

PLANNING COMMISSION MINUTES - CITY OF INVER GROVE HEIGHTS

Tuesday, May 2, 2023 - 7:00 p.m.
City Council Chambers - 8150 Barbara Avenue

1. CALL TO ORDER

Chair Niemioja called the Planning Commission Meeting to order at 7:00 p.m.
The Pledge of Allegiance was recited.

2. ROLL CALL

Commissioners Present: Elizabeth Niemioja (Chair)
Robert Heidenreich
Joan Robertson
Jonathan Weber
Dennis Wippermann
Kate Challeen

Commissioners Absent: Scott Clancy (Vice Chair - excused)
Jaime Besser (excused)
Vacant

Staff Present: Allan Hunting, City Planner
Heather Botten, Associate Planner
Stacy Bodsberg, Community Development Support Specialist

Chair Niemioja stated that they would be going off the agenda due to a special participant in attendance. Tony Scales has served/volunteered for 13 years on the Planning Commission in the past. She recognized him for his years of service and presented him with a plaque.

3. CONSENT AGENDA

A. Consider Approval of Meeting Minutes from the April 18, 2023, Regular Planning Commission Meeting Minutes.

The meeting minutes from April 18, 2023, were approved as submitted.

4. PUBLIC HEARINGS

A. Consider a Request by Michael & Kathleen Goehring, 11331 Albavar Path, for a Variance from the minimum lot size to adjust a property boundary to provide access to a landlocked piece of property at 11335 Albavar Path. (Case No. 23-15V)

Reading of Public Notice

Commissioner Weber read the Public Hearing Notice to consider the request for the Goehring family, Case No. 23-15V. The request involves properties located at 11331 and 11335 Albavar Path. The request consists of a Variance from the minimum lot size to adjust a property boundary to provide access to a landlocked property, 11335 Albavar Path. Notices were mailed to 11 property owners on April 13, 2023.

Presentation of Request

City Planner Allan Hunting discussed property located south of Cliff Road, off Albavar Path consisting of two parcels, there are two Variances. The proposal is to move a lot line so there is road frontage for Parcel 2 connecting the back lot to Albavar Path. Family members own the parcels. When the house was built there was an existing Driveway Easement, 35 feet wide. The family would like to create a pipe/flag stem lot, so they have ownership of land that abuts Albavar. There is one Variance for that creation. It is supposed to have 200-feet at a 30-foot setback line. The minimum for frontage is 30-feet; that requirement is being met. Parcel 1 zoning is Agriculture with 5.2 acres, when removing the 35-foot-wide strip it drops down to 4.79. This equates to one lot area Variance and one lot frontage Variance.

Staff find that it is logical to not have to rely on an Easement, but to have ownership of land. If approved, the next step for the applicants would be an Administrative Lot Boundary Adjustment that the city would approve. There would be a condition to Dakota County that the two, identified as Parcel 3 and Parcel 2, be combined on one tax parcel.

Staff believes there is rationale to this. There are suggestions for practical difficulties located in the report. Staff recommend approval of the request as presented.

Commissioner Robertson asked if there would be three parcels.

Mr. Hunting stated that Parcel 3 is being created so it can be added to Parcel 2. There would only be two parcels in the end.

Opening of the Public Hearing

Mike Goehring, 11331 Albavar Path, Applicant, stated that he has read and understands the report.

Commissioner Robertson mentioned there are City Codes and Ordinances that apply to properties if they are 5-acres or more. Once the property drops below 5-acres, it changes what is allowed for size of an accessory building.

Mr. Goehring replied that he understands.

Chair Niemioja closed the Public Hearing.

Planning Commission Recommendation

Motion by Commissioner Wippermann, Second by Commissioner Weber, to Approve both Variances with the conditions listed in the staff report and the practical difficulties as stated for property by Michael & Kathleen Goehring, 11331 Albavar Path, to provide access to a landlocked piece of property at 11335 Albavar Path. (Case No. 23-15V).

Motion carried (6/0). This item goes before City Council on May 22, 2023.

B. Consider a Request by Bruce Lenzen Design Build for a Variance to allow an accessory building greater than the maximum of 2,400 square feet on the property at 11880 Albavar Path. (Case No. 23-16V)

Reading of Public Notice

Commissioner Weber read the Public Hearing Notice to consider the request for Bruce Lenzen Design Build/Gornick, Case No. 23-16V. The request involves property located at 11880 Albavar Path and consists of a Variance to allow an accessory building 2,598 square feet in size, whereas 2,400 is the maximum size allowed. Notices were mailed to 7 property owners on April 13, 2023.

Presentation of Request

Associate Planner Heather Botten discussed the request for property located on the north side of Albavar Path. The property is zoned Agricultural and is 5.39 acres in size. The property owners are building a single-family home on the lot with a three-car attached garage. The request is for a Variance to allow a detached accessory building, 2,598 gross square feet in size, whereas 2,400 square feet is the maximum size allowed. The structure is for the applicants own personal use. The accessory building would be in compliance with other zoning code requirements such as setbacks, exterior building materials, and impervious surface. The city recognizes within large lot residential areas, that larger accessory structures may be appropriate. Lots surrounding this property are all around 5 acres. Due to existing vegetation and topography, staff does not believe the Variance would alter the character of the neighborhood.

The City Council has reviewed the number and size of accessory structures over the years; most recently in 2021. The Ordinance was amended to allow an increase on lots 3.4 to 5 acres in size. Based on that information, staff does not believe that the Variance to allow the additional square footage to be consistent with the Zoning Ordinance. Staff does not believe that a practical difficulty has been identified and that approval could set a precedent for other large lot larger accessory structures. Staff recommends denial of the request. Ms. Botten stated that one resident stopped in with questions about what was going on with the property and what the request was for.

Chair Niemioja mentioned that the Planning Commission is a statutorily appointed Commission that must review certain land use decisions. The Planning Commission cannot create new City Codes.

Ms. Botten replied that was correct.

Commissioner Robertson mentioned there has been discussion about applying a ratio to determine a potential accessory structure size and asked if the City Council has approved the concept.

Ms. Botten replied that the City Council has applied the ratio for lot 3.4 – 5 acres in size. The ratio has not been applied to lots greater than 5 acres.

Opening of the Public Hearing

Bruce Lenzen, 106 Buckeye Street, Hudson, Wisconsin, 54016, Contractor and Designer on the project, representing the Gornicks, stated that he has read the report and noted the potential differential on the square footage. He said after meeting with staff and using the ratio to the 5.39 gross square footage, the actual proposed plan is within 2 square feet of the ratio. There was originally a higher square footage. A supplemental letter was sent. He said there was a misunderstanding on his part, with the way the ordinance is written. He felt it was vague and should probably be addressed. It appears to state there are two buildings allowed at 2,400 square feet. He said his client stated they wanted additional square footage instead of adding it onto the home. The reason for this request is to store equipment that they do not want to keep outside. The client wanted adequate space that he feels is appropriate for the home and lot. While he could have put additional square footage onto the home, it was believed based on the way the ordinance is read, that it would be possible to do so with the building.

Commissioner Robertson asked what led them to think about the ratio. The city definition doesn't speak of a ratio. She asked if it was something he computed himself based on the fact that it was bigger than 5 acres.

Mr. Lenzen replied the ordinance states on lots larger than 5 acres, two buildings are allowed. He suggested it be addressed for those just reading the ordinance. He mentioned he has not done business in this city before, he does not like going for Variances. The requested square feet of the building is 2,598.

Commissioner Robertson asked if working with staff prior to coming before the Commission, if it was made clear.

Mr. Lenzen said his original request was based off the two structures of the 4,800 square feet. After meeting with staff and learning the maximum of 2,400 square feet, staff mentioned a computation of 480 square feet for lots less than 5 acres. He rewrote his request based on that.

Commissioner Weber requested the actual square footage of the bump outs.

Mr. Lenzen responded that he reduced the structure to get it as close to the total stated.

Commissioner Challeen asked where things stood with the process of the structure.

Mr. Lenzen replied that the home is watertight, they are in mechanicals. The structure under discussion has not been started. Grading and site work is complete.

Chair Niemioja closed the Public Hearing.

Planning Commission Discussion

Commissioner Weber stated that he would deny the request based on the rules. He said he would make a strong recommendation to the City Council to look at amending the 5 acres+ portion of the City Code and to include the ratio that was done for 3.5-to-5-acre parcels. Mr. Weber stated that he feels people with larger lots can accommodate larger buildings and should be able to be based on the ratio.

Planning Commission Recommendation

Motion by Commissioner Weber, Second by Commissioner Robertson, to Deny the request for a Variance to allow an accessory building greater than the maximum of 2,400 square feet on the property at 11880 Albavar Path. (Case No. 23-16V).

A recommendation was made to the City Council to look at adjusting the City Code for the ratio for larger lot sizes.

Commissioner Wippermann stated he was not in favor of using the ratio above 5 acres. For example, if having a 10-acre lot and using the ratio, they could have a 4,800 square foot accessory building. There could also be the potential of separating the lot into two. That would result in a 4,800 square foot building on a 5-acre lot and another separate lot. Mr. Wippermann stated that there needs to be a limit.

Commissioner Weber stated the motion a second time.

Motion by Commissioner Weber, Second by Commissioner Robertson, to Deny the request for a Variance for an accessory building greater than the maximum allowed of 2,400 square feet on property located at 11880 Albavar Path. (Case No. 23-16V).

Motion carried (6/0). This item goes before the City Council on May 22, 2023.

Commissioner Weber recommended that the City Council take a look at the ratio. It should state if lots were split and that structures would have to be removed in order to keep the ratio aesthetically pleasing for each lot size.

C. Consider a Request by Eric Gunderson for a Rezoning from R-3C, Multiple Family Residential to R-1C, Single Family Residential and a Comprehensive Plan Amendment from MDR, Medium Density Residential to LDR, Low Density Residential for the property identified as PID No. 20-71161-00-016. (Case No. 23-17ZPA)

Reading of Public Notice

Commissioner Weber read the Public Hearing Notice to consider the request for Gunderson, Case No. 23-17ZPA. The request involves property located to the south of 7011 Concord Boulevard, identified as PID No. 20-71161-00-016. The request consists of a Rezoning from R-3C, Multiple Family Residential District, to R-1C, Single Family Residential District, and a Comprehensive Plan Amendment from MDR, Medium Density Residential, to LDR, Low Density Residential. Notices were mailed to 28 property owners on April 13, 2023.

Presentation of Request

Associate Planner Heather Botten discussed the request for property located on the west side of Concord Boulevard, south of 70th Street, zoned R-3C, Multi-Family, and guided MDR, Medium Density Residential. The request is a change from the Comprehensive Plan designation to LDR, Low Density Residential and Rezoning the property to R-1C, Single Family Residential. The property is 15,000 square feet in size and currently vacant. It is the applicant's desire to relocate a single-family home onto the property. The proposed home would comply with setbacks and impervious surface requirements. The house would match neighboring single-family homes for style, age, and footprint. Access would be off a shared driveway to the south of the lot, gaining access off Concord Boulevard. The current Comprehensive Plan designation of MDR, Medium Density Residential allows for higher density residential and could see up to 8-12 units per acre.

Tuesday, May 2, 2023

Based on the lot size in this case, a 4-unit building could potentially go on this lot. The change to low density would be the one single family unit. Rezoning must be in the best interest of the physical development of the city in order to be approved. When reviewing the location and neighborhood there are other single-family homes to the south and west of this lot. The request does not appear to have any adverse impacts on neighboring properties. Utilities are available to the lot, a requirement for urban density. Staff believes the proposed zoning would be compatible with the existing established uses in the area. Staff recommends approval of both requests as presented with the conditions listed. Staff has not heard from any of the surrounding property owners.

Opening of the Public Hearing

Eric Gunderson, 797 Lexington Parkway South, St. Paul, Applicant, stated that he has read and understands the report. Mr. Gunderson stated that he is saving a house in Rosemount near the Akron/42 redevelopment. The home was meant to be demolished; he was hoping to see it saved by placing it on the proposed lot.

Chair Niemioja closed the Public Hearing.

Planning Commission Discussion

Commissioner Challeen stated that she was surprised this lot was not currently zoned single family residential.

Planning Commission Recommendation

Motion by Commissioner Challeen, Second by Commissioner Heidenreich, to Approve Rezoning from R-3C, Multiple Family Residential, to R-1C, Single Family Residential, for property identified as PID No. 20-71161-00-016. (Case No. 23-17ZPA).

Motion carried (6/0).

Motion by Commissioner Challeen, Second by Commissioner Heidenreich, to Approve the Comprehensive Plan Amendment from MDR, Medium Density Residential, to LDR, Low Density Residential, for the property identified as PID No. 20-71161-00-016. (Case No. 23-17ZPA).

Motion carried (6/0).

This item goes before the City Council on May 22, 2023.

D. Consider a Request by Bituminous Roadways, Inc. for a Sand and Gravel Zoning District Designation Five (5) Year Renewal. (Case No. 22-37ZC)**Reading of Public Notice**

Commissioner Weber read the Public Hearing Notice for Bituminous Roadways, Inc., Case No. 22-37ZC. This request refers to a property located at 10201 Rich Valley Boulevard, Inver Grove Heights, Minnesota. The request consists of an Ordinance Amendment for the Renewal of a 5-year Sand and Gravel Overlay Permit including expanding depth mining and a Conditional Use Permit Amendment for the mining and processing of sand and gravel at an asphalt plant and contractors' yard with open storage. Notices were mailed to 29 property owners on April 13, 2023.

Tuesday, May 2, 2023

Presentation of Request

City Planner Allan Hunting stated that a representative from Barr Engineering, the City's Environmental Consultant, would be giving a presentation for more background. He discussed the request stating that Bituminous Roadways is requesting their 5-year renewal for sand and gravel mining. The property is located on Rich Valley Boulevard and 117th Street. The request includes a modification to mine the sand an additional 40 feet in depth, from 840 mean sea level down to 800 mean sea level. The Planning Commission began review of this item on November 2nd, 2022. Several questions were raised regarding access to the groundwater and analyzing the well test data. Staff corrected the public hearing notice as there was one parcel missing. There are four parcels. This was re-noticed in the paper and mailed out to a broader list than previously done. Mr. Hunting stated that Barr conducted a review for the City. Bituminous Roadways also provided a data/analysis. The Planning Commission requested the Environmental Commission review this item as well. The Environmental Commission did review at their meeting on Thursday, April 27th, 2023, and recommended approval. There was some discussion about the monitoring of the well timing and installation.

City Planner Hunting displayed a photo depicting the operation stating that the material is mined out. There is an asphalt plant on site. Over the years there have been approvals for expansion for some of the land area, which they would eventually mine. They had a deep well put in and added larger bituminous tanks.

Commissioner Heidenreich stated that the Commission was provided an addendum to the conditions that were included in the staff report before going live with tonight's meeting; it is not something the Commission has seen. He said there is a lot of good information included, but changes everything they have studied for prior to the meeting with no notice. He asked if the Commission was accepting the changes.

Chair Niemioja mentioned what he was referencing were conditions.

Commissioner Heidenreich replied the conditions were modified from what was previously provided in the staff report.

Chair Niemioja suggested the applicant address this.

Ray Wuolo, Senior Hydrogeologist, Barr Engineering, stated that Barr was retained by the City. Barr has done a lot of environmental review on behalf of the city. A limited review was done to evaluate the potential environmental effects.

- To note what, if any, proposed changes may result in new or increased environmental effects.
- If any, what are the proposed mitigation measures and were they adequate.
- Has anything changed since the 2017 CUP renewal process.
- Making recommendations to the city on changes to conditions in the CUP.

Who regulates aggregate and non-metallic mining in the State of Minnesota:

- MPCA has a Non-Metallic Mine General Permit addressing stormwater and wastewater.
 - Can issue air permits but are typically not required for aggregate mining.
- MDNR has a role in a Water Appropriations Permit if there is a high capacity well on site or pit dewatering.
- Unless there are specific issues, groundwater monitoring may not be required by either agency.
- Some types of expansion or changes to operations may trigger an Environmental

Tuesday, May 2, 2023

Assessment Worksheet (EAW) (this does not meet that requirement).

In the location of where BRI (Bituminous Roadways Inc.) sits, there are a lot of other things happening in the neighborhood:

- Southeast is Flint Hills Refinery
- East is the SKB Landfill and the Pine Bend Landfill
- Northeast is the former Crosby American Demolition Landfill

What BRI is asking for in the Conditional Use Permit (CUP) request:

- Increase current depth from elevation 840 feet to 800 feet. Deepen the mine by 40 feet.
- Vertical expansion will increase the life of the mine by approximately 10 years.

Lowering down to 800 feet will not happen at one time because you cannot keep the slopes stable. After mining it would be reclaimed, move material around, import material, and use topsoil that has been stockpiled on top.

Backfill and reclamation:

- Backfill consists of excess sand from mining operations and clean soil brought in from other BRI construction projects.
- Regrading would occur, required stormwater ditching, and stockpile.

There are no proposed changes to:

- Type and number of equipment being used
- Rate of mining
- Number of trucks and truck traffic
- Hours of operation
- Location and quantity of fuel, chemicals, asphalt cement
- Water use or pumping

Findings: Air quality and noise:

- Air quality impacts will not change from current conditions
- No change in the type of equipment
- No change in truck traffic/truck trips
- Noise impacts will not change
 - In 2018, the city retained Barr Engineering to do a noise study on the western side of the BRI facility. Results found the mine to be fully compliant with the residential standard, which is the most stringent standard for noise in the State of Minnesota.

November 2022 Planning Commission meeting questions:

- Charged with four (4) questions relating to groundwater:
 1. Wet sand in the mine. Concern the wet sand was caused by contact with the Prairie du Chien-Jordan aquifer or that BRI was already mining below the water table.
 - a. Depth of the water table, sloping from west to east, groundwater is discharged to the Mississippi River.
 - b. Below the existing mine by several tens of feet.
 - c. Unlikely/impossible to impact the water table.
 - d. The top of Prairie du Chien bedrock is the major aquifer for the city. It is close to 70 to 80 feet if not deeper, than the current bottom of the mine.
 - e. Concluded the wet spot was not related to groundwater.
 2. High Volume Well was agreed to be placed at a depth of approximately 600 feet below grade.
 3. No mention of the High Volume Well installed in 2012 that pumps 450 GPM.The above mentioned #2 and #3 would be answered together:

Tuesday, May 2, 2023

- a. Both questions involve the High Capacity Well. At that time, BRI requested having the well installed in the Prairie du Chien-Jordan aquifer. The compromise was to have it at a deeper aquifer.
- b. This was appropriated by the DNR at a depth of 600 feet and appropriated for 450 gallons per minute. (On average it pumps less than this).

Aquifer versus Aquitard:

- Aquifer: Soil or rock that yields usable quantities of groundwater to a well.
 - Higher permeability (sand, limestone, sandstone) and saturated thickness
 - Groundwater flows horizontally
- Aquitard: Lower permeability units (clay, silt, tight formations of rock) that do not transmit usable quantities of water.
 - Lower permeability and saturated thickness
 - Groundwater flow is mostly vertical
 - There are two very low permeable units

A pumped well results in "drawdown" of the water table.

- This lowers the water level around the well and lessens as it gets further away.
- Well pumping at a low rate doesn't have very much draw down.
- Well pumping at a high rate has more draw down.
- Having a 450-gallon permanent well is of concern; not an issue to be taken lightly.
 - In this case the aquitards are a very important factor.
 - Pumping in a confined aquifer that is separated by an aquitard allows for pressure drop in the deeper aquifer with almost no effect on the water table/shallow aquifers.

Effects of pumping BRI plant wash-water well:

- Since 2012 a new tool has been developed by the Metropolitan Council.
 - A groundwater computer model of the entire metro area in high detail.
 - Built with USGS, MPCA, DNR, University of Minnesota; heavily benchmarked and continually updated.
 - Model is used to evaluate this particular well to determine:
 - What kind of draw down is occurring
 - Where the water is going that infiltrates at the BRI facility
 - Within the deep aquifer, most draw down is about ½ foot and extends out about ½ mile from the BRI facility.
 - There are only four wells in the area tapped into the aquifer. None are used for water supply.
 - Domestic and municipal are in the much shallower aquifer.
 - Model shows there would be no draw down in the water table aquifer, Prairie du Chien.

One concern people have is groundwater that infiltrates at the BRI facility; where it goes, how fast it flows. He stated that it goes toward the river. The model allows them to say how fast it flows. Time of travel marks show:

- At one year it shows the groundwater under the BRI facility would barely move off site.
- In five years, it would probably reach the Pine Bend Landfill.
- In ten years, it would almost be to Highway 52.
- In 20 years, it would be discharging as it would naturally into the Mississippi River.
- Water infiltrating down at the BRI facility would only be a few feet below the water table. It does not get very deep. It stays shallow and discharges into the Mississippi River.

At the facility, there are two other wells:

- The Rainbow Well, could have been residential
- The Wicker Well, a residential well
 - Both Wells have been sampled on a routine basis.
 - The Wicker Well was replaced in 2020 with a deeper well.
 - These wells are not likely the right wells to monitor. Should put in a dedicated well for monitoring. This would make the most sense going forward, for sampling.
- 4. Water Well testing reports. There was a concern there had been indication of mishandling of problems with the water collection protocols used. Also asked the question of who was involved in making sure this is the right data. To note: State Agencies are not required to review this. The City of Inver Grove Heights is the oversight.
 - a. Reviewed analytical reports from 2012 to 2022 provided by BRI.
 - b. Evaluated the data for holding times (how long they can stay unopened before they are sampled).
 - c. Did not look at the lab reports in their original form. This is highly expensive, only done by litigation.
 - d. Used the EPA's National Functional Guidelines.
 - e. Plotted time series data to evaluate if there were any trends with time.

Stormwater ponds were also a part of the analysis.

- Major metals were analyzed. This is naturally occurring and can be detected in groundwater at very low concentrations. Looking for increases beyond what can be expected in background conditions. Analyzed for:
 - Barium
 - Gasoline-range organics (GRO), diesel range organics (DRO)
 - Phenolics
 - Standard parameters such as pH, specific conductance

Findings of the analytical data review:

- Analytical data was generally acceptable and reliable. Some errors were found:
 - Some air gap was found with GRO and DRO samples. It is not supposed to be this way, it can volatilize.
 - Quantifiable detection limits were pretty high, could be lower.
 - No evidence suggested any exceedances of water quality standards.
 - Need to see detection limits go down a bit more.
 - Different laboratory methods can result in different levels of quantitation.
 - RL's (reporting limit) are different than a concentration that is measured.
- Sodium was detected in the Wicker Well that was sampled before it was replaced.
 - Sodium is a naturally occurring "ion" in groundwater.
 - Reporting value on June 18, 2019 - 169,000 ug/L
 - Same as 168 mg/L. Typical ranges: 10-200 mg/L
 - There are no federal regulations for sodium.

The city may want to require, as a part of the CUP, a monitoring well that intersects the water table to get reporting levels down.

Recommendations and Suggestions:

- Prepare a sampling and analysis plan using the MPCA's guidance.
- Report pumping records, water level measurements.
- Give a yearly brief report to the city explaining what is noticed.
- Should not have to hire Barr Engineering to do this. Should have a narrative going forward.
- Limit soil backfill to non-organic compactable soil free of contamination.

Tuesday, May 2, 2023

- Soil be tested before bringing it on site.
- Provide the city with Spill Prevention Control and Countermeasures Plan (SPCC)

Concern regarding foundry sand:

- USEPA and the USDA did a study of approximately 40 different types of foundry sands.
 - None of the metals were above any concern.
 - None of the phenolic materials were above any concern.
- This foundry sand could be used for road metal, base for road grading, and potting soil. It is safe soil to be able to use.
- Not using foundry sand any longer. Did not bring any in, was just a small amount of no concern. Have and will continue to keep monitoring.

Commissioner Heidenreich questioned whether Mr. Wuolo was hired to give this report by the City or Bituminous Roadways.

Mr. Wuolo stated that Barr Engineering was hired by the City to give this report, Bituminous Roadways compensates the City for their time.

Commissioner Heidenreich referenced the high impact 450 gallon well. He mentioned there was a small number of people that were notified of this meeting. He referenced the cone of depression stating there are a lot of people impacted by this project. It spreads further than the 1,000 feet surrounding the plant, it goes several miles. He said there are four wells nearby, but have only shown one active. If overlaying the other four wells it would increase the cone of depression in the entire area.

Mr. Wuolo replied it would not. The model referenced has all of the wells pumping. All of the wells affects are accounted for. It's a deep aquifer, it's not affecting the wells at all.

Commissioner Heidenreich said there was a lot of water being pumped out, he asked how they were getting rid of it.

Mr. Wuolo replied it was wash plant water. With sand, they wash the material before they use it, then it would infiltrate back in.

Commissioner Heidenreich shared that the city has radium in the water. It has been said it's from pumping water from the lower aquifer. To reduce radium in the city drinking water, they try to use higher level wells. He asked if the water is being tested for radium from the low-level aquifer before dumping it out of the Prairie du Chien aquifer.

Mr. Wuolo replied the aquifer that causes radium in the Twin Cities is the Mt. Simon Hinckley, which is much deeper and older water than the Tunnel City Wonewoc. Tunnel City Wonewoc water does not have a history of high concentrations of radium.

Commissioner Heidenreich asked Mr. Wuolo if he was familiar with the report Hydraulic Impacts of Quarry's and Gravel Pits that was prepared in 2005 by the DNR and paid for by funds from the Legislative Commission on the Minnesota Environment of Natural Resources/Minnesota Lottery. They did well water/groundwater testing on how mines affect the ground. This included two mines in the Prairie du Chien aquifer. He read the following paragraph aloud "This report was intended to help local officials, the public, and the mining industry to understand the main issues surrounding mine establishments and to provide suggestions for monitoring and mitigation strategies to prevent significant impacts on water resources. The research at these sites, the first comprehensive report of its kind, to assess aggregate mining impacts on the

Tuesday, May 2, 2023

groundwater system in Minnesota. This information can be used for citing of new aggregate mines and more accurately assessing the impacts on local groundwater. It can also be used for planning purposes for state and local". He said the cone of depression on the Jordan aquifer on the west end of Cliff Road has a fluctuation of over 70 feet from their dewatering plants. It discussed how the direction of groundwater flow surrounding the mine can be changed. He said he read every word of the reports provided and he still has concerns. He mentioned in November he took photographs of wells on the Bituminous property. He questioned whether the wells were sealed or not, which Minnesota laws require. He asked if those wells were identified as wells and if they have been sealed.

Mr. Wuolo replied he was unsure. He suggested contacting BRI for the answer.

Commissioner Heidenreich said he read the report, those wells have been sealed. He wanted to make it public knowledge. The wells were not sealed at the time, but were sealed a month after. He said the laws surrounding sealing and boring of wells are very specific. He mentioned that he has two photos of the wells and asked that they be shown on the screen.

Commissioner Heidenreich referenced the picture on the left stating it was a well from November that was previously sealed. The one pictured on the right was the unsealed well. He said it was sealed and sent an email out today asking what the elevation of the mine was. The reply was that it was as deep as it could go, 840 feet. He shared that he has the well sealing report and handed it to Mr. Wuolo. He questioned what the report says in relation to groundwater. It states at the top of the well they detected groundwater at 33 feet. If the soil is at 840 feet and the top of the well sticks up 3 feet, he asked where that puts the static water level on the east side of the mine. He said it was different than the slides presented.

Mr. Wuolo replied that the depth of the open hole is 230-272 feet. If the well was 70 feet open, it would be a water table well. The static water measured would be the depth to the water table. Deeper wells would have pressure. Opening a deeper well causes a rise. The pressure rises up to a level above the aquifer. It is the pressure of a deep bedrock aquifer, not the pressure of the water table. The reason water levels are higher here is because it is getting closer to the river. It forces water up through aquitards.

Commissioner Heidenreich said the article states the aquitards are leaky. He asked what that meant.

Mr. Wuolo replied that all aquitards are leaky. The flow is vertical. If perfectly sealed there would not be water flowing to the Mississippi River or ponding in Eagan.

Commissioner Heidenreich said the sand mining out is the filterite that takes out the chemicals pumped up from the lower aquifers. This creates an additional hazard for the neighbors to the west and northwest if diverting the water, according to the hydraulic impact report. His concern is if they cannot use these documents at face value, none of the documents can be trusted.

Mr. Wuolo replied he is frustrated because Commissioner Heidenreich is trying to explain concepts he has a moderate understanding of. He stated there is no groundwater flowing to the northwest, it doesn't flow that direction, it flows to the river. He referred to the Metro Model stating there are 11,000 wells and water levels used to calibrate the model including the points shown on the map. He said it was a reliable model.

Commissioner Heidenreich said he felt lines shown on the map appeared to flow northwest.

Mr. Wuolo referenced the map in question and said they go due east under Pine Bend Landfill.

Commissioner Heidenreich said if changing the groundwater flow by mining too close to the surface of the aquifer according to the report, it could change the direction more to the north.

Mr. Wuolo replied it would not. Changing the groundwater flow direction would have to have a change in the water balance, water extraction. Infiltration and water balance is not changing from the condition it is today. The only thing changing is the depth from the bottom of the mine to the water table. The material that exists from the bottom of the mine and the water table is a very coarse sand that water goes right through. Thinning it out wouldn't affect water quality.

Commissioner Heidenreich handed Mr. Wuolo two pictures from today. He referenced one of the mines with a bend at the top. He mentioned the term Lidar and asked what it was.

Mr. Wuolo replied Lidar is when airplanes shoot a light beam down and it bounces off the ground. It is quite accurate.

Commissioner Heidenreich asked if anyone has measured the heights of these wells. He referenced a photo and said it shows the same pipe sticking two feet out of the ground. He mentioned that new iPhones use Lidar, a light emitting radar. There is a 12-foot difference from the 840 feet from November. If accurate, the mine is at 828.

Mr. Wuolo replied he was unsure if anyone had measured the wells and was unsure of the difference mentioned. It could be surveyed if Commissioner Heidenreich did not believe it. All data noted does not indicate the well to be any deeper than 840. He said he was unsure why anyone would say that the numbers were not as presented.

Commissioner Heidenreich replied he has the static well levels, the GPS on his car, Lidar from his iPhone, and the photo indicating that they are already at the water level. He referenced a photo with a mound of dirt, next to that is standing water on the surface. He said the water is not going into the ground like expected, it's just sitting there.

Mr. Wuolo replied he may want to ask the representative from BRI about that item. He said it wasn't the water table or the groundwater.

Commissioner Heidenreich said he has mistrust. With the Wicker Well, readings were provided, and then it turned out that it was a different well entirely. The same well wasn't tested. He said he is seeing red flags. He said he is prepared to make a motion to approve this with some changes. He noticed that a notice was received just a few minutes before the meeting. Those were addressed in what he was going to comment on.

Chair Niemioja requested a short recess at 8:24 p.m.

Chair Niemioja called the meeting back to order at 8:29 p.m.

Commissioner Heidenreich mentioned that Mr. Wuolo has done a great job and explained everything well. He said Mr. Wuolo asked why he was so concerned and what gave him reason to believe the static water level was higher than currently indicated. He said in a report dated September 10, 1999, by Barr Engineering, the city said the water level was at 850 feet at the west edge. He asked how that happens.

Tuesday, May 2, 2023

Mr. Wuolo questioned if he did the report and replied he would have to look at it to see. He said in hydrogeology, that would be 24 years ago. He was not using computer modeling then. The amount of information and effort going in to understanding ground water in Dakota County since 1999 is mind boggling. This had to do with the county's efforts and State Agencies.

Commissioner Robertson asked a question relating to the document received today. She asked if Barr would be doing the testing or if it should be an independent testing facility.

Mr. Wuolo replied that he would let Bituminous Roadways answer that question. With facilities like this, a third-party engineer/environmental company is hired.

Commissioner Heidenreich asked who historically collected the samples for testing.

Mr. Wuolo responded he was unsure; BRI may know the answer to that question.

Commissioner Challeen said she noted the word remediation several times in the report but does not see details about the process or what would trigger remediation. She asked for a primer about what a remediation effort would be like.

Mr. Wuolo responded that the well is sampled, an analysis comes back, go back and resample to make sure the data is correct. If it is, depending on the conditions, it would need to be reported to the MPCA. The MPCA would determine if there is any further investigations/corrective action needed. It is out of the owners and city's hands. A typical remediation consists of a pump and treat system.

Commissioner Robertson asked who does the testing if contaminants come back at a higher level more than standards, and if it is independent of BRI.

Kent Peterson, President, Bituminous Roadways, 6130 150th Street Southeast, Prior Lake, MN, read a prepared statement stating that Bituminous Roadways purchased the gravel pit in 1978, in 1980 an asphalt plant was installed. Since then, they have been mining gravel and producing asphalt used for various things within about a 20 miles radius of this location. All product stays local. In 2001 they purchased the adjacent property to the south. Current gravel mining takes place on this property. He stated that their conditional use permit with the city must be renewed every five years, tonight is the application for renewal.

One change they are requesting is to extend their mining depth to an 800-foot elevation. With the current permit, the limit is to an 840-foot elevation. They are requesting to mine 40 feet deeper than they currently are. This only applies to the remaining phases of mining on the south property purchased in 2001. Mining 40 feet deeper adds 10 years to the life of the gravel pit and provides for much needed aggregates. Soils used would only be non-organic compactable soil, free from contamination and only from Bituminous Roadways projects. Bituminous Roadways will maintain a manifest from each offsite source indicating where soils are imported from. There will be a statement included with the manifest.

He stated that their current application came before the Planning Commission on November 1, 2022. At that time there were questions raised that required additional information. One question was in regards to the emergency response. Their response to measurable spill. He said the question came from Commissioner Challeen.

Tuesday, May 2, 2023

Commissioner Challeen replied the question had to do with how quickly and effectively they have responded in the past and plan to respond if there is detection of something above a permissible limit.

Mr. Peterson said he assumed it had to do with a response to a spill. Section 2.5 of the plan sent to the Commission outlines procedures and onsite/outside emergency contacts.

In the event of a spill:

- A trained responder takes immediate action to prevent further spillage and confines the spill to its smallest practical area.
- Depending on the size/nature of the spill, outside response contractors may be called in.
- Records are kept for all measurable spills.
- Onsite storage tanks have secondary containment. Large tanks are surrounded by earth and berm.
- In case of fire, there is an extensive fire protection system installed. City water is used, there are 12 fire hydrants around the site.

He said there were questions about the foundry and storage sand found and stored on site. In the 80's and 90's, they brought in sand from two Minneapolis foundries. It was spent sand intended to be used on construction projects. They did not use the sand as fast as it came in, and it accumulated. It is stored in the northwest corner of the property. No further foundry sand has been brought on site since 1998. In the 2001 permit renewal there was a condition in regards to foundry sand stating the sand shall remain in its current location and used in its entirety within the next four years. The amount of foundry sand was approximately 30,000 cubic yards.

Another condition about foundry sand in the southeast berm would be left undisturbed with the amount of approximately 24 cubic yards. In the 2007 city planning report, Barr Engineering conducted a site visit in May of that year and determined the 30,000 cubic yards of foundry sand in the northwest berm was gone and vegetation was established. The southeast foundry sand had been undisturbed and contained a vegetative cover. The permit condition was satisfied. Current CUP requires they test the water from three wells; one onsite and two on neighboring properties. They are identified as the Rainbow Well, Wicker Well, and Plan Well. It is always sampled at current active wells. Unique well numbers have never been used, but are open to that option if requested. He stated they are in agreement with Barr's recommendations. He said they would like to propose a new groundwater monitoring program.

Chair Niemioja asked if it would take approximately 30 years to complete the site, depending on market demand. She asked if the request is premature.

Mr. Peterson replied mining is done in phases. Their intention is to mine each phase to it's limits and then move onto the next phase and then reclaim the phase they moved on from.

Commissioner Weber questioned the use of city water during fire protection. He asked if it was from Rosemount.

Mr. Peterson responded that city water had to be run to their site in order to get to the capacity of water required. It's from Inver Grove Heights, down 117th Street from the new electric generating plant by the landfill. They ran it from there over to their site.

Commissioner Robertson asked who does the testing.

Tuesday, May 2, 2023

Mr. Peterson replied historically they take the samples and submit them to an independent testing lab. Pace Analytics is the lab they have been using. The report they receive from Pace is submitted to the city.

Commissioner Robertson asked if there was a reason why Pace doesn't do the sampling.

Mr. Peterson replied they would like to propose outsourcing all of that. Going forward it would likely be best.

Commissioner Robertson asked if the proposal was included in the report.

City Planner Hunting replied that information was the sheet that was handed to the Commission. It was permit condition revisions; A, B, and C, that they have not had a chance to explain yet.

Commissioner Robertson said it was mentioned that the wells tested were not identified. She said if not identified, how they knew which well it was coming from.

Mr. Peterson replied it was a current active well at that location. When sampling from wells on neighboring properties, it's taken from the spigot. It was known which well it comes from.

Commissioner Heidenreich stated the Wicker Well isn't the same as it was in 2018, it changed. That was one well, the new Wicker Well is the one that is tested now.

Michaelea Whelan, Sunde Engineering, 10830 Nesbitt Avenue, Bloomington, MN, discussed the proposed groundwater monitoring plan and stated that the actual plan has not been developed yet.

- The plan includes putting in three new monitoring wells.
- They would be screened at the water table as Barr recommended.
- Sampled annually, water levels would be tested, samples taken as requested.

They would like a third party to come and do the sampling. When sampling in the past, they would get a sampling kit from Pace with samples delivered directly to the lab. The plan takes into account sampling parameters and procedures.

With the monitoring well, they propose to put one upgradient of the mine limits. This provides a background and base to compare the downstream well. Two would be placed downgradient of the plant area and active mining areas.

She stated Conditions 23, 24, 34, 35, and 36 would be redundant and condensed. It is what they are trying to accomplish in the three conditions.

City Planner Hunting referenced the numbers provided by Ms. Whelan stating the conditions to be replaced were from a previous report from the Environmental Commission. Subsequent to that, he removed a condition that talked about the foundry sand. The numbers are different. The conditions Ms. Whelan will discuss are included in the Commission packets and are: 22, 23, 33, 34, and 35.

Ms. Whelan stated the new groundwater monitoring plan would provide sampling and analysis procedures for the site along with:

- Installation of new monitoring wells on site at locations upgradient and downgradient of the mining limits.
- New wells would be sampled and tested annually.
- New wells will replace BRI's annual sampling and testing of onsite ponds, wells, and

offsite neighboring wells.

- Actions to take if the monitoring well testing shows exceedances of concentrations above an action level of concentration.
- Level will be set lower than current drinking water standards (level yet to be determined).
- If samples show verified levels of concentration above action levels, on site BRI wells unique number 608018 and 174673 (Rainbow and Plant Wells) and off-site Wicker Well will be tested in addition to the new monitoring wells until determined the concentrations are below actions wells.
- Actions to be taken to address elevated concentrations will be documented in the plan.

Bituminous Roadways Proposed Permit Condition Revisions:

- To add clarity and reduce redundancy, propose to add the following groundwater monitoring conditions. Would like to eliminate the conditions that are related to water sampling testing: No: 22, 23, 33, 34 and 35.

Condition A:

- Bituminous Roadways shall provide a groundwater monitoring plan that includes installation of a new monitoring well network to provide early detection of potential groundwater impacts from site operations.
- New monitoring wells shall be installed with the screens intersecting the water table.
- One well is to be located upgradient of the mining operation in order to obtain baseline samples of established pre-mine background concentrations to use in comparison to downgradient samples.
- Two new downgradient wells are to be installed, sampled, and tested annually.
- Groundwater monitoring plan shall include the sample parameters, sample schedule, and proper EPA/MPCA sampling procedures and protocol.
- Monitoring well testing is to include water level data.
- Samples are to be tested for arsenic, barium, cadmium, chromium, copper, lead, mercury, nickel, selenium, silver, zinc, BETX, pH, electric conductivity, and alkalinity.
- Plan includes actions Bituminous Roadways is to take if the monitoring well testing shows a verified exceedance of concentrations above an action level concentration.
- Action level should be lower than the drinking water standards.
- Actions to be taken to address concentrations above action levels will be documented in the groundwater monitoring plan.

Side note: BETX, is Benzene, Ethylbenzene, Toluene, and Xylenes are primary groundwater contaminants associated with spills of gasoline and diesel fuel because of their high-water solubility and their associated health risks.

- Detection of any BETX analysts in the groundwater is indicative of a diesel fuel spill or release.

Chair Niemioja asked if BETX would be a part of the condition.

Ms. Whelan replied it would be. She proposes instead of testing for DRO and GRO, BETX testing to be a much more indicative test for a diesel spill and more reliable.

Chair Niemioja mentioned the only word missing would be "independently" testing.

Ms. Whelan replied the word "independently" could be added. It would be included in the plan itself, but can add that sampling and testing be performed by an independent testing.

Commissioner Challeen asked how the interval of annually is chosen.

Ms. Whelan replied that currently some wells are tested every other year and testing ponds every other year. Every year testing was done. With the new proposed monitoring well network, they would still follow annual testing, it would be out the new network.

Commissioner Challeen said she wished it was more often; she wanted to understand the logic.

Ms. Whelan discussed Condition B:

- The groundwater monitoring plan shall be provided to the city for review, comment, and approval by city staff and the city environmental consultant Barr Engineering, prior to any excavation below 840 feet sea level.
- Monitoring wells shall be installed, and one round of samples be collected prior to excavating below elevation 840 feet.

This is in response to the Environmental Commissions request on a timeline.

Commissioner Heidenreich said this seems too good to be true. He had four pages of documents suggesting to combine all these items into one condition. The reports are great. He said he thinks they should be reported in a specific month each year, maybe October. To have copies of the analytics be displayed in graph form and presented to the EAC. He said it shouldn't just be given to the city, but done as a presentation, perhaps in October, and firstly presented at the Planning Commission level to be able to see/follow.

Chair Niemioja said she did not think it would fall within Commission purview, but would with the Environmental Commission.

Commissioner Heidenreich mentioned that BETX seemed like a better alternative. He would like to see radium and sodium added back in to the list instead of taken out.

Ms. Whelan replied radium and sodium were never on the list of constituents to test. There was one lab report that contained many constituents, those were not supposed/let to be tested.

Commissioner Heidenreich asked if would be allowed to add those two to testing.

Mr. Wuolo replied he was unsure about radium. Macroions: sodium, potassium, calcium, carbonate, bicarbonate, chloride, and sulfate are major things that make up any kind of water, a cheap analysis. He recommends every time an analysis is done, this is used. Those ions need to balance, if they don't, something is wrong with the analysis.

Commissioner Heidenreich asked if adding those ions were agreed upon.

A response was heard in the affirmative.

Chair Niemioja made note of this to be added to Condition A., the testing of ions.

Ms. Whelan discussed Condition C:

- Bituminous Roadways shall submit an annual report to the city that includes water quality, water level, and water use data, including pumping records for the reporting year as well as previously collected data.
- A QAQC review of the water quality data, quantitative detection limits must be well below any applicable standards, and a summary of operations shall be included.

Tuesday, May 2, 2023

- Report shall include time series graphs of monitored parameters referenced to applicable drinking water standards.

Commissioner Robertson said she is hearing some words that do not sound definitive at times. For example: when she asked about the independent lab. Originally, she heard Pace or someone else. To her that raises a red flag. She doesn't feel confident that the notion of using an independent lab is on top of the conditions. She doesn't know who Pace is. She said it would be very helpful to have credentials if naming independent labs.

Ms. Whelan replied that Pace is a well-known testing lab. The Department of Health has a list of accredited labs. The plan will say Bituminous Roadways must hire an independent MDH accredited lab to perform the sampling and provide the testing of the samples.

Commissioner Robertson requested that exact information be included.

Commissioner Weber asked if the reports would be posted on the city website for people to view.

City Planner Hunting replied they could be, they would work with the Environmental Planner to post.

Paul Saver, 7845 Boyd Court, stated for nearly 20 years he owned a piece of property directly across the street from Bituminous Roadways at 11278 Rich Valley. Every year that he owned the property, he had the well tested along with the city water at his house on Boyd Court. Every test had the well water at Rich Valley testing purer than the city water at his house. He said Bituminous Roadways is a very environmentally conscious company, he has no problems with them. He said he has offered them to test the water any time they want.

Joe Maltese, 11618 Akron Ave, closest residential well to the west side of Bituminous. He said he had a lot of notes and questions, but the Commission covered it. He thanked them for how thorough they had been on everything. He was happy to hear about the test well. He said he has been told that it is impossible for any pollutants that were to happen from the deeper well would affect his well about 1,500 feet away. He was looking for reassurance for him and his neighbors on the west side. He said Barr Engineering seemed adamant that it cannot go that direction. He wanted information to assure himself and his neighbors that it really is impossible for something to affect their wells. He said there have been issues over the years with noise, but they have been mitigated.

Mr. Wuolo replied there is no such thing as a 100% guarantee. If things don't change and stay as they are now, and nobody puts a high capacity well in the area, he can say with extremely, extremely, high level confidence that they would not have groundwater flowing to the west.

Jeff Brown, 11636 Akron Avenue, referenced an area at the lower left where it is wooded and asked if that would be mined.

Chair Niemioja stated that the response heard off screen was no, it was a buffer.

Commissioner Robertson asked if the conditions would be revised before this goes to the City Council. She questioned if this Commission would see what was said in the conditions before it goes to the City Council.

Chair Niemioja replied if adopting the condition with terminology the Commission wants included.

Commissioner Robertson wanted confirmation on the Minnesota Department of Health certified labs.

Ms. Whelan clarified what was asked for in the wording was that "all sampling and testing of the monitoring wells to be performed by a Minnesota Department of Health accredited testing lab".

Chair Niemioja closed the Public Hearing.

Planning Commission Discussion

Chair Niemioja addressed Commissioner Heidenreich stated that he brought up great questions that he also brought up in November. It was helpful. She mentioned that the reports received from staff, Barr, and Sunde, were thorough and explanations of what the Commission was looking for was covered. She liked the idea of an independent testing process, she felt reassured.

Commissioner Heidenreich stated he spent hundreds of hours researching this. He received everything he asked for in all the reports and information he requested.

He mentioned Condition #8, The final disposal of moss on the site should be prohibited. He said he did not think they stored moss any longer, it's organic shingles. He suggested modifying it to say, "the storage and disposal of moss on site should be prohibited". All other notes he had were covered in the addendum received prior to the meeting.

A last condition he wanted to add, he calls #37, stating there is so much discrepancy on the level of the static water under the well. He would like to see that be a conditional use for the deeper mining be broken into a second part, put a limit on how deep the mine can go, or not allow it at this time until there is better information. He said they have the technology to use Lidar to receive better readings, they are not being provided the depths of the well heads. Depths of the neighboring wells are shown on a report, but skipped the new sealed wells. They cannot tell how deep that is. He would be more convinced to have information from a certified laboratory where the static ground water is. He said Barr has said it was at 850, they have heard it's at 790. He said he knows what it is to the west, he suspects what it is on the well that is sealed even though it could be an artisan affect. He was still unclear and unhappy with that part.

Chair Niemioja questioned if the information provided by Barr regarding technology changes over the past years did not satisfy.

Commissioner Heidenreich replied it was contradictory to other information known. His iPhone gives different numbers. He shared that unless there is a certified surveyor or the city goes in there, he would like to not have that in the conditions and say they cannot go below the 840. He thought they were below it already. Without survey results, there are discrepancies and misinformation, he would like to see it left out at this time.

Chair Niemioja said she was hesitant to say misinformation. She said there was a lot of information, testing has varied a lot over the years. She would not personally use that term.

Tuesday, May 2, 2023

Commissioner Robertson said her concern with what is being proposed is leaving out the statement about going below 840. She said it's important. She is not comfortable leaving out the 840, it needs to stay in to have a clear understanding of where the cutoff point is. If there are concerns, she said she would feel comfortable making a recommendation to City Council that they evaluate from a source they see appropriate. She mentioned there were numerous places they could ask someone independent to come in and check. She believes there is a need to move forward, they have addressed the conditions. She shared she doesn't want to hamstring this due to her expertise; she would rather see the Commission move forward, get things going, and have a recommendation made to the City Council about whether there are concerns about the 840 level and if it has been breached.

Commissioner Heidenreich stated they are going to be putting in monitoring wells the Commission didn't know about prior to today. One is going to be placed on Wicker Well, of which he was unsure they could do on private property. Once putting in the monitoring wells, the static elevation would be known. His suggestion would be to say they can be allowed to mine down to 840 but not within 20 feet of the surface of the water table. This gets them to 800 if the other data is correct. The water table, according to the chart, is well below the 800 point. If staying above 800 or 20 feet away from the norm water table, would be satisfactory and could base the information on the monitoring wells they are proposing.

Commissioner Robertson said the suggestion was made to not go below 20 feet above the water table. She said assuming the elevation of the water table is permanent and doesn't change, when putting in a condition that specific, does the top of the water table changes with how much it is being impacted environmentally. She is concerned about getting so specific.

Chair Niemioja opened the Public Hearing.

Mr. Wuolo replied the water table typically fluctuates 1-2 feet. With the monitoring wells being proposed and placed where stated, that is the measurement they would have for the slope of the water table and depth. He referenced the 20-foot buffer stating that it was somewhat arbitrary, but the Commission can put whatever protection they wanted on it.

Commissioner Robertson said she was concerned with stating 20 feet exactly. If the water table changes, they could find themselves with wells that didn't meet that criteria.

Mr. Wuolo suggested a seasonal average with a 1-2-foot mean around the average.

Chair Niemioja asked Mr. Wuolo if the recommendation the Commission would make goes beyond their scope as Planning Commissioners.

Commissioner Robertson liked the language presented by Mr. Wuolo better than giving a specific number.

Chair Niemioja was worried the Commission is taking on the role of the experts. She is trying to analyze reports, this is getting beyond her scope and is worried they are trying to over design what would happen here. She understands that oversight and review are important, water is important. She is concerned because she doesn't have a point of reference of understanding why those 20 feet matters. She doesn't feel comfortable, beyond the suggestions and the independent testing. She would not vote to change much more with some of the conditions.

Tuesday, May 2, 2023

Commissioner Heidenreich stated the City of Inver Grove Heights is the regulating government authority. The report he referenced from 2005 from the DNR gives very specific model ideas in what to look for. That is where he got a lot of information from. He said they are at 840 with a request to go to 800 feet. He said he thinks they will find that interferes with the water table. His suggestion is that they can allow them to go to 800 feet, unless they encounter the water table, then they have to stay away from it. Monitoring wells will give that information. He said they don't want to get to the point of getting so close to the aquifer that it infiltrates anything that gets spilled because there is almost no time to respond to it before it becomes a pollutant. They have to leave a buffer on top. The information he has shows the water table level to be closer to 810 feet. He doesn't want to allow them to go to 800 feet and find out they are at the water table; he feels they have to stay away from it.

Chair Niemioja said she respects the concern; she doesn't know if she feels comfortable changing it.

Commissioner Weber said he sees both sides. He can see where this may be over stipulating what professionals are saying. Living in the area he questions if he may vote on something where he may have made a mistake. He does not have city water. He suggested it be a recommendation not a condition for the City Council to further look. The condition can be approved but would like to see a more stringent wording on the condition, then the City Council can take it into their hands. He said this Commission/body looks at it from a land use perspective only, he was hopeful that making a recommendation to the City Council will be taken strongly, the condition would be looked at and further scrutinized.

Planning Commission Recommendation

Motion by Commissioner Weber, Second by Commissioner Robertson, to Approve the Temporary Sand and Gravel Zoning Renewal for a period of five years subject to 37 Conditions, revamping Conditions, 22, 23, 33, 34, and 35 with the wording provided. To include that the sampling and testing of the monitoring wells should be performed by a Minnesota Department of Health accredited lab for the request by Bituminous Roadways, Inc. for a Sand and Gravel Zoning District Designation Five (5) Year Renewal. (Case No. 22-37ZC), along with a recommendation on Letter B for the City Council to look further into manipulating the 800-foot mark to be more stringent with what happens with the wells put into place for monitoring.

Motion carried (5/0. 1 abstain-Heidenreich).

This item will go before the City Council on May 22, 2023.

5. REGULAR BUSINESS

6. COMMISSION AND STAFF COMMENTS

Chair Niemioja stated that the Environmental Advisory Commission, Parks and Recreation Advisory Commission, and the Planning Commission, all have vacancies. The city only benefits from people volunteering their time, giving their opinions, and their knowledge. The discussion tonight and the Environmental Commission helped make this decision stronger. It will help the City Council. She said it was important to volunteer for these Commissions.

If interested in applying for these Commissions, the information and the application form is on the city website at: www.ighmn.gov or contact the City Clerk. The application deadline has been extended until Monday, May 8th.

Tuesday, May 2, 2023

Chair Niemioja stated that last week was Administrative Professionals Day, she thanked Stacy Bodsberg, Community Development Support Specialist, for all the work she does. It is very appreciated.

7. ADJOURN

Motion by Commissioner Weber to adjourn the Planning Commission Meeting at 9:37 p.m.

Respectfully submitted, Sheri Yourczek, Recording Secretary