

PLANNING COMMISSION MINUTES

DATE: May 29, 2012

TIME: 4:30 p.m.

PRESENT: Chairperson Porter; Commissioners Boettcher, Gromek, Davis, Ballard, Buelow, and Olson

STAFF PRESENT: City Planner, Mark Moeller; and Assistant City Planner, Carlos Espinosa

The meeting was called to order at 4:30 PM by Chairman Porter.

Approval of Minutes – April 23, 2012 and May 14, 2012

The minutes from the Commission's meeting of April 23rd and May 14th were reviewed. Following a motion by Commissioner Gromek and a second by Commissioner Ballard, the minutes were unanimously approved as submitted.

Sand Moratorium Study: Habitat, Wetlands and Quality of Life

Chairperson Porter noted that since the primary purpose of today's business is to continue discussions relative to the sand moratorium issue, he would begin by inviting comments that any person present wishes to present.

James Johnson, 802 West Broadway, noted concerns with air quality and referenced Halburton Company technical data sheets that noted air quality concerns with silica sand. As related to the recent conditional use permit approval of the barge loading operation at the Commercial Harbor, he questioned how dust would be monitored and managed.

Marie Kovacs, 133 Whispering Lane, referenced the Rochester extraction ordinance and noted that Kim Sharpe, a resident in Knopp Valley had developed a draft set of standards that she felt would be workable as part of the Conditional Use process in Winona.

She concluded by noting concerns she had with Commission minutes of May 14th. In those, reference was made to her presentation of a "laundry list" of concerns. She would like that terminology removed from the minutes.

Jeff Falk, Wisconsin, referenced dust issues that Chippewa Falls has been dealing with and its silica sand mining operations. It was suggested that the City look at what that City has done in terms of addressing the issue.

Joe Morse, 23375 Buffalo Ridge Road, Winona, stated that he felt the term "quality of life" should be properly defined before the study process begins. Although the term could mean different things to different individuals, he felt that all could agree on a common definition.

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Greg Schoop, Wisconsin, stated that given his personal health issues with autoimmune deficiency, he was particularly concerned with any factor that would negatively impact air quality within the City. As such, he suggested that the Commission look closely at the impacts resulting from increased truck traffic, the enclosure of trailers and loading areas, and street dust be considered.

Chairman Porter thanked those who had submitted comments and then called on Carlos Espinosa, Assistant City Planner, to provide a background of information to be considered this afternoon.

Mr. Espinosa began by presenting a PowerPoint presentation that he had prepared relative to frac sand operations within the City to Council a number of weeks ago. He noted that his purpose in doing so was to ensure that the Commission had a solid base of information relative to what is now occurring within Winona pertaining to the industry.

Following the PowerPoint presentation, Mr. Espinosa summarized the Commission's agenda package.

Following the Commission's last meeting Mr. Espinosa noted that he had provided a more specific timeline of activities to be achieved through the moratorium. Given this schedule, the process would include two general discussion round tables that would address state permitting and preliminary recommendations to be made to Council. As noted from the schedule, it was hoped that final recommendations could be submitted to Council in mid December in order to allow Council review and consideration after the 1st of the year. Until then, Commission meetings would be designed to address specific issue areas such as air permitting, environmental review, traffic impacts, road wear, etc.

Mr. Espinosa stated that the key to the study process would be an open public meeting to include a number of governmental entities who would discuss various aspects of frac sand and silica sand mining. He was continuing to work on coordinating this meeting and hoped that it would come together in mid June. Following this meeting, it was his hope that individuals representing governmental entities would be willing to come back to Winona to meet with the Commission in addressing specific concerns.

In addressing the timeline, Chairman Porter noted that the agency meeting could be held at any time of the week and could occur outside of regular meetings. Other than that, the consensus of the Commission was that the timeline looked acceptable.

Mr. Espinosa then reviewed the second part of the Commission's agenda involving City and County Extraction Regulations. As part of the Commission's agenda package, he noted that he had provided a side by side comparison of present City and present County Extraction Ordinance provisions. Given this, he had provided a listing of recommended additions to the City's Ordinance from the County's Ordinance as well as County special conditions for sand mining operations that could be added to the City's Ordinance. Additionally, he had added a listing of County regulations that would not be recommended to be added to the City's Ordinance. Rationale for these exclusions was outlined in the staff report.

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In providing direction to the Commission, staff was suggesting that it consider recommended additions to the City's Extraction Ordinance this afternoon. Should it find that recommendations, as presented by staff are acceptable, the Commission should direct staff to prepare draft ordinance language to be considered at the Commission's next meeting.

Commissioner Buelow noted that, in Mr. Espinosa's earlier presentation, a total of 80,200 vehicles had passed over the interstate bridge during a one week period in August of 2011. Although certain violations were noted, he asked how many of these were related to truck activity. Mr. Espinosa replied that he could get this number.

It is noted that the City's Extraction Ordinance requires a \$25,000 performance bond to ensure the proper implementation of a reclamation plan. It was felt that this may not be an adequate number to address all situations. Mr. Espinosa stated that as opposed to the City's requirement, the County uses a factor of 110% of the estimated reclamation expense to define the performance bond. As referenced in the agenda package, the county standard was being recommended as a change to the City Ordinance.

In response to a question, Mr. Espinosa noted that the 30 foot setback requirement of stock pile and extraction activities from street right-of-way was simply designed to ensure that the mining operation does not directly impact road right-of-way.

Commissioner Boettcher asked if the proposed hours of operation for mining activities varied from that permitted under the recently enacted sand processing Conditional Use Permit. Mr. Espinosa replied that it did.

Commissioner Davis stated that although reclamation was a good idea, she felt that the activity needed to be implemented/completed within a reasonable amount of time following closure of a mine, or a portion thereof. Mr. Espinosa agreed and noted that, since mining operations also require Conditional Use Permit, the Board of Adjustment could consider this issue and establishing conditions for the use.

Following further discussion, it was recommended that staff be directed to prepare a modified extraction ordinance to include recommended changes as found in the Commission's agenda package this afternoon. Mr. Espinosa stated that the draft ordinance would be presented at a future meeting for consideration.

At this point, Chairman Porter again opened the floor to comments that any citizen desired to make.

Jane Cowgill, 317 Walnut Street, suggested that a first order of business was to consider whether sand mining and processing operations should be permitted in the City at all. Given quality of life discussions compounded by known health warnings concerning silica sand operations, she suggested that it best be prohibited rather than simply regulated.

Marie Kovecsi suggested that until such time that the Commission fully understands the health implications of silica sand mining and processing operations, she failed to see how adequate standards could be developed to address those concerns. She also referenced the fact that mining operations should include a full understanding of soil and hydrology information and suggested that potential soil impact be reviewed by the Winona County Soil and Water Conservation District. She further noted transportation issues and suggested that any Conditional Use Permit, whether for mining or processing operations, include a traffic impact study. She suggested that the initial application for any Conditional Use Permit include a full description of a site's environmental setting.

Dale Shalow suggested that the Commission not leave all of its decisions in the hands of state government. He encouraged the City to develop its own standards and to monitor and manage those standards. He also referenced a recent sand spill into the St. Croix River and noted that a number of mines had been permitted within Wisconsin.

Joe Morris noted that in addressing air quality issues, the State of Minnesota does not have adequate funding to undertake its own monitoring efforts. Although standards may look adequate on paper, he still had concerns about how each issue such as air quality would be managed.

Mr. Morris further asked what the term "reclamation" would mean and proposed mining ordinance language. He asked how areas can actually be reclaimed once they have been disturbed. The approval of any Conditional Use Permit needs to be specific in this. He also asked who would pay for road upgrades within the City resulting from increased truck traffic.

Jane Cowgill asked if it would be possible to bring in other experts other than those representing state agencies into the discussion. Chairman Porter stated that although possible, he was unaware of any City funds for this. However, should someone bring in such experts, the Commission would be more than willing to hear what they had to say.

Following closure of the open mic session, it was moved by Commissioner Gromek and seconded by Commissioner Boettcher to formally direct staff to prepare an amended draft mining ordinance that would reflect those recommendations as included in the Commission's agenda package this afternoon. When the question was called, the vote of the Commission was unanimous to approve the motion.

Again, Mr. Espinosa stated that the draft ordinance would be provided to the Commission at a future meeting.

In response to a question by Commissioner Gromek, Mr. Espinosa noted that, as related to sand processing operations, the quantity of water used is regulated by the State DNR. Chairman Porter stated that it was his observation that many of these operations used closed loop systems in recycling water.

Other Business

Commissioner Boettcher stated that it appeared a new building was being constructed near the Pelzer Street Bridge. Mr. Espinosa replied that he believed this was a single family home.

It was moved by Commissioner Davis and seconded by Commissioner Boettcher to remove the term "laundry" from the Marie Kovecsi's comments presented on page 4 of the May 14, 2012 minutes. When the question was called, the vote of the Commission was unanimous to approve the motion.

Adjournment

There being no further business to come before the Commission, the meeting was adjourned.



Mark Moeller
City Planner