



REDWOOD COUNTY ENVIRONMENTAL OFFICE

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

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REDWOOD COUNTY PLANNING COMMISSION

MINUTES

Meeting Date: December 17, 2018

A meeting of the Redwood County Planning Commission convened on Monday, the 17th day of December, 2018, at the Redwood County Government Center.

The following members of the Redwood County Planning Commission were present: Mike Kaufenberg, Mike Scheffler, John Rohlik, Jr., Jeff Huseby, and Commissioner Dave Forkrud. Mark Madsen was absent. Also present were the following individuals: Alan Eller, DeVonna Zeug, Land Use & Zoning Supervisor Nick Brozek, and Administrative Assistant Lali Ortega. Stan Brey appeared for part of the meeting via telephone.

At 1:00 p.m. the regularly scheduled December 17th, 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 1:05 p.m. Chair Kaufenberg called to order a public hearing on application for Conditional Use Permit #15-18 – filed by Stan Brey.

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

1. Stan Brey is requesting an extension of the term of his gravel pit permit. The site will not be expanded. Brey is in the process of cleaning up and closing down the site, but needs additional time. He may do some additional excavation of material, but only within the existing boundaries of the pit.
2. Brey's pit is located in the Southeast Quarter (SE1/4) of Section 21, Township 113 North, Range 36 West, Delhi Township. The site remaining to be excavated and reclaimed is three acres in size. The site is on agricultural property owned by Brey, on the north side of CSAH 25/360th Street, about 1 and ½ miles southeast of the City of Delhi. The pit is situated behind (north of) an unoccupied building site owned by Norma Schmidt.
3. The site was originally permitted by Richard Eis, Paulanette Rohlik, and Ila Rohlik, in 1998 (CUP #6-98). Brey purchased the property from the permit holders in 1999. In 2002, Brey was found to have excavated outside of the boundaries described in CUP #6-98, and he was required to apply for and obtain an after-the-fact permit for the additional area (CUP #15-02). Both permits have reached the end of their term.
4. Environmental Office staff became aware of new-looking stockpiles on the Brey site in 2017. A letter was sent to Brey in August of 2017 informing him that he needed to close and reclaim the pit, or apply

for and obtain a new permit to keep it open. At first, Brey stated that he would close it up. However, over the course of the year since then, Brey decided to keep the pit open. His plan is to remove the remaining stockpiled material, including the gravel equipment parking area, and possibly the gravel access road. He may also excavate some more material to create a deeper pond area for the reclamation.

5. After the gravel material is removed, Brey plans to reclaim the pit as a wildlife area, including a pond and waterway. The excavation area will be smoothed and graded to no steeper than a 3:1 slope. Stockpiled topsoil will be spread and applied to the pit surface. Some of the older mounds and stockpiles are covered with trees and may be kept in place to serve as wildlife habitat.
6. Brey previously installed a drainage/dewatering structure, including a pump, which may also be left in place.
7. The three nearest dwellings to the proposed restaurant are as follows: (1) a dwelling owned by David & Jodi Bunting, located about 1000 feet northeast of the site; (2) a dwelling owned by Kerry Kramer, located about 3500 feet east of the site; and (3) Betty Galstad, located about 3400 feet northwest of the site.
8. A copy of the Conditional Use Permit application, maps, plans, and proposed permit conditions are enclosed.

After the public hearing was opened, Brozek stated that he had spoken with the applicant and the applicant was in Arizona, and not able to attend the meeting in person. However, Brozek had arranged for the applicant to attend via telephone.

Brozek dialed Brey's phone number on the Conference Room phone. After a first unsuccessful attempt, Brozek was able to get Brey on the phone on a second try.

Brey made the following statements to the Planning Commission:

- Most of the existing gravel pit on Brey's property has been filled in a reclaimed already.
- Some area is left to be reclaimed.
- Brey intends to remove the remaining gravel from the un-reclaimed portion of the pit, including from a low-lying area where he intends to create a permanent pond, for wildlife.
- Brey installed field drain tile in the reclaimed part of the pit, which drains into the future pond area. From the pond area, a surface waterway flows to the southwest, into a pump system that Brey installed to dewater the pit. The pump lifts the water into existing country drain tile.
- No material will be processed on the site (no crusher).
- Brey may put the site into CREP after it is reclaimed.
- The pit sides will be re-sloped to make it presentable.

Brey asked whether the Planning Commissioners had any questions. They did not. Brey then ended the phone call.

Chair Kaufenberg inquired whether anyone was present to support the project. No one came forward.

Chair Kaufenberg inquired whether anyone was present to oppose the project. No one came forward.

Chair Kaufenberg closed the public hearing at 1:08 p.m.

The Planning Commissioners discussed the end date of the application. Brozek pointed out that Brey was only asking until September of 2019. However, staff does not want to see Brey having to come back in again after

only one year, if his plans don't work out. Brozek suggested a 3-year timeframe, giving Brey until September of 2021.

Scheffler made a motion to approve CUP application 15-18, with the conditions recommended by staff, and with the condition that the permit term end in September of 2021. Rohlik seconded the motion and it was passed unanimously.

At 1:19 p.m. Chair Kaufenberg re-opened and called to order a previously tabled public hearing on application for Conditional Use Permit #14-18 – filed by Alan Eller.

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

1. Alan Eller is requesting to develop and operate a BBQ restaurant on his property located on the southeast corner of the intersection of US Hwy 19/71 and Noble Avenue, about 1 mile east of the city of Redwood Falls. The property is located in the northwest corner of Section 3, Paxton Township, in the agricultural district. Mr. Eller's dwelling and various outbuildings are located on the property. The property address is 33991 Noble Avenue, Redwood Falls.
2. The restaurant will consist of a 26 foot long by 8 foot wide concession trailer, or "food truck." It will be mobile, but Mr. Eller plans to leave it in place. The site will be accessed via the existing driveway serving Mr. Eller's home. Customer parking (gravel) will be available on the east side of the driveway. Eller hopes to connect the restaurant to the existing electrical service serving the house, as well as the hot and cold water, LP gas, and the existing septic system. The water comes from Mr. Eller's private well located on the site.
3. All food served will be prepared on site in the trailer, which will have a service window for customer orders. All orders will be for take-out or delivery. There will be no dining room or customer seating. Hours of operation will be 11 am through 8 pm, Tuesday through Sunday (see attached business plan for details). Mr. Eller projects that the restaurant will produce gross income of \$1,000 per day.
4. Mr. Eller has years of experience operating a food concession trailer at outdoor events. He also has restaurant management experience, and is ServSafe certified. "ServSafe" is a food and beverage safety training and certificate program administered by the National Restaurant Association and accredited by the American National Standards Institute (ANSI) and the Conference for Food Protection.
5. Advertising for the restaurant will include enlarging and re-facing an existing sign on the property to create an 8' x 8' double-faced advertising sign. This is the largest sign area that is permitted in the agricultural district.
6. The restaurant will be managed and operated by Mr. Eller with one employee.
7. Long term plans for the restaurant are to remodel the existing barn on the property for use as a permanent "brick and mortar" restaurant. Among various state regulations, remodeling that barn as a restaurant would require that Mr. Eller apply for and obtain an additional conditional use permit.
8. The three nearest dwellings to the proposed restaurant are as follows: (1) Tim Hanna, located 300 feet south of the site; (2) Brent & Hope Lang, located 1040 feet east of the site; and (3) Donald Okins, located 1040 feet north of the site. The proposed restaurant site is located adjacent to (just north of) the

Oakleigh Farms North Subdivision, which includes 6 single family homes (including the Hanna and Lang residences) and 4 undeveloped residential lots.

9. The site is across Noble Avenue from the proposed location of the new Veterans Cemetery.
10. A copy of the Conditional Use Permit application, maps, plans, and proposed permit conditions are enclosed.

Mr. Eller was present at the meeting to present his project to the Planning Commission. He made the following statements:

- In 1990, Eller noticed that at trade events he attended, it was the food vendors who made all the money.
- After that Eller began cooking at outdoor events, with a custom-built food truck.
- Eller also briefly partnered with a restaurant in northern Minnesota (called the 371 Café) to market his BBQ.
- Eller looked into buying Chumley's restaurant in Redwood Falls, but the price was too high.
- Eller also looked into partnering with Morgan's Deli, and purchasing it. He went as far as installing his smoker in Morgan's, but this deal fell apart.
- Eller decided to construct a food truck using a construction trailer.
- He wants to operate the food truck on his dwelling site east of the City of Redwood Falls.
- Mac's smokehouse in Fairfax is the closest competition for BBQ food.
- Eller sold the pasture that was part of his dwelling property to raise money for this project.
- He intends to do take-out only – no events – no seating, except maybe some picnic tables.
- Eller will serve smoked ribs and pulled pork sandwiches, with accompaniments.
- His property has easy access from Hwy 71/19 (via township road – Noble Ave.). Noble Avenue is soon to be a paved county road.
- Wants to hook the food truck into his existing residential septic system. Water use in the food truck, for takeout service, will be minimal – limited mainly to washing the cookers at the end of the day.
- Will also hook the food truck up to his residential electrical service and gas – buried lines.
- Eventually Eller may want to expand the restaurant into his barn on the site – turn it into a sit-down restaurant.
- Eller already has a business entity formed – Birch Coulee BBQ LLC
- Eller is asking for a Conditional Use Permit for the take-out restaurant – food truck. He needs a permit in place in order to qualify for a business loan from the Lower Sioux Community. They will provide 70% of the project cost.
- The food truck business will include take-out and delivery for lunch and dinner.
- Eller is ServSafe certified.
- Eller has commercial liability insurance in connection with his pilot car business. He anticipates obtaining insurance for the food truck will not be a problem.
- Eller has a dumpster for trash removal.
- Household utilities should be adequate to run the food truck – smoker doesn't use much energy – plugs into regular wall outlet.
- Food truck will use standard kitchen exhaust hood for smoker and a small fryer. Smell will be minimal – the smoker burns very efficiently.

Chair Kaufenberg inquired whether anyone was present to support the project. No one came forward.

Chair Kaufenberg inquired whether anyone was present to oppose the project. No one came forward.

Brozek asked Eller if he had been in contact with the MN Dept. of Health about getting the food truck licensed. Eller replied that he had not yet done so, but he is familiar with the requirements from his previous food truck experience. Eller is working with Ron's Plumbing to complete the food truck and hook it up to utilities/septic.

Brozek explained the proposed septic condition, requiring testing after six months, and annually thereafter, to make sure the septic effluent is residential strength. Also, if Eller expands into a building, a separate septic will need to be installed specifically for the business (separate from the dwelling septic).

Eller stated that his house has a “drain tile” septic system, which can handle a high volume of waste. Brozek explained that this sounds like an older system, and that although the waste “goes away,” the system may not be properly treating it. Consequently, the testing is to ensure that the food truck does not contribute to ground water contamination.

Brozek stated that if Eller wants to expand into a sit-down restaurant, the property may need to be rezoned.

Scheffler made a motion to approve CUP application 14-18, with the conditions recommended by staff. Huseby seconded the motion and it was passed unanimously.

The Commissioners reviewed and discussed the minutes from the November 26th Planning Commission meeting. On a motion by Huseby seconded by Scheffler the minutes from the November 26th Planning Commission meeting were unanimously approved as presented.

The Commissioners reviewed and discussed the proposed 2019 Planning Commission regular meeting dates prepared by staff. Huseby made a motion to accept the proposed meeting schedule. Rohlik seconded the motion and it was passed unanimously.

Brozek reported on upcoming permits.

On a motion by Rohlik, seconded by Scheffler, the meeting was adjourned at 1:55 pm.



Nick Brozek
Land Use & Zoning Supervisor
Redwood County Environmental Office



Mike Kaufenberg, Chair
Redwood County Planning Commission