PLANNING COMMISSION MINUTES

DATE:	December 10, 2012
TIME:	4:30 p.m.
PRESENT:	Chairperson Porter; Commissioners Boettcher, Gromek, Ballard, Olson and Buelow
ABSENT:	Commissioner Davis
STAFF PRESENT:	City Planner, Mark Moeller and Assistant City Planner, Carlos Espinosa

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

Approval of Minutes – November 26, 2012
The minutes from the Commission's meeting of November 26, 2012 were reviewed, and upon motion by Commissioner Boettcher and second by Commissioner Gromek were unanimously approved as submitted.

Public Hearing – Sand Moratorium Study Action Items
At this point, Chairman Porter called on Carlos Espinosa, Assistant City Planner, to provide a summary of this hearing.

Mr. Espinosa stated that the purpose of this afternoon's hearing was to consider 4 proposed action items. Given these, those code amendments were being considered to:

- Action Item 1 – the City Mining Ordinance
- Action Item 2 – Moisture Testing Standards
- Action Item 3 – the present Sand CUP Ordinance
- Action Item 4 – Transportation and Road Wear Standards

Mr. Espinosa noted that all of these issues had been well discussed by the Commission prior to this hearing date and all had been posted on the City's website for Citizen viewing. Given the previous, Mr. Espinosa concluded by stating that he was more than willing to answer any remaining questions the Commission may have of any of action items.

Commissioner Porter then opened the public hearing. He noted that any person who desired to speak to this issue will be given an opportunity to do so. However, all speakers will have an initial 10 minute maximum time limit in which to provide their comments.

Jane Cowgill, 317 Walnut Street, stated that the proposed reduction in sand moisture levels (3 to 1.5%) does not consider proposed negative impacts on City residents. In her opinion, the change is designed to accommodate the sand industry alone.

Given that barge loading activities at the Commercial Harbor have been light during the past 6 month period, it has been difficult to develop a history of what sand moisture levels mean in terms of addressing health concerns. She suggested that air quality monitoring be the preferred method of testing for problem areas. She also suggested that further consideration be given to the imposition of truck impact analysis, for any use where increases in truck traffic is anticipated. Under current proposals, such study would only be required once truck trips exceed 200. In concluding, she noted that the proposed 200' buffer between sand processing equipment and residential properties would be inadequate to protect residential property from potential negative impacts of dust and noise.

Reggie McLeod, 267 East Sanborn, suggested that the Commission, initiate a baseline air quality study which would serve to define the current norm of air quality within the City. Such a study could be very productive to future comparisons. In short, he likened the study to blood pressure. If an individual does not know what his baseline blood pressure is, it is difficult to anticipate what consequences may occur if lifestyle remains unchanged. Once measured, it is easier to adjust lifestyle choices and to provide comparisons to next year's readings.

Marie Kovesci stated that she had severe concerns about the way in which the air monitoring was to occur. She also noted that the reduction in sand water levels from 3 to 1.5% could be problematic. She noted that although levels 1.5 to 3% were acceptable to the pollution control agency, she did not feel that adequate documentation had been prepared of the 1.5% standard.

In addressing action item number 4 related to transportation and roadwear ordinance amendments, Ms. Kovesci stated that the proposed threshold of 200 trucks was too high. Again, she suggested that the Commission consider the same standard that the County has adopted which is 0. This standard would require a new traffic impact analysis in all cases. In concluding, she felt that the proposed 200' buffer, as referenced under action item number 3 was too low.

Kent Cowgill, 317 Walnut Street, encouraged the Commission to proceed with caution in this proposal. He noted that back in the 50's; citizens were concerned of the impacts of nuclear fallout. As with frac sand, definitive answers relative to the impact of nuclear fallout were never fully defined. Again, he fully encouraged the Commission to understand the sand industry and to properly address any potential problems that may crop up as a result of it.

Jeff Faulks, Fountain City, WI, noted that during early Commission discussions, there had been talk of developing some sort of a baseline air quality testing program. However, this now seems to have been replaced by moisture testing alone. He suggested that air quality testing be implemented immediately to provide a base for future measurements. He suggested that the Commission request that Council establish a starting point or an air quality testing program.

Helen Kowalski, 1416 West Fourth, stated that she resides in the area of Paul Giel Field, and that when the large frac sand pile was located at the Second/Huff Street intersection, she had begun to notice small scratches on her car. Such scratches were not existent prior to that time. As such, she attributed that damage to sand dust problems.

She further noted that, she has visually experienced extensive amount of dust blowing from the Commercial Harbor area or across Riverview Drive. In her mind, no one was enforcing dust control within this area. In concluding, she suggested that air quality testing be initiated as quickly as possible.

Dan Nisbit, CD Corp, stated that it was important to separate truth from fiction relative to the sand mining/processing industry. He noted that frac sand is referred to as AG sand while other sand is referenced as river sand. In terms of the Winona Port area, all frac sand that has been shipped from that location has been in a wet condition. Therefore, sand dust has not been a problem. If a person has experienced dust, Mr. Nisbit suggested that this could be coming from other products that are handled in the Port area such as grain. Again, although it is easy to point fingers at the sand processing industry, sand shipped from the Commercial Harbor area is immediately removed from trucks to barges in fairly wet stages. He stressed that it was important that people consider what information is truthful.

Della Schmidt, Winona Area Chamber of Commerce, stated that proposed amendments, being considered this afternoon, had been studied for an extensive amount of time now. As such, she felt it was appropriate to consider their approval. She noted that, sand mining and processing operations involve local entrepeuturers and citizens whose families reside in the area. In short, she felt the Commission had, completed its due diligence of this matter and commended all who have worked on it during the past year.

Ms. Schmidt emphasized that, by nature, the State of Minnesota is a very highly regulated state in a number of areas. If all local, state and federal rules are considered, it can be difficult for some businesses to simply undertake day to day operations.

Ms. Schmidt noted that Mr. Porter is a business owner who understands the regulatory impacts of government and she encouraged the Commission to use common sense and the right balance in meeting industry needs while at the same time promoting a positive health environment. In concluding, Ms. Schmidt suggested that the Commission act this afternoon in forwarding this full proposal to Council. She felt this needed to be done in order to get businesses back to work. She thanked all who have worked on the proposal.

Rich Mikrut, 1355 Glenview Court, Minnesota City, stated that Ms. Schmidt was right on track with her comments and suggested that some information presented this afternoon was not totally accurate. One of these inaccuracies is that frac sand is technically round in nature and, as such, will not scratch cars. Beyond that, most of the sand that is moved through Winona or shipped from Winona does contain high levels of moisture.

As such, dust from this industry should not be a problem. He further noted that an early comment related to the fact that newly established sand mines within Winona County would generate 64 trucks per hour and that all of these would be coming to Winona for processing. He asked if the actual destination of sand from these mines had been defined. In short, he encouraged the Commission to separate truth from emotion and to base its decisions accordingly.

A resident at 1051 Gilmore Valley Road noted that given increases in truck traffic from Highway 14 over the past year; his life has been defined by that use. He commended those who have worked so diligently on this afternoon's proposal but did ask that the Commission not rush to judgment in finalizing the issue.

Steve Kohner stated that he has been involved with the sand industry for decades. During that period, he has personally moved/transported hundreds of thousands of yards of the material and his children have played in it while they were growing up. Notwithstanding these facts, he felt it was in good health. He encouraged the Commission to wrap up its discussion of this issue this afternoon.

Tom Campbell stated that most sand that is in the City at this time has higher moisture content than 1.5%. Additionally, he did not feel that the reduction of 3 to 1.5% will present an air quality problem. He felt that the industry alone is well into establishing best management practices to ensure that the general public is not impacted in a negative way. He encouraged the Commission to adopt proposals on the table this afternoon.

A resident at 56 Richmond Drive noted that although the Biesanz Stone Quarry has been in existence for a century, he had noticed an increase in dust, vibration, etc. from that business during the past year.

Lynette Powers noted that a major concern she has is the potential impact on City street systems. Although she understood the purpose and intent of State highways and city truck routes, all of these can essentially "wear out" more quickly with greater use. As such, she felt it was very important that the Commission identify some sort of a cost benefit analysis that lays out economic pros and cons of the sand mining/processing industry.

There being no further comments, the public hearing was closed by Chairman Porter.

At this point, Chairman Porter noted that the Commission would be acting upon each of the action items individually. He then called for a motion on Action Item 1.

Following consideration, it was moved by Commissioner Olson and seconded by Commissioner Ballard to recommend that the Commission approve Action Item #1: Mining Ordinance Amendments, as submitted.

Upon discussion, Chairman Porter noted that he had taken the opportunity to visit the Biesanz property and had seen no problems relative to it. When the question was called, the vote of the Commission was unanimous to approve the motion.

Upon motion by Commissioner Olson and second by Commissioner Boettcher was recommended that the Commission approve Action Item #2: Moisture Testing Ordinance Amendment, as submitted.

Upon discussion, Commissioner Gromek stated that the Commission had completed its due diligence in preparing moisture testing standards that would adequately protect the public. Although, counted as 2 moisture testing standards, he felt the one that is being proposed this afternoon will be more than adequate in addressing air quality concerns to Winona citizens.

Commissioner Porter again reminded those present that the 1.5% standard is consistent with the MPCAs standards. As such, it is not arbitrary. He further felt that the City was in an adequate position to promote the standard.

When the question was called, the vote of the motion was as follows: ayes: Porter, Boettcher, Gromek, Ballard, Olson; nayes: Buelow; abstaining: None. Chairman Porter declared the motion adopted.

It was then moved by Commissioner Olson and seconded Commissioner Ballard to recommend that Action Item #3: Existing Sand CUP Ordinance Amendment, be approved as submitted. There being no further discussion of this item, the vote of the Commission was unanimous to approve it.

It was then moved by Commissioner Olson and seconded by Commissioner Ballard to recommend approval of Action Item #4: Transportation and Road wear Amendments, as submitted.

Upon discussion, Commissioner Boettcher noted that the advent of truck traffic in Winona is not uncommon and can often be associated with area progress. He emphasized that trucks are a necessity to moving raw materials and finished products both into and out of the City. In recognizing that this function is necessary, he suggested that the Commission move forward with this recommendation.

Commissioner Buelow suggested that the proposal be modified to require that a traffic impact analysis be prepared for essentially new truck destination to or from the City.

Commissioner Porter suggested that given previous comments from experts, it has become very clear to him that the City may not bar commerce by treating one industry different than others. Additionally, given past public input from the MPCA and MnDOT it did not appear to him that truck emissions were a significant problem at this point.

When the question was called, the vote of the Commission was as follows: ayes: Porter, Boettcher, Gromek, Ballard, Olson; nayes: Commissioner Buelow; abstaining: none.

Chairman Porter declared the motion adopted.

Chairman Porter thanked the Commission for the work it had undertaken of this fairly significant issue. The next step in the process would be consideration of Action Items by the City Council.

Kolter Subdivision – Final Plat

Chairman Porter called on Mr. Espinosa to provide a summary of this item. Mr. Espinosa explained that the proposed subdivision would involve splitting a 4.65 acre parcel of land from a larger parcel of land that is presently owned by the Westfield Golf Club, 1460 West Fifth Street. The parcel is split zoned M-2 and R-1. Given this fact, the proposed split is not subject to any specific lot area or yard setback requirements.

Mr. Espinosa noted that the purpose and intent of the Plat is to facilitate the sale of the 4.65 parcel to Rich Mikrut. Mr. Mikrut proposes to use a portion of the site for additional rail site purposes and relating to his container shipping operation, located westerly of Pelzer.

Mr. Espinosa emphasized that the future use of the property for a rail yard, or similar activity, will require variances or conditional use permits. These types of issues will be more fully defined once a specific use for the property evolves.

Mr. Espinosa further noted that wetland delineation had been conducted of the property. That study did conclude that approximately 2.51 acres of wetland exist. If they will be impacted, in any way, they will need to be mitigated. The delineation process has yet to be completed.

Finally, although the property intersects the North Street/Fairfax intersection and this area is currently zoned R-1 the proposed rezoning site could not be accessed from the south.

In conclusion, Mr. Espinosa noted that staff had found the plat to be consistent with intent and purpose of those Zoning and Subdivision Ordinances. Approval was recommended.

At this point, Chairman Porter opened the public hearing.

Duane Yeoman, 16 Lenox Street, asked what impact the Plat would have on the park. Mr. Espinosa responded that the Plat would include the dedication of approximately 30 feet to the north side of the park. Additionally, the City has no intention of disposing of the park. He further emphasized that variances and/or conditional use permits may be required of the future use of this property. The Board of Adjustment, who would consider these decisions could require that existing vegetative screening of the site be retained. Additionally, future use of the site would be subject to applicable noise standards.

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There being no further comments from the public, the hearing was closed.

Following brief discussion it was moved by Commissioner Gromek and seconded by Commissioner Boettcher to approve the proposed subdivision as submitted.

When the question was called, the vote of the Commission was unanimous to approve the motion. Chairman Porter noted that the next step in this process would be referral of the Plat to Council.

Adjournment

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

Mark Moeller
City Planner