POPECOUNTY
MINNESOTA

MEETING MINUTES
***SPECIAL MEETING* OF THE POPE COUNTY PLANNING ADVISORY COMMISSION**
Thursday, June 6, 2024

The Planning Advisory Commission convened in special meeting and public hearing session on Thursday, June 6, 2024 at the Pope County Courthouse, 3rd floor Meeting Room.

Members Present: John Messenger, Roger Isdahl, Ivie Cooley, Ted Kannegiesser, Russell Barkeim, Mark Halls, and Paul Gerde (County Commissioner)

Other Officials Present: Land & Resource Management staff, David Green (Director), Jessica Hill (Zoning Administrator) and Shelley Retrum (Senior Administrative Associate)

Call to Order

The meeting was called to order by Chairman Messenger at 6:02 p.m.

Acceptance of Agenda

There were no additions or corrections to the agenda noted. On motion by Gerde with second by Barkeim, a unanimous vote by all members present was made to approve the agenda.

Tabled/Old Business/Other Business:

None.

Public Hearings and Other Matters for Discussion

Interim Use Permit (I.U.P.) #24122 Establish an aggregate (gravel) mining operation in an Agriculture Protection (A-2) zoning district.

Application by Central Specialties, Inc. (PID #15-0018-602)

Applicants are seeking permission to extract, process and store construction aggregate, sand, and gravel. In pursuit of that approval, they have provided a completed Mining Application and a Mining Operations & Reclamation Plan on standard county forms. Additional submittals include site plans, a narrative described as a Site Development and Reclamation Plan, and evidence of their NPDES/SDS permit. Chairman Messenger introduces the item, followed by a staff report as presented by Director Green. Director Green states that this area of the county has a history of sand and gravel mining activity. According to the Geologic Atlas, there are deposits of minerals in this area. Regarding permissibility, he states that extractive use is a permissible use by I.U.P. provided that they meet identified performance standards and conditions as imposed. To that end, staff has provided draft conditions for consideration. However, because the reclamation plan, as provided by the applicant, is general in nature and not very specific, that there should be further discussion regarding the conditionals of approval. He explains that there should be a specific reclamation standard identified.

Options could be to bring back to farmable land or develop as a pond or wetland resource. The Director shares that the Land & Resource Management office has received several phone calls from concerned neighbors in reference to the trucks with traffic and dust. Staff recommends to approve provided they meet all the identified performance standards along with conditions imposed to mitigate adverse impacts to the environment or neighboring property owners. There is discussion by the Board and staff as to the nearest tar road and neighbors. Barkeim asks the applicant when was the last gravel activity around there. Applicant Shane Carlberg representing Central Specialties responds that an adjacent parcel was recently mined by Riley Brothers Excavating. With closure having been completed this past year. There is further discussion as to how long of a term previous I.U.P.'s or mining operations have been granted in the past. There is discussion on an assurance plan and how long they have to reclaim it with staff indicating typically one year after mining has stopped. Shane Calberg representing Central Specialties was in attendance and was offered an opportunity to defend their application. Shane indicates that they (Central Specialties) were approached by the landowner to purchase the land because of the number of rocks on the property. *"Before we do this, we need to know that it is permissible. Ideally, we would like to turn this back into a field when we are done. We would not be dredging any of the water. We are 500 feet from the nearest neighbor and the work would actually be taking place in the middle of the property which would then make it closer to 1000 feet from the nearest neighbor. Central Specialties has approximately ten to twenty trucks and it would be approximately eight to ten days of truck traffic. We do not work on Sundays so the truck traffic should be fairly minimal with fifteen trucks typically running. We do not have trucks just sitting there. This would be a loss of money for the company. If they are not working, they would be sent home."* Kannegiesser comments that his concern is the concrete bridge that is located on this route. There is discussion about the weight and the overall impact to the road and bridge. The applicant Shane Calberg comments that *"if they were to damage the bridge, we would fix it"* and asked if we had anyone on staff that could check the integrity of the bridge. Commissioner Gerde comments that we could have the County Engineer take a look at this if he has not already done so. Director Green comments that there was a routing sheet submitted to the County Engineer but no indication of any concerns or comments about the bridge. Director Green indicates that he will follow up directly with the County Engineer about this before the Commissioner's meeting with any updates. Halls asks about concerns about the odor when making tar. Applicant Shane Calberg comments that we follow very strict rules when it comes to emissions. Cooley asks the applicant if asphalt will be mixed at the site. Applicant Shane Calberg comments not a guarantee but more than likely yes. At 6:39 pm, Chairman Messenger opens a public hearing and seeks comments. There were no comments in favor. Dina Ronnie speaks in opposition and comments, *"Our concern is that we have had several gravel pits around us and they say they are going to drive slow but they do not. I have grandchildren and I worry about their safety. We have a problem with the noise, the dust and the pollution it creates. We ask that the road possibly be tarred and to impose a speed limit. This concrete bridge is very narrow and I am not sure it can handle this kind of weight and extra traffic (10 to 20 trucks per hour). There have been lots of promises made by other gravel companies and they are not kept. As far as using chloride to combat the dust this has to be done more than once to continue to be effective. I also have*

big concerns with them making asphalt on the site due to the pollution it creates and my allergies. My last comment I will make is relevant to the term of ten years. Ten years is a long time and we ask if it could possibly be a three or maybe a five-year term." Chairman Messenger allows Shane Carlberg to respond to the comments made by Ronnie. Shane Carlberg responds to the dust issue commenting that Central Specialties will utilize chloride and water and will continue to reestablish as needed. He also offered his direct number to Dina (Ronnie) so that she may contact him directly if there are any problems with dust, speeding or any or other concerns. Chairman Messenger closes the public hearing and seeks a report from the Planning Advisory Commission site team. The site team commented that the location looked appropriate. There has been gravel pits there before and if Central Specialties keeps up with the chloride and the speed restrictions applicable to the road conditions, we don't see a problem with the site used for gravel mining purposes. Cooley asks staff if Walden Township provided any comments. Director Green comments that a routing form was submitted to them for comments but our office did not receive any response. Cooley provides a motion to approve the I.U.P. provided that the conditions as identified in the staff report except that the permit is to be limited to be in effect for five (5) years at which time the site is to be re-evaluated for compliance. If compliant, it can be reissued by the Zoning Administrator for an additional five years. This is a change to condition item #15 in the staff report. Chairman Messenger calls for a second. After no second is offered, Chairman Messenger recuses himself from his role as Chairman and asks for the Vice Chair Halls to proceed. Vice Chair Halls takes over the meeting and asks for a second to motion made by Cooley. Messenger seconds. Vice Chair Halls calls for the vote with Isdahl, Barkeim, Halls, Kannegiesser and Gerde opposed. Motion fails. Chairman Messenger takes back the chair and control of the meeting from Vice Chair Halls. There is further discussion by Director Green and the Commission in respect to specific conditions, number ten (10) and number thirteen (13). At the conclusion of the discussion, the Commission directs staff to strike the word *asphalt* from condition thirteen (13). Halls makes a motion to approve the I.U.P. provided that the conditions as identified in the staff report and as specified this evening are complied with. This motion is seconded by Kannegiesser. Motion passes with Cooley in opposition. Conditions as follows:

1. Acceptance that the mining operation may be subject to compliance inspection and monitoring pursuant to law, regulation, rule, or ordinance, by city, township and county officials which may include:
    a. On site visits; and/or
    b. Collecting photographic evidence including the use of Unmanned Aerial Vehicles (UAVs) (drones) and other technologies as available.
2. Prior to mining, an inventory of all wells, including shallow disposal systems, shall be conducted within the proposed mining area. Any such well located within the proposed mining area shall be reviewed by a licensed well driller to determine if the well(s) require repair or sealing in accordance with MN Chapter 4725.

3. Secondary containment barriers shall be located below any onsite fuel tanks to prevent potential contamination of soils and ground water supply.
4. An asphalt batch plant is not permitted to be located in the extraction area unless specifically approved by the Board of County Commissioners as part of this interim use permit.
5. No subsurface sewage treatment system is to be installed in the mining and extraction area.
6. Operator to provide an on-site bathroom facility, such as a Porta John, for the safe storage and disposal of human waste.
7. Compliance with the operating standards as specified in Section 10.2.3.D of the Pope County Land Use Controls Ordinance.
8. Compliance with the permitting requirements of Township and State agencies.
9. All stormwater erosion and sediment control Best Management Practices installed shall be maintained until the site is reclaimed and all exposed soil has been permanently stabilized. Permanent stabilization via vegetative means shall mean vegetative ground cover of at least 50%, or hydro seeding or erosion control blankets are used to cover the bare soil areas.
10. Reclamation, rehabilitation and revegetation is to be in accordance with plan as approved by the County Board. *(details necessary)*
11. Applicant/Operator to provide evidence of assurance in an amount and form acceptable to the Board of County Commissioners. *(staff recommends $67,500 per phase)*
12. The provisions of the MN Noxious Weed Law must be followed on all areas of the facility.
13. No waste materials may be disposed of on the property including trees, stumps, concrete, metal, construction materials, or plastics.
14. Access roads: Operator is expected to maintain a clean roadway surface during periods of operation. Dust abatement must be implemented within the facility during the months of May – October when there has been no precipitation within 48 hours and there are two or more truck trips per day.
15. The Interim Use Permit is in effect for **ten (10) years**. The site is to be re-evaluated for compliance with the operation and reclamation plan at that time. If compliant, including evidence of concurrent reclamation activities, it can be reissued by the Zoning Administrator for an additional ten (10) years. However, continuance beyond twenty (20) years will require an amendment to the IUP as approved by the County Board.

Adjournment At 7:25 p.m. a motion was made by Isdahl to adjourn the Planning Advisory Commission meeting. Motion seconded by Kannegiesser. Motion carried with no dissenting votes noted.

Respectfully submitted,

David Green, Director
Pope County Land & Resource Management

Shelley Retrum, Senior Administrative Associate
Pope County Land & Resource Management