MEETING MINUTES
POPE COUNTY PLANNING ADVISORY COMMISSION
Thursday February 25, 2021

The Planning Advisory Commission convened in regular session on Thursday, February 25, 2021 via telephone conference call in an effort to comply with MDH recommendations issued with the declared Peacetime Emergency in response to the spread of COVID-19 (coronavirus) in MN.

Members Present: Roger Isdahl, Ronald Feigum, Ivie Cooley, John Messenger, Brian Jergenson, Mark Halls, Larry Lindor (County Commissioner) and Cody Rogahn (C.C. alt)

Other Officials Present: David Green (Land & Resource Management Director) and Shelley Cameron (Sr. Administrative Associate)

The meeting was called to order by Chairman Messenger at 6:09 p.m.

The following items were addressed by the chair:

Additions and Corrections to the Agenda

There was no additions or corrections to the agenda.

Review Minutes of January 28, 2021
The minutes of the Planning Advisory Commission meeting held on Thursday; January 28, 2021 were submitted for approval. Motion by Commissioner Lindor to accept the minutes as written. Jergenson seconded. Motion carried with no dissenting votes noted.

CUP-Thomas Flannigan with Crow River Construction:
Chairman Messenger introduces the item. Applicant Thomas Flannigan and Devon Lien (Crow River Construction) are present. Director Green presents staff report with a recommendation to approve the application with conditions stated in the staff report. Lake Johanna provided comments included in the staff report indicating concerns to the impact on the road and hours of operation. Commissioner Lindor references condition number five (5) in the staff report that states prior to construction that a permit must be secured from the township, and asks staff does the township have permitting capabilities or do they go by our permitting process and standards?" Director Green states "last year Lake Johanna Township adopted a set of Planning and Zoning Ordinances. They essentially adopted ours by reference as their own. I do not have the specifics on how they handle aggregate mining. The onus is on the property owner to make sure they are compliant with their zoning ordinances as well as ours. We may want to consider amending that condition to essentially say that it is the applicant's responsibility to make sure they are complaint with the township." Commissioner Lindor asks "will the slope towards the ditch be flat or will it be sloped into the reclaimed area?" Director Green states "that is information you will need to clarify with the applicant." Chairman Messenger asks for any additional comments from the applicant. Applicant Thomas Flannigan states "I purchased the

property four years ago to be used primarily for hunting land and an investment opportunity. It already had an existing gravel pit and the very top of that mining section isn't much of a benefit to the wildlife in the area currently. I wanted to put it into CRP or do something with it. I am buying a house, getting married and having a child so for extra income I thought maybe we could generate aggregate to earn some money to compensate for the cost of the land. I started working with Crow River. They started mining aggregate this year. This would generate money for me which I then could put money back into the property. To do everything that I want to do is going to cost a little bit of money. I wouldn't expect to mine the whole thing. As soon as it is mined, I want to do a reclamation plan and get stuff growing right away. I do not want it to sit around like other mines that I have seen. It does have a slope and when we finish with it would be three, four, or five-feet above water level. We would be able to keep the slew protected. We have access to a road grader and everything we need to do this project including silt fence. I know residents were concerned about the dust and we actually have a company that sprays gravel roads and have access to that equipment. I also looked into converting to CRP but that doesn't pay a whole lot. Looking to make a little bit of money off of it and to put it back to better than it is right now." Commissioner Lindor asks "what are your planned hours of working or how long of a period do you think it will take?" Devon Lien (Crow River Construction) states "what we have done in the past with Conditional Use Permits in other counties is they had it set to be 6:00 am to 8:00 pm Monday through Friday. Saturdays are usually 7:00 am to 7:00 pm. No working on Sundays. But we are open to whatever you may suggest. We would look at the project with the understanding that we might have a source that could make us more competitive and be able to keep our crew around town. We travel where the work is. We have been really trying the last two years, with employees like Tom (Flannigan) who is getting married and having children; we try to utilize our area and allow them to be with their families more too. We are trying to expand ourselves in this area to become more of a local company. We have also purchased a dust control business which employees three to four people and helps us to do more of this kind of work. We are also expanding and doing some ready-mix work as well." Commissioner Lindor asks "how deep to you plan to go? Like 25' down?" Applicant Thomas Flannigan states "something like that. I do not want a big hole in the ground. I want to push it all back and slope it up towards where the ditch is and the road. The ditch is there and I don't want to lose where the ditch drains now which is right along that gravel road. I want to keep that little rise but basically push the slope back." Commissioner Lindor asks "is that a minimum maintenance road that you are talking about?" Applicant Thomas Flannigan states "no the minimum maintenance road is just south of my property maybe about a half a mile and that runs east." Commissioner Lindor asks "so would you run trucks on that?" Applicant Thomas Flannigan states "no. I don't even run my own truck down that road." Commissioner Lindor asks "so then on the 100' right of way setback, is that something that is workable?" Applicant Thomas Flannigan states "yes." Commissioner Lindor asks "have you spoken with Lake Johanna Township?" Applicant Thomas Flannigan states "no I have not." Halls asks "would you just take the top soil off of just the parts you are using?" Applicant Thomas Flannigan states "no, I would just take off what they want to mine and then once that is done being mined, shape that back and put the top soil back. I definitely do not want to open the whole thing if it is not going to get mined." Halls states "when you do approach the Township, I would mention to them that you plan to

maintain the road." Jergenson asks "so you are probably going to mine for maybe three days?" Devon Lien (Crow River Construction) states "it will take a little bit more than that. It just depends on the amount and the soil that you are in. For instance, when we did approximately a three-acre piece we mined quite deep and we were mining for rock. So, it was a little slower and the way we did it was we pushed all the top soil to the outside and then we temporally mulched that area to hold the runoff or erosion into that area that we are working. The topsoil was then put back on and seeded and it was green by the end of the year." Isdahl states "in your estimated production here you referenced 25 to 50 thousand cubic yards and then the total 258 that would be a ten-year time frame. Does that depend on your market? If you find a market for it could be a little sooner?" Devon Lien (Crow River Construction) states "If we can find a use for it and a market, we would definitely be a willing participant for other contractors to acquire so we could get it turned around faster. It is a big investment so we kind of need to play the market. It may sit there a while before we do anything with it. We wouldn't start it and leave a pile of gravel sitting there for five years because no one likes to look at a pile of gravel for five years." Director Green states "you made a comment about the Townships input earlier and I do want to point out that I do think it behooves the applicant to make sure they are compliant with the Townships ordinance." Chairman Messenger opens the public meeting and asks "is there anyone speaking in favor of this (3X)?" None noted. Chairman Messenger asks "is there anyone speaking against this(3X)?" None noted. Chairman Messenger closes the public hearing. Chairman Messenger asks for comments from the site team. Feigum states "I think we have expressed most of our concerns which is the road to the south and the hours of operation." Chairman Messenger states "as part of the site team I could just barely make out the part that had been previously mined with a bit of snow out there. It is really marginal and after reviewing Mr. Flannigan's forestry plan for restoring the site after mining is complete it will look quite a bit better than it does presently." Chairman Messenger seeks a motion. Feigum states "I move to offer a recommendation of approval provided that the conditions as identified in the staff report and as amended this evening are complied with. I amend to strike #5 of the conditions that states permits are secured from the Township prior to any County permits." Jergenon seconded. Motion carried with no dissenting votes noted.

Proposed Amendments to Land Use Controls Ordinance

Director Green presents a review of proposed amendments to various sections for the Pope County Land Use Ordinance and there is open discussion with the Planning Advisory Commission. Chairman Messenger seeks a motion to approve Section 2.2 Definitions, Section 4.6.5 Placement, Height, and Design of Structures, and Section 4.6.10 Shoreland Alterations. Jergenson makes a motion to approve. Isdahl seconded. Motion carried with Isdahl, Feigum, Cooley, Messenger, Jergenson, and Lindor in favor and Halls opposed.

Tabled/Old Business

Chairman Messenger seeks nominations for the site team. Jergenson makes a motion to elect Feigum, Messenger, and Cooley. Halls seconded. Motion carried with no dissenting votes noted.

Adjournment 8:00 p.m. Motion by Feigum to adjourn the Planning Advisory Commission meeting. Motion seconded by Commissioner Lindor. Motion carried with no dissenting votes noted.

Respectfully submitted,

Shelley Cameron/Sr. Administrative Associate
Pope County Land & Resource Management