



## REDWOOD COUNTY ENVIRONMENTAL OFFICE

*Planning & Zoning ● Parks & Trails ● GIS  
Aquatic Invasive Species ● Septic Inspector  
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### REDWOOD COUNTY PLANNING COMMISSION

#### *MINUTES*

**Meeting Date: August 27, 2018**

A meeting of the Redwood County Planning Commission convened on Monday, the 27<sup>th</sup> day of August, 2018, at the Redwood County Government Center.

The following members of the Redwood County Planning Commission were present: Mike Kaufenberg, John Rohlik, Jr., Mark Madsen, Jeff Huseby, and Commissioner Dave Forkrud. Mike Scheffler was absent. Also present were the following individuals: Mike Rasmussen, Environmental Director Scott Wold, Land Use & Zoning Supervisor Nick Brozek, and Administrative Assistant Lali Ortega.

At 1:00 p.m. the regularly scheduled August 27<sup>th</sup>, 2018 Redwood County Planning Commission meeting was called to order by Chair Kaufenberg.

Chair Kaufenberg read aloud the rules and procedures of the meeting.

At 1:02 p.m. Chair Kaufenberg called to order a public hearing on Conditional Use Permit #17-17 – held by Mike Rasmussen.

Prior to the Planning Commission meeting, the Planning Commission members were provided an informational packet, which included the following information regarding the matter:

1. The purpose of this meeting is to discuss the property line issue. Per his permit conditions, Rasmussen must enter into an agreement with his neighbor (Schmidt) regarding how and when Rasmussen will repair the mutual property line. This issue was discussed last year during Rasmussen's permit hearing, at which Rasmussen and Jeff Schmidt both had the opportunity to present information to the Commission.
2. The Planning Commission instructed the parties to come to a private agreement about the property line repair. However, they have not been able to do so. Schmidt presented a proposed agreement to the Environmental Office, which was forwarded to Rasmussen. Rasmussen stated that he did not like the proposal, but did not respond in any detail or provide any counter proposal.
3. The Planning Commission met with Rasmussen in June, on the project site, and discussed the property line issue. Thereafter, Rasmussen presented a written proposal for the repair, to the Environmental Office, which was forwarded to Schmidt. Schmidt provided a detailed response to the proposal, generally not in favor. Again, no agreement was reached.
4. Schmidt also indicated that he wants the opportunity to speak directly to the Planning Commissioners, like Rasmussen did in June. Consequently, since agreement still has not occurred, the matter was placed on the Planning Commission agenda.

Brozek provided some background information about the matter to the Commissioners:

- Rasmussen is reclaiming the old clay pit on his property.
- The area is prone to sloughing, and the reclamation project is to address said sloughing.
- In 2017, part of Rasmussen's property, including part of his driveway, sloughed away. When it did so, it took some of the neighbor's (Schmidt) property with it. Thereafter, Rasmussen used a dozer to flatten out the sloughed area on Schmidt's side of the property line, in order to route Rasmussen's driveway around the sloughed area.
- Rasmussen's permit conditions require that he enter into an agreement with Schmidt on how to repair the damage to Schmidt's property and restore the property line to its pre-slough condition.
- Rasmussen and Schmidt have been unable to agree.
- The Planning Commission met on the project site with Rasmussen to view the project and facilitate an agreement.

Madsen stated that Schmidt had made more demands on Rasmussen than the Commission thought were necessary to address the problem.

Wold handed out photos showing the current state of the project. Progress has been made to restore the driveway to its former location, which will allow Rasmussen to work on the property line restoration.

Rasmussen provided information, including as follows:

- Has made additional progress on the project.
- Got eleven loads of clay and wet gravel delivered. Almost all the concrete is covered. Still needs some more work on the driveway before he will have a decent platform to work on the property line.
- Trying to deal with wet ground.
- Bidding on project that would bring in 500 loads of clay, to use as fill to restore property line. Will place black dirt on the clay and seed hopefully by fall. Otherwise will be complete in the spring.
- Needs Schmidt to allow Rasmussen to enter Schmidt's property from Rasmussen's driveway in order to place the material and restore Schmidt's property.
- The repair will be 15 to 30 feet deep on Schmidt's side.
- Has not been able to contact Schmidt.
- Rasmussen may try to build his driveway up to the height of Schmidt's property, so that the slope will be further away from the property line.
- Surveyors are coming next week to find the missing property corner marker(s).

Wold stated that the Commission could stipulate new conditions on the repair, to replace the required agreement condition.

Brozek stated that he has had conversations with Schmidt regarding the project. Schmidt wants his property restored to the way it was before the slough. Schmidt understands Rasmussen will need to go onto Schmidt's property in order to restore it. Schmidt just doesn't want Rasmussen to go up on top above the sloughed area – he wants Rasmussen to work from the bottom.

Rasmussen responded that he would be able to do the work from the bottom.

Wold stated that the Planning Commission should recommend new conditions for approval by the County Board of Commissioners. The County cannot grant the right to trespass, but it can set conditions on how the repair will be conducted.

Madsen stated that Schmidt requested the repair in a previous letter. Madsen suggested that the Sheriff be contacted about the restoration project. Wold and Brozek said they would speak to the sheriff.

Huseby made a motion to remove the agreement (with Schmidt) requirement from CUP #17-17 and replace it with the following conditions:

1. Rasmussen must restore the property line with Schmidt by replacing the sloughed material with new similar material.
2. Rasmussen must restore the slope above his driveway, below Schmidt's property, to a slope matching that of the existing bank further down the property line to the west of the sloughed area.
3. The restored slope must be seeded with non-invasive grass.
4. The survey pin requested to be located by Schmidt must be located, and replaced if missing.
5. 6 inches of topsoil must be placed on the flat portion of the restored part of Schmidt's property.
6. All concrete dumped or pushed onto Schmidt's property must be removed
7. Rasmussen has one year to complete the restoration of the property line, and said restoration must be a priority over the rest of Rasmussen's reclamation project.

Forkrud seconded the motion and it was carried unanimously.

Brozek stated he would take the recommendation to the County Board of Commissioners on the September 4<sup>th</sup> Board Meeting.

The Commissioners reviewed and discussed the minutes from the July 30<sup>th</sup> Planning Commission meeting. On a motion by Madsen seconded by Forkrud the minutes from the July 30<sup>th</sup> Planning Commission meeting were unanimously approved as presented.

On a motion by Forkrud, seconded by Rohlik, the meeting was adjourned at 1:36 pm.

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Nick Brozek  
Land Use & Zoning Supervisor  
Redwood County Environmental Office

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Mike Kaufenberg, Chair  
Redwood County Planning Commission

