

**APPROVED MINUTES  
PLANNING COMMISSION  
REGULAR MEETING  
CITY OF WYOMING, MINNESOTA  
SEPTEMBER 24, 2013  
7:00 PM**

**CALL TO ORDER:**

Planning Commission Chairman Frank Storm called the Regular Meeting of the Wyoming Planning Commission of September 24, 2013 to order at 7:00 P.M.

**CALL OF ROLL:**

On a Call of the Roll the following members of the Wyoming Planning Commission were present: Judy Coughlin, Mathew Engstrom, Ken Meyers, and Frank Storm.

Members Absent: Mark Lobermeier.

Also Present: Zoning Administrator Fred Weck, Council Liaison Roger Elmore.

**DETERMINATION OF A QUORUM:**

Chairman Storm determined a quorum was present.

**PLEDGE OF ALLEGIANCE:**

**OPEN FORUM:**

*“An opportunity for members of the public to address the Planning Commission on items not on the current Agenda. Items requiring Planning Commission action maybe deferred to staff for research and future Planning Commission Agendas if appropriate.”*

No members of the public spoke.

**APPROVAL OF MINUTES:**

1. **Consider approving the minutes of the Regular Meeting of the Wyoming, Minnesota Planning Commission for June 25, 2013.**

**A MOTION WAS MADE BY PLANNING COMMISSION MEMBER MEYERS, SECONDED BY PLANNING COMMISSION MEMBER ENGSTROM, TO APPROVE THE “REGULAR MEETING” MINUTES OF THE WYOMING, MINNESOTA PLANNING COMMISSION FOR JUNE 25, 2013.**

*Voting Aye: Coughlin, Engstrom, Meyers, and Storm.*

*Voting Nay: None*

*Abstain: None*

**NEW BUSINESS**

2. **None**

**SCHEDULED PUBLIC HEARINGS**

3. **Interim Use Permit for Mineral Extraction by Peterson Companies at 24011 Forest Boulevard.**

Commissioner Storm asked Zoning Administrator Weck if there was anything he wanted to add to the staff report. Zoning Administrator Weck replied that he had requested the City Engineer to review prior bond amount of \$18,000 but had not received response in time for tonight's meeting. He also said that the conditions for this IUP are basically the same as Peterson Companies prior IUP at the same location with the exception of the new Watershed Districts

Administrators comment about the inclusion of the pond being created by Peterson Companies not being included in their concept plan for the area. He said that he had sent the current administrator the prior administrator's comments about including it and had not received a response back yet.

Chairman Storm asked if the Commissioners had any questions. Commissioner Meyers asked if there had been any complaints with the operation of the initial IUP or any drainage issues after. Weck responded that he had received no complaints during or after and that the Watershed was out to the site frequently to monitor the work. Commissioner Meyers then asked about the Watershed comment about a concept plan for the area and Weck responded that he hadn't seen the plan but that he had sent the current administrator the prior administrator's comment about including this pond in the watershed's plan.

Commissioner Coughlin asked Zoning Administrator Weck what is a TEP and what is its process. Weck responded that it is a panel consisting of the wetland local authority (the City Engineer), MNDNR, Army Corps of Engineers, BOWSR, and the watershed district, and that they review wetland impacts and determine if a permit will be issued for that impact and how it will be regulated. Commissioner Coughlin then asked the applicant how much material they were planning on removing. Jon Peterson responded that they wouldn't be able to take it all out this winter because they have a limited time to work during the winter and that they may remove 3,000 cubic yards this winter. Commissioner Coughlin then stated that the application has 20,000 cubic yards being removed and that the maps show 3,000 cubic yards being removed per year, so are they removing 9,000 cubic yards or 20,000 cubic yards. Mr. Peterson responded that the depth of the peat varies and that the 20,000 Cubic yards would be if the 6 acres were excavated to a full depth of 6 feet. Commissioner Coughlin asked if they reseeded last time. Mr. Peterson said that they were able to spread remaining existing vegetation around and that it can back on its own. Commissioner Coughlin asked that if they did have to reseed what would they use. Mr. Peterson responded that they would use MNDOT 325 which is a wetland seed mix. Commissioner Coughlin then asked Weck about the City Engineers comment about the applicants Map C and the revisions needed to it. Weck explained that the comment was regarding new NPDES rules that were implemented on August 1st and that last time they needed to install a double row of silt fence between the excavation site and the Sunrise River. Commissioner Coughlin asked the applicant and Mr. Ducharme whether they had had any recent conversations with the watershed district. Mr. Peterson responded that he had sent an email to the current administrator and had conversations with the previous administrator about what both wanted and what would work best for both and that there could be possible future phases on the Ducharme parcel and on the parcels owned by the watershed to the north. Mr. Ducharme responded with a history of the parcel and that the long range plan was to connect the ponds to the Sunrise River (formerly known as Judicial Ditch #1).

Commissioner Engstrom asked if the watershed district decided to incorporate this pond would the IUP need to be revised. Weck responded that that would be a separate project and that a new plan would need to be submitted.

Chairman Storm asked Weck and the applicant whether the aerial photo in the PC packet was the current size of the pond, Weck responded yes, and if the pond would be made deeper or larger, Mr. Peterson responded that it would be larger. Chairman Storm then asked the applicant about the truck traffic on Highway 61 during commuting times. Mr. Peterson responded that they may have a truck leaving every 15 minutes and with the winter's shorter daylight hours that the first truck might not get on the road until 7:30 – 8:00, and that they put out "Truck Hauling" signs when they are working and that the site entrance is on a flat straight section of road with good visibility. Weck added that MNDOT did not comment on the last application and hadn't yet on this one.

Chairman Storm opened the public hearing at 7:25, there being no comments the hearing was closed.

Chairman Storm asked if there were any further questions, Commissioner Coughlin responded that she had a comment. Commissioner Coughlin was concerned that the property is zoned Industrial and that the use is being called an Essential Service to allow it to be there, but if it is not incorporated into the watershed district's plan then it's not an Essential Service. Chairman Storm responded that the Ducharme property is mentioned in the watershed district's version of a Comprehensive Plan. Liaison Elmore also responded that Comfort Lake is an impaired lake and that anything we can do to offset the pollution entering the lake becomes an essential service. He also added that the new watershed administrator just needs to be brought on board with what is being done on the site.

**A MOTION WAS MADE BY PLANNING COMMISSION MEMBER ENGSTROM, SECONDED BY PLANNING COMMISSION MEMBER MEYERS, TO RECOMMEND TO THE CITY COUNCIL THE APPROVAL OF PETERSON COMPANIES REQUEST FOR AN INTERIM CONDITIONAL USE PERMIT TO ALLOW THE EXTRACTION OF BLACK DIRT BASED ON THE FINDING THAT THE STANDARDS CONTAINED IN ARTICLE VII, DIVISION 17, MINERAL EXTRACTION AND ARTICLE V, DIVISION 6, CONDITIONAL USE PERMITS HAVE BEEN MET, AND WITH THE FOLLOWING CONDITIONS:**

1. The Interim Conditional Use Permit is valid for three (3) years from the date of its issuance by the City Council. After expiration a new Interim Use Permit is required for continued operation.
2. That the construction of any other ponds on the site will require an amendment to the Interim Use Permit and approval by the City prior to any work being performed.
3. That the applicant receives a NPDES permit from the MPCA prior work commencing on the site. The proposed excavation site will require NPDES Construction Stormwater Permit coverage and a Stormwater Pollution Prevention Plan that meets the requirements of the re-issued August 1, 2013 NPDES Construction Stormwater Permit.
4. The erosion and sediment control BMPs, as shown on Map C, must be revised to coincide with the applicant's narrative and August 1, 2013 NPDES Construction Stormwater Permit.
5. That the applicant submit an erosion control plan to the District and secure a permit from the District prior to the start of any land disturbing activity associated with the proposed project.
6. All applicable City codes, ordinances and policies as well as any applicable County, State and Federal regulations shall be complied with before, during, and after the mineral extraction.
7. A performance bond, letter of credit, or escrow in an amount to be determined by the City Engineer be submitted to the City prior to the issuance of the Interim Use Permit. The surety shall be on file at all times during the mineral processing operation and until the land rehabilitation is in conformance with the Ordinance, the reclamation plan as approved by the City, and all other applicable ordinances, codes, and policies, as have been approved by the City.

*Voting Aye: Coughlin, Engstrom, Meyers, and Storm.*

*Voting Nay: None*

*Abstain: None*

**OLD BUSINESS**

4. Because of an ongoing complaint Zoning Administrator Weck asked the Planning Commission to offer their opinion on Section 16 – 52, (3), (f), 2 of the Nuisance Ordinance and whether it was the intent of the Planning Commission to require that compost boxes be screened from adjoining properties or that just the compost itself needed to be screened. Commissioner Coughlin responded that the city does not require that trash cans be screened and that the compost box is no different than a trash can. Commissioner Meyers said that the intent was to require the screening of the compost, not the compost box. The unanimous consensus of the Planning Commission is that the intent of the Planning Commission when drafting the Nuisance Ordinance was that the compost needs to be screened from adjacent properties not that the compost box needs to be screened.

**COMMUNICATIONS:**

5. NONE

**A MOTION WAS MADE BY PLANNING COMMISSION MEMBER MEYERS, SECONDED BY PLANNING COMMISSION MEMBER COUGHLIN, TO ADJOURN THE REGULAR MEETING OF THE WYOMING, MINNESOTA PLANNING COMMISSION FOR SEPTEMBER, 24, 2013 AT 7:41 P.M.**

*Voting Aye: Coughlin, Engstrom, Meyers, and Storm.*  
*Voting Nay: None*  
*Abstain: None*