



# Sibley County Zoning

Property Assessing & Zoning Department  
400 Court Avenue - P.O. Box 532  
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Phone: (507) 237-4091  
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**Sibley County  
Planning & Zoning Commission/Board of Adjustment  
Public Hearing Minutes  
July 12, 2021**

The Sibley County Planning & Zoning Commission and Board of Adjustment convened at the Sibley County Courthouse Monday, July 12, 2021 at 6 p.m. pursuant to notice given as required by law.

Members of the Planning & Zoning Commission Present: Bruce Froehlich, Bruce Lilienthal, Terry Morrison, Brad Perschau, Joy Cohrs

Members of the Planning & Zoning Commission Absent: Darrel Mosel

Members of the Board of Adjustment Present: Mike Mueller, Karl Dieball, Paul Creighton

Also Present: David Schauer, County Attorney; Geoff Beranek, Property Assessing and Zoning; Laura Hacker, County Assessor

Guests Present: Austin Frauendienst, Rachael Frauendienst, Wendell and Lorraine Terlinden, Tom Chard, Dan Chard, Mike Schmidt, Marie Schmidt, Bryan Petzel, Nicole Wendinger, Lori Ammann

The meeting was called to order.

The May 3, 2021 Board of Adjustment meeting minutes were approved. Motion made by Mike Mueller, second by Paul Creighton and passed unanimously.

The June 7, 2021 Planning & Zoning Commission meeting minutes were approved. Motion made by Terry Morrison, second by Bruce Froehlich and passed unanimously.

Geoff Beranek reintroduced CUP #906 Amendment to allow for the crushing of stone and gravel excavated at the pit located at 32755 333<sup>rd</sup> Ave Le Sueur, MN 56058. Application submitted by Rachael Aggregates LLC or behalf of property owners Chard Brothers LLC.

Dan Chard stated the reason for applying to crush was to make Class 5 gravel, currently sand is being screened out and sold. He also provided some background on the crushing equipment and duration of the crushing.



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The public hearing was re-opened.

Lori Ammann commented on amending the conditions that were discussed at the June 7, 2021 meeting.

Discussion was had on the availability of chloride for dust control and that water treatments would be applied should chloride availability become a problem.

Geoff Beranek relayed the emails from MnDOT in regards to the pit and the potential of any access' onto State Highways.

The Henderson Township recommendations were discussed in regards to signage, aggregate tax, and reclamation plan.

The public hearing was closed.

The findings were reviewed and found to be met.

A motion to approve CUP #906 Amendment with amended conditions was made by Terry Morrison, second by Joy Cohrs and passed unanimously. Amended conditions are as follow:

- 1) Update and follow reclamation plan.
- 2) Follow gravel tax law.
- 3) Annual Renewal
- 4) Hours of Operation 7:00 A.M. to 7:00 P.M.
- 5) County Road #18 to be kept clean.
- 6) Maintain dust control – Chloride or water treatment for dust as needed and berm between haul road and neighboring property.
- 7) Survey north property line.
- 8) Move haul road off property line.

Geoff Beranek introduced CUP #1160 submitted by Wendell Terlinden to allow for open pit excavation within the Conservation Agriculture district on the property located at PID #17.3501.020.

Bryan Petzel, engineer with ISG working with Wendell Terlinden on the project, gave an overview of the project and plans for the site.

The public hearing was opened.



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Bruce Lilienthal asked if the pit would meet the need to the Sibley County Road 6 project and when the pit would be opened.

Bryan Petzel stated he has not seen final plans for County Road 6 and that would be up to Sibley County. He also stated other contractors were interested in using the pit before the road project starts and the County Road 6 project would be when the majority of the excavation activity would take place.

Tom Chard asked if there were any rules in the County as to how much material could be removed at one time and how that compares to gravel pits.

David Schauer stated there were no rules on the amount that could be removed at one time and the material that would be removed in this scenario was fill material.

A discussion on renewal of the CUP and reclamation plan timeline took place.

Tom Chard asked if the material would be subject to the gravel tax.

David Schauer explained the statute for the Aggregate Tax.

Geoff Beranek stated the condition Jessenland Township had placed on their permit.

The public hearing was closed.

The findings were reviewed and found to be met.

A motion to approval CUP #1160 was made by Joy Cohrs, second by Brad Perschau and passed unanimously.

Geoff Beranek introduced Variance #487 submitted by Michael Schmidt to allow for a reduced front yard setback in the General Agriculture district for the property located at 23546 535 Ave. Winthrop, MN 55396.

The public hearing was opened.

Geoff Beranek stated the Township recommended approval.

Bruce Lilienthal asked if the new house would be larger than the old house.



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Michael Schmidt stated the new home would have one less bedroom and not encroach into the setback any further than the old house did.

The proposed reduced setback distances were reviewed.

The public hearing was closed.

Findings were reviewed and found to be met.

A motion to approve Variance #487 was made by Paul Creighton, second by Mike Mueller and passed unanimously.

Geoff Beranek introduced CUP #778 Amendment submitted by Chad Wendinger to allow for a temporary dwelling to be converted to a permanent dwelling in the General Agriculture district on the property located at 16242 351 Ave Hamburg, MN 55339.

The public hearing was opened.

Brad Perschau asked when the CUP was originally issued.

Geoff Beranek stated 1997.

Brad Perschau asked when Chad purchased the property and replaced the manufactured home.

Nicole Wendinger stated 1999 for both.

A conversation was had on the Zoning Ordinance requirement for converting a temporary dwelling into a permanent dwelling and the differences between temporary, extra farm, and accessory dwellings.

Discussion on the reasoning for amending the CUP took place in regards to the sale of the property and annual renewal requirements.

Geoff Beranek stated the house has its own well and septic system.

The public hearing was closed.



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The findings were reviewed and found to be met.

A motion was made to approve CUP #778 Amendment was made by Bruce Lilienthal, second by Terry Morrison and passed 3-2. Brad Perschau and Bruce Froehlich voted in opposition.

Geoff Beranek gave a staff update.

David Schauer presented proposed amendments to the Zoning Ordinance to be heard at the August meeting. General discussion was had on the proposed changes.

A motion to adjourn the meeting was made by Terry Morrison, second by Brad Perschau and passed unanimously.

Meeting was adjourned at 7:15pm.

Attest:

Bruce Lilienthal  
Planning & Zoning Commission, Chair

8-2-21  
Date

Paul M. Oey  
Board of Adjustment, Chair

9/13/21  
Date