



**JOINT MINNEHAHA COUNTY & CITY OF DELL RAPIDS
PLANNING COMMISSION
MEETING MINUTES**

APRIL 28, 2025

**MINUTES OF THE JOINT MEETING
MINNEHAHA COUNTY & DELL RAPIDS PLANNING COMMISSIONS
April 28, 2025**

A joint meeting of the County and City Planning Commissions was held on April 28, 2025 at 7:00 p.m. in the Commission Room of the Minnehaha County Administration Building.

COUNTY PLANNING COMMISSION MEMBERS PRESENT: Commissioners Bonnie Duffy, Becky Randall, Mike Ralston, Adam Mohrhauser, Ryan VanDerVliet, Cindy Heiberger, and Joe Kippley.

CITY PLANNING COMMISSION MEMBERS PRESENT: Virgil Klein, Steve Hoff, & Ben Pierson

STAFF PRESENT:

Scott Anderson, Kevin Hoekman, & Mason Steffen – County Planning
Maggie Gillespie – States Attorney's Office
Sheldon Jensen – City Planning

The County Planning Commission was chaired by Commissioner Bonnie Duffy. The City Planning Commission was chaired by Commissioner Virgil Klein.

Commissioner Duffy called the Joint Minnehaha County and City of Dell Rapids Planning Commission meeting to order at 7:00 p.m.

PUBLIC COMMENT

Commissioner Duffy opened the floor for public comment and nobody moved to speak.

ITEM 1. Approval of Minutes – June 26, 2023

A motion was made for the County by Commissioner Heiberger and seconded by Commissioner Randall to **approve** the meeting minutes from June 26, 2023. The motion passed with 6 votes in favor and 0 votes against the motion.

The same motion was made for the City by Commissioner Hoff and seconded by Commissioner Pierson to **approve** the meeting minutes from June 26, 2023. The motion passed unanimously with 3 votes in favor and 0 votes against the motion.

ITEM 2. Approval of Minutes – January 27, 2025

A motion was made for the County by Commissioner Heiberger and seconded by Commissioner Randall to **approve** the meeting minutes from January 27, 2025. The motion passed with 6 votes in favor and 0 votes against the motion.

The same motion was made for the City by Commissioner Hoff and seconded by Commissioner Pierson to **approve** the meeting minutes from January 27, 2025. The motion passed unanimously with 3 votes in favor and 0 votes against the motion.



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ITEM 3. TEMPORARY USE PERMIT #25-03 to allow a Temporary Asphalt Plant on the property legally described as NE¼ Including Tract 1 (Ex. Parts N & W of River) Section 17 T104N-R49W Dell Rapids Township.

Petitioner: Central Specialties, Inc.

Land Owner: L.G. Everist, Inc.

Location: 201 S Quarry Road

Staff Report: Kevin Hoekman

General Information:

Legal Description – NE¼ Including Tract 1 (Ex. Parts N & W of River) Section 17 T104N-R49W Dell Rapids Township

Present Zoning: A1/RC – Agricultural & Recreation/Conservation

Existing Land Use: Quarry

Parcel Size – 95.32 Acres

Staff Report: Kevin Hoekman

Staff Analysis:

The applicant is requesting a temporary use permit to allow a temporary asphalt plant within the west quarry of L.G. Everist. Neighboring property owners were notified of the request, and staff received a written objection letter from a neighboring property owner. The Joint Zoning Ordinance requires the temporary use application to be referred to a joint meeting of County and City Planning Commissions when an objection letter is received.

The petitioner submitted a detailed narrative explanation of the proposed asphalt plant and a site plan to support the application. The location of the asphalt plant is proposed next to the rail road line on the west side in an area used to pile aggregate for the quarry. The parcel where the plant is located is large and extends all the way from the Big Sioux River to a short distance past the rail road. Although 11 property owners were notified within 600 feet of the parcel boundary, the location of the plant is over 2,000 feet away from the nearest residence to the west.

Operational procedures are listed in the narrative operation plan. The duration each job is described as 3-6 weeks long, and staff confirmed with the petitioner this proposed plant usage will take place for the same duration in July or August. The hours of operation for the asphalt plant are expected to be from 5:00 am to 8:00 pm. The narrative also includes that set up takes about an hour to hook up machinery before work begins. The proposed hours are longer than what is allowed for the quarry. Therefore staff recommends that no truck or loading activity should take place before 6:00 am.

Shortly after sending notices of the temporary use request, staff received an objection letter from Susan Fischer who lives in the closest residence to the west of the site. She had many questions and concerns regarding the operation, and staff spoke with her over the phone about the proposed project. After explaining the project her primary concern regarding her health symptom remained. She sent a secondary letter which included that she is not opposed to the proposed temporary use as long as the operation does not happen when the wind blows from the east. Staff determined that it would be difficult to include such a specific condition then wind direction is so



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variable. If a condition is considered by the joint Planning Commission regarding wind direction, then the condition should be specific about direction, wind speed, and duration so that the condition can be easily measured and enforced.

Standards for Review:

The County Zoning Ordinance includes nine standards that shall be used to determine the suitability and compatibility of a temporary use request. Below is a list of standards with a description of how the proposed use meets the standard.

1) The temporary use will have no adverse effect on nearby properties or jeopardize public health, safety, and general welfare.

The proposed temporary land use provides a needed service for road construction, and it is located on a parcel that is used as a quarry and quarry activities. The proposed asphalt plant will require materials from the quarry and any disturbances will be similar to the existing land use. The two land uses are compatible with each other.

2) The temporary use will not create hazardous traffic conditions or result in traffic in excess of the capacity of the roads serving the use.

The petitioner explains in the operations plan that the expected truck traffic will be 10 to 20 round trips per hour. The trips will take place on Quarry Road which is a gravel road maintained by the City of Dell Rapids. The operation plan includes a statement that the haul routes will be approved by the appropriate parties prior to hauling. Planning staff recommends that a haul road agreement be required prior to beginning operations of the temporary asphalt plant.

3) The site is adequate to accommodate the proposed use, including the provision for on and off-site parking.

The location of the proposed asphalt plant is on the property of an active quarry. There is ample space to locate the plant and related equipment for the temporary asphalt plant.

4) Adequate sanitation facilities will be available on the site.

The operation plan notes that there will be six to ten employees for the asphalt plant. It also explains that there will be portable toilets available for the employees.

5) The time period and hours of operation for the temporary use are clearly specified.

The hours of operation are state between 5:00 am and 8:00 pm. The first hour of work will be warming up the asphalt plant. Staff suggest that there is no trucking activity allowed until 6:00 am. No work will be done on federal holidays.

6) Provision is made for the removal, clean-up, and restoration of the site.

The asphalt plant is located within an active quarry. Once the asphalt production is complete, the site will return back to quarry production.

7) The temporary use will not adversely impact the natural environment.

Pollution control and air emissions are addressed in the operation plan narrative. The company has state issued permits for air quality standards. A filtration system is used to keep exhaust emissions below regulatory limits. Water trucks are used to reduce dust.



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8) The site is suitable for the proposed temporary use, considering flood hazard, drainage, soils, and other considerations which may constitute a danger to life, health, or property.

The site is suitable for temporary use. It is located outside of the floodplain.

9) All temporary improvements and any permanent structures proposed to be used will comply with all applicable provisions of the county's building code.

There are no permanent structures planned for the temporary use.

Recommendation: Staff recommends **approval** of Temporary Use Permit #25-03 with the following conditions.

- 1) Temporary Use Permit #25-03 is approved for a temporary asphalt plant January 1, 2025 until December 1, 2025. Any request for an additional time period for the temporary use shall require a new temporary use permit.
- 2) If one (1) or more acre of area is disturbed, the applicant is required to obtain a General Permit from the Department of Agriculture and Natural Resources.
- 3) The temporary use shall operate in the area of the as depicted on the submitted site plan.
- 4) Hours of operation shall be from 5:00 a.m. to 8:00 p.m.
- 5) The portable asphalt plant shall be removed from the site by December 31, 2025.
- 6) The access to the site shall use the existing access Quarry road or the existing quarry access on the north side of Quarry road.
- 7) No loading or unloading is allowed on the highway.
- 8) A haul road agreement must be made with the City of Dell Rapids for maintenance of Quarry Road during operation of the asphalt plant.

Public Testimony

Kevin Hoekman, of county planning staff, presented the staff report and recommendation to the commission.

Commissioner Hoff asked staff about the neighbor concern letters that were received and the low odor additive mentioned in the narrative. Kevin explained that the narrative states that the low odor additive may be used, but that it was not included in the conditions, and that the commission may add that as a condition.

Commissioners Hoff & Klein both stated that they would like to see a condition added requiring the use of a low odor additive.

Commissioner Duffy asked planning staff about the lighting concerns raised by a neighbor and if the commission should add a condition regarding lights. Kevin explained that the commission could add a lighting condition to the permit and presented a proposed condition to address lighting.

Commissioner Heiberger commented that she does not believe that a lighting condition is necessary due to the operation hours of the asphalt plant being in the summer.



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Shane Carlberg, 3200 Crimson Drive, Garfield, MN, was present and representing the petitioner for the temporary use permit. Mr. Carlberg stated that spotlights will not be used for the asphalt plant and that they will only be using regular light bulbs that do not emit as much light. He also commented that he did not write the narrative and had never heard of the low odor additive, but that if it was included in the narrative then it must have been required by the state engineers.

Commissioner Pierson explained that the narrative states that the additive may be used during this project and that the commission would like to add a condition that requires the use of this additive. Mr. Carlberg stated that as a company they have to follow what the engineers design for the asphalt and not put their own additives in the mix. He explained that this is because there is a lot of research behind the mix design of the asphalt and any additives may change the cure time, lifespan, or other aspects of the asphalt mix.

Commissioner Hoff stated that from his understanding from the previous asphalt plant at the quarry east of Dell Rapids, the low odor additive does not impact the mix of the asphalt and only reduces the smell.

Commissioner Ralston stated that he understands the concerns from the other commissioners, but that he would like to see an engineer sign off on the inclusion of the additive if the planning commission mandates its use.

Commissioner Pierson stated that he sees adding an engineer sign off as a way for the company to get out off using the additive, and that if the additive is included as a condition, then it should be a requirement and not optional.

Mr. Carlberg stated that he had received a message from the asphalt plant foreman that the low odor additive would add approximately two dollars for every ton of asphalt, which would add around \$60,000 to this project.

Discussion

Commissioner Ralston stated that he thinks the county would be open to liability in the future if they require the low odor additive as part of this permit without also including the engineering approval.

Commissioner Pierson stated that if the low odor additive is added as a condition of this permit, then the engineer will still have to sign off on the quality of the asphalt, and therefore the liability would still fall on the engineer.

Commissioner Kippley commented that the commission could approve the permit with a condition requiring the engineer approval, and then if that condition becomes a problem for the petitioner, they can apply to amend the permit at a later date.

Commissioner Heiberger commented that the narrative states that a low odor additive may be used, and that she believes the petitioner would use the additive if they were able.



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Commissioner Pierson commented that he sees the additive as optional and that if its inclusion is not mandated by the commission then the petitioner is more than likely not going to use the additive.

Action

A motion was made for the County by Commissioner VanDerVliet and seconded by Commissioner Heiberger to **approve** Temporary Use Permit #25-03 with nine amended conditions. This included a condition requiring that all lights for the operation be removed once operation of the plant ceases. The motion passed with 5 votes in favor and 1 vote against the motion. Commissioner Randall voted against the motion.

A motion was made for the City by Commissioner Klein to **approve** Temporary Use Permit #25-03 with the nine amended conditions approved by the county. The motion died for lack of a second.

A new motion was made for the City by Commissioner Pierson and seconded by Commissioner Hoff to **approve** Temporary Use Permit #25-03 with ten amended conditions. This included the lighting condition and a condition requiring the low odor additive be used. The motion passed with 3 votes in favor and 0 votes against the motion.

The County Planning Commission decided not to reconsider their motion to approve Temporary Use Permit #25-03 with only nine conditions. Since the conditions approved by the Planning Commissions are not identical, the item will be referred to the May 20, 2025, City Council and County Commission meeting.

Temporary Use Permit #25-03 – No Decision



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Old Business

None.

New Business

None.

Adjourn

A motion was made for the County to **adjourn** by Commissioner Mohrhauser and seconded by Commissioner Kippley. The motion passed unanimously.

The same motion to **adjourn** was made for the City by Commissioner Hoff and seconded by Commissioner Pierson. The motion passed unanimously.

The meeting was **adjourned** at 7:24 p.m.