



## REDWOOD COUNTY ENVIRONMENTAL OFFICE

*Planning & Zoning • Parks & Trails • GIS  
Aquatic Invasive Species • Septic Inspector  
Drainage Inspector • Agricultural Inspector*

PO BOX 130  
REDWOOD FALLS  
MINNESOTA 56283  
PH: 507-637-4023

### REDWOOD COUNTY PLANNING COMMISSION

#### *MINUTES*

**Meeting Date: August 29, 2016**

A meeting of the Redwood County Planning Commission convened on Monday, the 29<sup>th</sup> day of August, 2016, at the Redwood County Government Center.

The following members of the Redwood County Planning Commission were present: Mike Scheffler, Mark Madsen, John Rohlik, Jr., Kent Runkel, and Commissioner Jim Salfer. Absent were Dave Mattison and Lon Walling. Also present were the following individuals: Tim Kerkhoff, Daniel F. Billmeier, Steve Whitcomb, Dean Guggisberg, Denise Kirschstein, Larry Kirschstein, Todd Schouvieller, Jim Lux, and Redwood County Land Use & Zoning Supervisor Nick Brozek.

At approximately 1:03 p.m., Chair Scheffler called the meeting to order. Chair Scheffler read aloud the rules of the meeting.

At 1:05 p.m. Chair Scheffler called to order a public hearing on an Extraction Conditional Use Permit submitted by Tim Kerkhoff of TNT Construction/Kerkhoff Inc. on behalf of landowner David Kerkhoff.

Prior to the Planning Commission meeting, the Planning Commission members were provided an informational packet, which included the following information regarding the TNT/Kerkhoff application:

1. TNT is seeking to permit a new gravel pit on property owned by David Kerkhoff located in the Northeast Quarter of the Southeast Quarter (NE1/4 SE1/4) of Section 29, Sherman Township. The land is currently a tilled agricultural field, on the west side of Ranch Avenue, a mile west of County Hwy 2. The site is located in the Agriculture District. Mining is a Conditional Use in said District.
2. Approximately 2 acres of the 40-acre site will be mined and/or used for mining processes and stockpiling. The topsoil will be stripped off and stockpiled for reclamation. The gravel material will be mined as needed for local projects. This will include stockpiling, and hauling. TNT is requesting a 3 year permit.
3. The site will be set back about 1000 feet from the center line of Ranch Avenue, in the southwest corner of the parcel. A field road runs along the south edge of the David Kerkhoff property. This will be used to access the pit and will be the south edge of the pit. On the west side the pit will butt up against the fence line between David Kerkhoff's property and a field owned by Steven & Karen Whitcomb.
4. The southwest corner of the David Kerkhoff property includes part of a hill or ridge that runs generally east and west on Kerkhoff's and Whitcomb's properties. This project is intended to flatten the portion of the ridge on the David Kerkhoff property to make it more farmable (see diagrams attached to the permit application). The topsoil will be scraped off and reserved, material will be removed to flatten the

grade of the hill, and after three years the site will be sloped and graded, the topsoil replaced, and the land returned to agricultural use.

5. The hill or ridge slopes down to the northeast. However, another hill northeast of the hill to be excavated diverts surface water flow to the northwest toward a low area in the northeast corner of the Whitcomb field. This low area is drained by the same county tile main running on the north side of the David Kerkhoff property, which outlets into CD 104.
6. A county tile main is located on the north side of David Kerkhoff's property, but it is about 800 feet from the proposed excavation site and therefore is not likely to be impacted by the pit. The closest public ditch is CD 104, about 1700 east of the proposed pit, on the opposite side of Ranch Avenue.
7. The three closest residential dwellings to the site are as follows: Wallace Kirschstein, 29218 Ranch Avenue, about 800' east of the site; Leroy & Susan Orvis, 29347 Ranch Avenue, about 1700' northeast of the site; and Larry & Denise Kirschstein, 28752 Ranch Avenue, about 2500' south of the site. The next nearest building sites are located well over ½ of a mile away from the proposed pit site.
8. The soils present on the site are as follows:
  1. Storden-Estherville-Ves loams, 6 to 12 percent slopes, eroded
  2. Webster clay loam, 0 to 2 percent slopes
9. A copy of the Conditional Use Permit application, maps, plans, and proposed permit conditions are enclosed.

Tim Kerkhoff was present to explain the project. Kerkhoff made the following statements to the Planning Commission:

- TNT plans to excavate 10 to 15 thousand yards of select granular material out of the site
- No screening or crushing of material will be performed on the site
- Material will be used as fill for construction projects in the area
- The existing field road will be used as the haul road to Ranch Avenue
- The field road enters onto Ranch Ave on a hill, making it easy to see oncoming traffic from either direction
- After the material has been removed from the site, the site will be graded and sloped and returned to farm land

The Planning Commissioners questioned Kerkhoff regarding some of the permit details and Kerkhoff provided the following clarifications and responses:

- The excavation will remove a knob of higher ground to make it easier to farm
- The material will be "pit run" and not processed
- The field/haul road is already there, doesn't need to be built. Farmer to the west of the site (Dan Billmeier) also uses the road to access his field
- The permit term requested is 3 years
- Another nearby hill on the property will not be excavated because it is all clay and not suitable for TNT's projects
- Loads of material will be removed from the site as needed. The site will be used infrequently, for maybe a day or two at a time
- 1000 yards of material has already been removed from the site

Chair Scheffler inquired if anyone was present to support the project. No one came forward.

Chair Scheffler inquired if anyone was present to oppose the project. The following individuals came forward:

Dan Billmeier made the following statements to the Planning Commission:

- He neither supports nor opposes the project
- He farms the Whitcomb farm, to the west of the pit site
- The existing excavation is three feet away from his line fence and 8 feet deep
- He leases the use of the field road from David Kerkhoff and uses it to access the Whitcomb farm
- He is concerned about a cave-in affecting his field

Todd Schouvieller made the following statements to the Planning Commission:

- He represents Sherman Township Board
- His primary concern is dust control
- Township prefers chloride for dust control

Larry Kirschstein made the following statements to the Planning Commission:

- Owns the two houses south of the site, one on the haul road and one ½ mile south
- Would like chloride to control dust in front of both houses
- When TNT had a pit open on the other side of Ranch Avenue, the trucks went all directions on the road and made a lot of dust at the two houses
- He doesn't care which route they haul, as long as the dust is controlled
- Sherman Township received a letter from the Environmental Office in 2013 regarding the procedure for addressing road maintenance for extraction permits. The Township wants TNT to enter into a written agreement to repair and maintain the road

Steve Whitcomb made the following statements to the Planning Commission:

- He is not opposed to the project, but has concerns
- He owns the land farmed by Billmeier
- Interested to know how deep the pit will be excavated
- He is concerned about the pit sides sloughing and damaging his land and fence
- He would like the hole to be filled as soon as possible

Kerkhoff provided the following responses and answers to the statements and questions above posed by the public:

- Next time TNT goes into the pit they will use material already on site to backfill the west pit wall to avoid sloughing and damage to the Whitcomb/Billmeier field
- TNT will be back in the pit within the next couple of months and will do the backfilling at that time (before winter)
- He is willing to route all his trucks to the north away from Kirschstein
- The maximum depth of the pit will be 8 to 12 feet below original grade
- Would prefer to use water for dust control

Billmeier stated he is fine with the pit wall being backfilled within the next couple of months.

Salfer inquired if there are setbacks for gravel pits required in the Ordinance. Brozek stated that there are not, but that 10 feet is commonly used in individual permits, though such a setback is not required by law.

Scheffler related to the Commission that in his experience in the extraction business, chloride is not much more effective as a dust control method than is water. After applying chloride, the road still must be watered every few days. For a pit that will see infrequent use, watering would be easier and cheaper and just as effective.

Brozek stated that a 6:30 am start time for pit operation seemed earlier considering the proximity of the closest Kirschstein house. Kerkhoff stated that their normal start time is 7:00 am. Brozek recommended that the operating times be amended to 7 am through 8 pm.

Discussion ensued regarding the elevation difference between the Whitcomb field and the Kerkhoff pit, and between the field and the line fence. Brozek stated that he had inspected the site the previous week and that the pit bottom is 8 feet below the grade at the line fence and that the Whitcomb field is 3 to 4 feet below the grade at the line fence. Billmeier stated that the elevation of the field has been reduced by years of farming.

Brozek asked the parties if they would consider removing the fence and matching the elevation of the reclaimed pit to the existing field elevation. Kerkhoff, Billmeier and Whitcomb said they would consider it.

Brozek asked Kerkhoff about the existing surface water drainage patterns, which appear to flow north and northwest from the Kerkhoff property onto the Whitcomb property. Kerkhoff stated that the project will not affect the surface water drainage patterns.

Chair Scheffler closed the public hearing at 1:44 pm.

Chair Scheffler led the Planning Commission through filling out the Commissioner's individual finding of facts worksheets (attached).

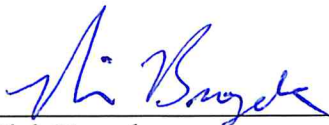
Madsen made a motion to recommend approval of Extraction Conditional Use Permit application #10-16, subject to the conditions proposed by staff, with the operating times amended to 7 am through 8 pm. Rohlik seconded the motion and it passed by a 5-0 vote.

Chair Scheffler informed the audience that the application would go before the County Board of Commissioners on September 6, 2016.

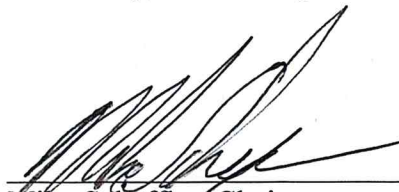
The Commissioners reviewed and discussed the minutes from the ~~August 29<sup>th</sup>~~ <sup>July 25<sup>th</sup> NR</sup> Planning Commission meeting. On a motion by Runkel seconded by Madsen the minutes from the ~~August 29<sup>th</sup>~~ <sup>July 25<sup>th</sup> NR</sup> Planning Commission meeting were unanimously approved.

Brozek stated that he has received two conditional use permit applications for the September 26<sup>th</sup> Planning Commission meeting.

On a motion by Madsen, seconded by Rohlik, and passed unanimously, the meeting was adjourned at 1:58 p.m.



Nick Brozek  
Land Use & Zoning Supervisor  
Redwood County Environmental Office



Mike Scheffler, Chair  
Redwood County Planning Commission

# Redwood County Planning Commission Meeting

Date: 8-29-16

NAME  
(Please **PRINT** legibly)

MAILING ADDRESS  
(Street, City, State and ZIP code)

Tim Kerkhoff

912 W. Pine Street  
Morgan MN 56266

DANIEL F. Billmeier

30568 Porter Ave.  
Morton, MN.

Steve Whitcomb

337 Washburne Ave.  
Paynesville, MN. 56362

Dean Guggisberg

31271 Ranch Ave Morton MN 562

Denise Kirschstein

33297 Ocean Ave Redwood Falls MN  
56283

Larry Kirschstein

33297 Ocean Ave Redwood Falls, MN 56283



# SIGN IN SHEET

Date \_\_\_\_\_

**NAME**

**Address**

**Phone #**

Todd Schawlieller

Morgan

507 227 3367

Larry Kirschstein

Morgan

507 430 1628

Jim Lup

Morgan

507-828-3726

