



**Meeting of the Planning Commission
Held at the Elk River City Hall
Tuesday, February 24, 2026**

Members Present: Chair Perry Beise, Commissioner Eric Johnson, Commissioner Robert Rydberg, Commissioner Dennis Booth, Commissioner Dornan Bland

Members Absent: Commissioner Anthony Kaba, Councilmember Jennifer Wagner

Staff Present: Community Development Director Zack Carlton, Senior Planner Chris Leeseberg, and Recording Secretary Katie Porath

1. CALL MEETING TO ORDER

Pursuant to due call and notice thereof, the meeting was called to order at 6:30 p.m.

2. PLEDGE OF ALLEGIANCE

The Pledge of Allegiance was recited.

3. CONSIDER AGENDA

Moved by Commissioner Johnson and seconded by Commissioner Booth to approve the agenda. Motion carried 6-0.

4. CONSIDER MINUTES

Moved by Commissioner Johnson and seconded by Commissioner Booth to approve the following consent items as outlined in their respective staff reports. Motion carried 6-0.

4.1 DRAFT Minutes - January 27, 2026

5. PUBLIC HEARINGS

5.1 Conditional Use Permit: Mineral Extraction Boundary Expansion, Knife River - 11650 225th Ave NW

Mr. Leeseberg presented the staff report.

Commissioner Johnson asked if the City has received negative comments. Mr. Leeseberg responded there have been some complaints of debris brought onto the road and dust from sweeping the road. Mr. Carlton added that the City's street department has visited the site in the past and recommended clean-up, particularly during wet weather.

Commissioner Johnson pointed out that the condition of the CUP was to sweep daily. Mr. Carlton suggested requiring a sweeping log.

Chair Beise opened the public hearing.

Luci Snowden, Central Minnesota Environmental Manager for Knife River, asked if the language of Condition 23 could be modified to clarify if sweeping must be done daily or only if there is an existence of debris.

Commissioner Johnson asked if daily sweeping is occurring. Ms. Snowden responded she could verify with Knife River staff.

Commissioner Bland asked about adding an additional cattle grate. Ms. Snowden stated that was an option or extending the paved area may be another option.

Commissioner Rydberg asked about the process of communicating to drivers about no right turns. Ms. Snowden stated drivers are informed not to take right turns. She added that these requirements are communicated to private contractors but there is no way to enforce them.

Commissioner Bland asked if Ms. Snowden directly received complaints from the community. Ms. Snowden responded that she has only heard concerns from the city, not directly from the public. All concerns have been regarding debris on the road.

Chair Beise closed the public hearing.

Chair Beise stated it would be helpful to have documented inspections of the roadway and the applicant could sweep as necessary as opposed to sweeping every day.

Commissioner Johnson asked staff if they had a preference between an additional cattle grate versus extending the pavement or on the idea of a daily sweeping log. Mr. Leeseberg responded staff would check with the environmental department on their preference. Mr. Carlton responded that a daily sweeping log would be a good solution and could be reviewed during a city inspection or in the case of complaints.

Moved by Commissioner Johnson and seconded by Commissioner Booth to recommend approval of the Conditional Use Permit with the following conditions:

- 1. This Conditional Use Permit authorizes mineral excavation (gravel) and the operation of a washing plant.**
- 2. All mineral excavation and processing operations on the property shall comply with the City's Mineral Excavation, Zoning and other applicable ordinances; with the terms of this Conditional Use Permit agreement and the license agreement to be executed by the City and Operator; with the City of Elk River's Environmental Impact Statement on Mineral Excavation; and with the application materials and plans submitted by the Operator, which plans and materials are the basis for the City's approval of the Conditional Use Permit.**
- 3. The Operator shall orally notify the City of any violations of this permit within 24 hours and follow this with notification in writing within four (4) working days of the violation. The Operator shall notify the City annually in writing of the total area**

and amount of material mined and projected estimates of area and amount of material to be mined in the following year. This is to be done at the time of license renewal.

4. The license shall be renewed annually and shall run from June 1st through May 31st. The annual license fee is that which is specified by the Elk River City Council at the time of renewal. This license fee is not in lieu of gravel tax collected by the County, a portion of which the City receives.
5. Violations of this Conditional Use Permit may result in suspension or revocation.
6. The City Environmental Administrator and/or his/her agents shall be permitted to inspect the Operation for compliance with the conditions of this permit during normal hours of operation.
7. The City's approval of this Conditional Use Permit is subject to the approval of appropriate permits by other governmental agencies.
8. No explosives shall be allowed for this operation.
9. Reclamation:
 - a. Reclamation shall be implemented on an annual basis pursuant to the reclamation plans submitted by the Operator.
 - b. Each year a plan for that year's reclamation shall be approved by the Environmental Administrator prior to issuance of the annual mineral excavation license.
 - c. The reclamation shall include topsoil from the site being preserved and put back into place after mining.
 - d. Re-vegetation of the property shall include seeding with a mixture approved by city staff accompanied by a nurse crop or approved mulch. The vegetation established for the reclamation must be maintained until it is self-sufficient.
 - e. Contours, finished grades, details of erosion control methods, and settling ponds, shall comply with the plans submitted and the City ordinance at the time of reclamation. Additional measures as determined by city staff may be required.
10. Traffic:
 - a. Except for localized jobs, traffic through Elk River associated with the Operation shall be limited to U.S. Highway 10 and 169. The Operator will route traffic from the Operation to 225th Ave NW west to the Highway 169 interchange as directed by the Minnesota Department of Transportation or the City of Elk River.
 - b. The number of trucks per day is limited to 35 unless prior approval is given by the Environmental Administrator for special cases.
 - c. As deemed necessary by the Minnesota Department of Transportation and the City of Elk River, any required improvements to the highway intersection must be constructed prior to the operation of the HMA.
 - d. As deemed necessary by the City of Elk River, any required improvements to 225th Ave NW must be constructed prior to the operation of the HMA.
11. Dust Control:
 - a. A permit from MPCA regarding air emissions shall be obtained when required and particulate emission standards shall be met by the operation. This permit and all other correspondence between the Operator and MPCA shall be copied to the City.

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- b. All equipment shall be located as to reduce dust to adjacent properties.**
 - c. A water truck shall be on site at all times when mining activities are taking place to control dust as necessary. Chemicals shall not be used for dust control.**
 - d. A minimum of 100 feet must be paved from 225th Ave NW into the pit.**
 - e. The City reserves the right to require additional measures to be taken, if warranted by dust problems, including but not limited to reducing stockpile heights.**
 - 12. All mineral excavation, processing, and sales activities shall be conducted between the normal hours of 7:00 a.m. and 7:00 p.m., Monday through Saturday.**
 - 13. Noise:**
 - a. As deemed necessary by city staff, noise from screening and crushing associated with this operation shall be controlled by equipment location on site, the erection of sound barriers, the placement of stockpiles, and the type of equipment used.**
 - b. Noise levels associated with this operation shall at no time exceed State standards.**
 - c. The City reserves the right to require additional measures be taken, if warranted by noise.**
 - 14. Lighting from the Operation shall be directed away from adjacent residential property. Glare, whether directed or reflected as different from general illumination, shall not be visible beyond the limits of the immediate site. All sources of artificial light shall be so fixed, directed, designed, or sized that the minimum subtotal of their illumination shall not increase the level of the illumination on nearby residential property by more than .1 foot candles in or within twenty-five (25) feet of a dwelling, or more than 0.5 foot candles on any part of the adjacent property.**
 - 15. The piling, storing, or keeping of old machinery, junk, debris, or abandoned motor vehicles, shall be prohibited on this site, with the exception that reusable parts may be stored on the mineral excavation site provided that it is in a location that cannot be viewed from adjacent properties or is totally screened.**
 - 16. Mining activities shall not cause excessive vibration off site. If excessive vibration becomes an issue, the City reserves the right to take appropriate measures to alleviate the problem.**
 - 17. Groundwater protection measures shall include:**
 - a. The Operator shall file with the City an Emergency Spill Prevention and Counter Control Plan and a Storm Water Pollution Prevention Plan as may be required by other governmental entities. The Operator shall adhere to these plans in the event there is a spill.**
 - b. The Operator shall provide the Fire Department with a copy of their flammable or hazardous materials.**
 - c. Fuel tanks shall be above ground, properly diked (if required by law), and registered with MPCA.**
 - d. All incidences that have the potential to adversely affect groundwater, including but not limited to spills, shall be verbally reported to the City within 24 hours. This verbal notification shall be followed up in writing within four (4) working days.**

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- e. The appropriate storm water permits (NPDES) shall be obtained by the Operator from MPCA and copied to the City.
 - f. Stockpiles of recycled asphalt must not be placed in surface water and run-off from these stockpiles shall be directed away from surface waters. Further, the size of the stockpiles is limited to the amount of material that can be used in one year, but need not necessarily be used in one year and can be stored over winter.
 - g. The wells located at the site shall be monitored once a year for diesel range organics (DRO). Mining activities shall not take place closer to groundwater levels than indicated in the plans submitted without amending this conditional use permit. However, if mining is proposed to occur below the water table in the future, the above-referenced wells shall be monitored for DRO prior to excavation activities commencing and after their cessation each year. Further, in the event of a spill, appropriate water tests (as determined by the city) will be taken until the spill is deemed clean by the city.
 - h. Except for minor repairs, maintenance of vehicles and equipment shall take place in the operator's shop. The operator shall have an approved hazardous waste license for this facility and properly dispose of all waste.
 - i. A minimum of a two-celled system to recycle water from the wash operation shall be utilized.
 - j. Water usage by mining activities shall not adversely affect adjacent wells. Mitigation measures may include, but are not limited to, curtailing of pumping activities until water levels return.
18. Signage for the operation shall be that which is permitted for an industrial operation in a medium industrial zone, with the exception that billboards are not allowed.
19. The operator shall fence the entire perimeter of the site with a four (4) foot high fence with support post every ten (10) feet.
20. Cutting of trees between April 15 and July 15 is prohibited. The Operator shall take other measures deemed appropriate by the Sherburne County Forester to control oakwilt, such as, but not limited to: debarking or destroying fallen diseased trees prior to April 15th, not leaving roots exposed and avoiding mechanical damage to remaining trees.
21. The Operator shall erect berms adjacent to 225th Ave NW as required by the City of Elk River.
22. Other Permits:
- a. The Operator shall obtain all state and federal permits appropriate to their operation and file copies of said permits with the City.
 - b. All shingles must be managed in accordance with Minnesota Rules 7035.2860 – Beneficial Use of Solid Waste. Compliance documentation shall be submitted to the City prior to continued storage or processing of such materials.
23. Roadways must be kept free of tracked material. Tracking Best Management Practices (BMPs) shall be adjusted as necessary to prevent debris from entering public roadways. If any material is tracked onto the roadway, it must be removed through daily sweeping and a log of all site inspections and sweeping activities be maintained and made available for city review.

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- 24. A cattle grate shall be placed between the street and the security gate along with pavement from the grate to the street.**
 - 25. If mining operations expand east of the current footprint, an updated wetland delineation report shall be submitted for review and approval prior to further expansion.**
 - 26. Gravel wash operations:**
 - a. Identify and/or confirm the location of nearby groundwater wells (groundwater receptors) and surface water receptors on and immediately surrounding the mining and gravel washing operation and document their proximity to the washing operations on a map.**
 - b. Install a water table monitoring well or wells at the site and generally between the washing operation and the nearby groundwater receptor(s). Survey the monitoring well(s) for horizontal and vertical control and identify their location on a site map.**
 - c. Measure and record water elevations at the monitoring well(s) within approximately one week of initiating pumping of water from the dug pit for washing, mid-way during washing and within one week upon cessation of washing operations.**
 - d. Conduct water quality testing of samples collected from monitoring well(s) for diesel range organics (DRO), BETX, pH (field), temperature (field) and specific conductance (field) prior to and at the cessation of washing operations on an annual basis.**
 - e. In the event of a spill, washing operations should be terminated until such time that the extent and potential impact of the spill can be determined through testing as determined necessary by the City.**

Motion carried 6-0.

6. GENERAL BUSINESS

6.1 Conditional Use Permit: Educational Institution, Good Shepherd Lutheran High School — 630 Freeport Ave NW

Mr. Carlton presented the staff report. At their January meeting, the Planning Commission had discussed changing the application to an Interim Use Permit (IUP). Mr. Carlton explained that the City Attorney did not recommend proceeding with an IUP and stated that a Conditional Use Permit (CUP) is the recommended avenue for approval.

Commissioners Johnson, Booth, and Bland stated they were still in favor of an IUP unless there was a legal obligation not to do so. Mr. Carlton stated he would confer with the City Attorney if there was a legal obligation not to pursue the project as an IUP.

Mr. Carlton explained that if the Council agrees with the recommendation for an IUP the application would need to submit a new application for an IUP which would delay the applicant's timeline further.

Mr. Leeseberg explained the Commission would have no input on the conditions of the CUP once it went to the Council. Commissioner Johnson stated he had no issues with the conditions listed, only the fact it was a CUP.

Commissioner Zahler stated the Commission should separate the two issues and asked if the Commission wants to grant a CUP in this area. Does the Commission believe the applicant meets the conditions for approving a CUP?

The Commission agreed that their preference was for the application to change to an IUP.

Commissioner Johnson summarized that the Commission could approve the CUP with the conditions outlined in the memo, pass it along to the City Council, and have staff confer with the City Attorney. If there is a legal requirement for a CUP, then the City Council can review the application holistically with all the information available to support their decision.

Moved by Commissioner Johnson and seconded by Commissioner Bland to recommend approval of the conditional use permit allowing an Educational Institution in the MU-ERP district, subject to the following conditions:

- 1. The City Council must adopt an ordinance adding Educational Institutions as a Conditional Use in the MU-ERP zoning district.**
- 2. Architectural plans will need to be reviewed by the MN Department of Labor and Industry prior to submitting for city building permits.**
- 3. The accessible route and bathroom access for suites 600 and 700 must be updated to comply with the state building code.**
- 4. All costs associated with potential address changes of affected tenants will be the responsibility of the property owner and/or applicant.**
- 5. Any expansion of the school will require an amendment to the Conditional Use Permit.**

Motion carried 6-0.

7. COUNCIL LIAISON UPDATES

Mr. Carlton stated that the City Council adopted a one-year moratorium on multifamily housing developments. An RFP has been posted for re-writing Chapter 30 of the City Code and will close on March 9, 2026.

8. MOTION TO ADJOURN

Moved by Commissioner Johnson and seconded by Commissioner Booth to adjourn the meeting. Motion carried 6-0.

The meeting adjourned at 7:18 p.m.

Minutes prepared by Katie Porath.



Perry Beise, Chair



Jolene Richter, Deputy City Clerk