 – Zoning, PID #17-117-24-21-0024. With conditions outlined in the report dated October 25, 2010. Motion carried 4-0-0.

Stulberg arrived 7:31 p.m.

**b) EXCAVATION/FILL PERMIT – Application from Mike and Lisa Reinhart, to import approximately 60,000 cubic yards of material to fill in depression located across both 630 and 680 Game Farm Road North, A-Zoning, PID #03-117-24-33-0005 and 03-117-24-33-0004.**

Chair Heck stated since he is a neighbor to the applicant he would be sitting in the audience and Stulberg would be sitting in his place for this item.

Abel stated the applicants are seeking an excavation/fill permit to continue previous efforts to fill an old gravel pit located at 680 and 630 Game Farm Road. A series of permits have been applied for on this property in the past. The outline of the history of this property was available in the packet dated 10/25/10. The most recent application was made by the City of Minnetrista as part of the Game Farm Road reconstruction project. It was estimated that approximately 46,000 cubic yards of excess fill would need to be removed from the Game Farm Road construction project and placed on this site. In addition, 5,000 cubic yards of excess material located at the City's public works facility would be hauled to the site. The estimated fill from Game Farm Road was not as expected; a total of approximately 30,000 cubic yards was hauled to the site. Abel presented photos of the existing conditions of the properties.

The applicants are seeking a permit to continue filling for an additional 12 months with a project ending date of October 30, 2011. Abel stated staff has received 13 letters against this request. Abel stated there is concern with traffic and safety and other concerns outlined in the packet dated 10/25/10. Staff recommended denial of the extension because it has altered the neighborhood. Abel stated granting of the permit could have an effect on the newly constructed Game Farm Road.

Mike Reinhart introduced his wife, Lisa Reinhart, and stated the previous owner took out multiple permits. He and his wife are the new owners. He stated they are not developers. He stated they would like to have a horse property. He stated there are dangers for the animals with potential eroding. He stated Tom Metzen stated they were approached by the city to haul in fill. He stated he was originally told it would be 60,000 yards. He stated he purchased the property before the city decided to use this parcel to haul their fill in. He stated during the project the amount of fill became less than originally planned and they secured fill from another site. He felt this parcel should have been left in a safer condition than it is. He stated they are left with a hole on their property and he feels it is close to getting to be a parcel that is usable. He stated they are asking for a one year extension. He stated if they don't receive the amount of fill they need they would then re-grade the site and not ask for any more fill permits. He stated he has contacted four excavators who are interested in hauling fill to this site and he stated they would choose one of these contractors to work with the site. He stated the hours of 8 a.m. to 5 p.m. and Monday through Friday only. He stated only clean fill would be put on the site and they would welcome the city to monitor this continued project. He stated the trucks would enter Game Farm Road from Co. Rd. 26 and he stated he would be accountable for any damage done to the road. He stated they would install erosion control mechanisms. This would not be a commercial site. He closed on 680 in early May and the agreement on the 630 property was done in May; however, the bank is waiting for appraisals.

Strandell questioned if Mr. Reinhart felt the fill would take care of the problem on his property. Strandell felt 30,000 cubic yards would not fill the hole on the property. Mr. Reinhart stated the improvement would get the hill at a more gradual slope to the bottom.

Lisa Reinhart stated they discussed having a pond in the "hole" area. Strandell stated in years past there was a pond in that area.

Mr. Reinhart noted there is currently a renter at the 680 site until they sell their existing home.

Stulberg opened the public hearing at 7:42 p.m. stating that the letters that were submitted to the city were available in the packet dated 10/25/10.

Gary Vars (7055 Co. Rd. 26) stated they live ¼ mile from the "pit". He stated he wrote a letter to the city. He stated he is concerned with safety with the trucks coming down the road at a high speed and the lack of care from the drivers. He stated they have a tremendous amount of dust. He stated the permit was for the excess material from Game Farm Road, not to fill up the hole. Mr. Vars is not in favor of the excavation/fill permit.

Judy Simon (7155 Co. Rd. 26) sent a letter to staff. She stated the 11 acres used to belong to her and they used to take the horses up and down the hills and she stated she does not see a safety factor. She did not feel the hole needed to be filled. She stated last Thursday there were 30 trucks that went past her property. She felt the parcel was unfillable. She is against the excavation/fill permit.

Ms. Marpole (7050 Co. Rd. 26) stated she counted 6 trucks in 5 minutes and feels there is a safety factor with these trucks. She stated the trucks come in at a very fast speed. She stated they have been unable to exercise their horses because of the truck traffic.

Gale Joseph (6960 D'Chene Lane) stated this summer has been miserable with the dust and non-stop noise. She felt another year was not fair for the residents. She stated the other residents on D'Chene Lane did not receive the letter.

Mark Heck (730 Game Farm Road) stated concern with the noise, dust, and beeping of the bulldozers. He stated he talked with Mr. Reinhart. He stated he has had enough of the noise and asked for this permit to end when the city project is ended.

Stulberg closed the public hearing at 7:54 p.m.

Mr. Reinhart stated it has been very dusty and that was due to the road construction. He stated he did not know where the trucks were coming from if they were using Co. Rd. 26.

Strandell questioned if material has been taken out of this area in the last 12 years. Abel stated most of the information he found was on fill being added to this parcel and he does not have the history of when the fill was being hauled out. Strandell did not feel the site was a safety issue for the horses.

Stulberg felt there was discussion at the last meeting for this permit to allow the fill one more time for the spoils from the Game Farm Road re-construction.

Warner questioned what the site originally looked like. He stated he is not in favor of extending the permit.

Motion by Warner and second by Strandell to recommend to City Council denial of the EXCAVATION/FILL PERMIT – Application from Mike and Lisa Reinhart, to import approximately 60,000 cubic yards of material to fill in depression located across both 630 and 680 Game Farm Road North, A-Zoning, PID #03-117-24-33-0005 and 03-117-24-33-0004. Motion carried 4-0-0 (Heck abstaining).

Strandell felt this filling has run its course and has had a toll on the residents in this neighborhood. He is also concerned with the condition of the new road. Warner questioned if a permit is required to grade the parcel. Abel stated the permit is valid until December 31, 2010 but the fill had to be from the Game Farm Road project and public works. If any additional fill was to be hauled in from somewhere else there would need to be a motion from the Planning Commission. Abel stated the original plan would need to be followed for grading.

Ms. Reinhart stated they were going to get 500 cubic yards of top soil from the city. Strandell recommended talking to Marc Erichson or city staff.

Mr. Heck stated Erichson stated they are hauling in black dirt that is being stock piled on the Reinhart's property.

Stulberg recommended Mr. Reinhart come in and talk to city staff about the grading of the parcel.

**3) Information Items:**

**a) Staff Reports**

**b) Council Reports**

**4) Adjournment:**

Motion by Strandell and second by Warner to adjourn. Motion carried 5-0-0. The meeting adjourned at 8:14 p.m.

Respectfully submitted,

Terri Haarstad  
City Clerk