MEETING MINUTES
POPE COUNTY PLANNING ADVISORY COMMISSION
Thursday June 24, 2021

The Planning Advisory Commission convened in regular session on Thursday, June 24, 2021 at the Pope County Courthouse, Community Meeting Room.

Members Present: Roger Isdahl, Ronald Feigum, Ivie Cooley, Mark Halls, John Messenger, Brian Jergenson 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 6:16 p.m.

The following items were addressed by the chair:

Additions and Corrections to the Agenda

There were no additions or corrections to the agenda.

Review Minutes of May 27, 2021

The minutes of the Planning Advisory Commission meeting held on Thursday; May 27, 2021 were submitted for approval. Motion by Commissioner Rogahn to accept the minutes as written. Jergenson seconded. Motion carried with no dissenting votes noted.

IUP-Gary & Jean Kimmes

Chairman Messenger introduces the item. Applicants Gary and Jean Kimmes are present. Director Green presents staff report with a staff recommendation to approve with conditions as stated in staff report. Chairman Messenger asks for any additional comments from the applicant. Applicant Gary Kimmes states "we have put quite a bit of substantial money into the property. We have a $7000 pad, $16,000 septic system with a 1500-gallon tank going into a 675-gallon tank with a 10' x 50' drainfield, and $7000 on a well. We just feel it would be in our best interest to be able to leave our structure there for the next couple years and not have to remove it from the property." Chairman Messenger opens the public meeting and asks "is there anyone speaking in favor of this?" None noted. Chairman Messenger asks "is there anyone speaking against this?" None noted. Chairman Messenger closes the public hearing. Comments from the site team indicate that they have no objections or concerns. Chairman Messenger seeks a motion. Commissioner Rogahn states "I move to offer a recommendation of

approval of the Interim Use Permit provided that the conditions as identified in the staff report are complied with. Cooley seconded. Motion carried with no dissenting votes noted.

CUP-Chris Johnson & Kelly Kraemer

Chairman Messenger introduces the item. Applicants Chris Johnson and Kelly Kraemer are present. Director Green presents staff report with a staff recommendation to approve with conditions stated in staff report. Chairman Messenger asks for any additional comments from the applicant. Applicant Chris Johnson states "there are a couple of garages or sheds in the neighborhood with the high side walls such as we are proposing. As far as the vegetation goes, as you can see it is currently surrounded on three sides with trees that are already higher than the structure will be. In addition to that it will be in the same color and fashion as our home across the street. It is not a pole shed or a machinery shed as you would see on the farm. It will be a traditional stick-built building." Chairman Messenger opens the public meeting and asks "is there anyone speaking in favor of this?" None noted. Chairman Messenger asks "is there anyone speaking against this?" None noted. Chairman Messenger closes the public hearing. Chairman Messenger asks for comments from the site team. Feigum states "I think it will fit right in with the rest of the buildings in this area. Cooley states "I am concerned about the height and when we talk about screening, I am not even sure where that screening would go. I would think it would obstruct the ability to drive into it." Messenger states "the one concern that I would have if there was screening added, is along the road itself, it could interfere with the infiltration system that they have proposed. I wonder if we should propose the staff recommendation of screening being an option?" Director Green states "I would suggest that if you feel the screening is adequate that you delete that recommendation." Halls states "from what I see it is not visible from the lake." Director Green concurs. There is discussion on potential screening. Chairman Messenger seeks a motion. Jergenson states "based upon the information as presented in the staff report and facts as gathered this evening, I move to offer a recommendation of approval of the Conditional Use Permit provided that the conditions as identified in the staff report are complied with." Cooley seconded. Motion carried with no dissenting votes noted.

IUP-Brittney Krebsbach with Novel Energy

Chairman Messenger introduces the item. Applicants Brittney Krebsbach and Scott Tempel (Novel Energy) are present. Director Green presents staff report and states "staff does not see a basis for denial with conditions stated in the staff report." There is discussion about decommissioning brought forward by Cooley. Chairman Messenger asks for any additional comments from the applicant. Applicant Brittney Krebsbach states "Novel is a Minnesota owned company and a leader in the Minnesota solar market. Novel was founded in 2012 by a fifth-generation farming family. We now have over 120 megawatts today and still growing.

Community Solar Gardens are generally larger projects on typically 8 to 10 acres. The project location is owned by James & Leila Fischer and James Fischer is present tonight. This property just came out of CRP last fall. This would allow the land owners an income while their soils continue to regenerate and restore. The ground under it surrounding the solar array will be comprised of either a pollinator native mix or native grasses mix in addition to screening of six Norway spruce and six Black Hills spruce for year around screening. Our team has worked with Jessica Hill at the County as well as David Green to meet the requirements to the best of our ability. We want to be good neighbors and therefore are willing and eager to listen to any questions or concerns. We would also like to note that we are working with Jason Hagen with Glenwood Township on the Conditional Use Permit or the Variance setbacks required. We would also like to make a note to request an extension from 25 years to 35 years due to some extensions being provided in our lease agreement with the land owners. Thank you so much for your time tonight." Commissioner Rogahn asks "what is your weed control policy?" Applicant Scott Tempel states "we have a monthly maintenance plan. We will clear it, seed it, and allow it to grow it a little bit and then we mow it. We have a monthly schedule with our own crews. There will be a sign on the array with the contact for the maintenance person you can reach." Chairman Messenger opens the public meeting and asks "is there anyone speaking in favor of this?" None noted. Chairman Messenger asks "is there anyone speaking against this?" None noted. Chairman Messenger closes the public hearing. Comments from the site team indicate that they have no objections or concerns. Chairman Messenger seeks a motion. Cooley states "based upon the information as presented in the staff report and facts as gathered this evening, I move to offer a recommendation of approval of the Interim Use Permit provided that the conditions as identified in the staff report are complied with." Commissioner Rogahn seconded. Motion carried with no dissenting votes noted.

IUP-Riley Brothers Construction Inc

Chairman Messenger introduces the item. Applicant Joe Riley (Riley Brothers Construction) is present. Director Green presents staff report and points out that the Pope County ordinance requires the setback from a residential structure is a minimum of 500 feet or 100 feet from the adjacent property line unless you have concurrence from those neighbors. Staff recommends that if the Planning Advisory Commission approves of the application that it considers conditions stated in the staff report. Chairman Messenger asks for any additional comments from the applicant. Applicant Joe Riley states "I would just like to add that this is not a typical long term mining permit. We are only looking for the rock that is in this area. We are going to strip the top soil off which we have started that process already, and stockpile it. Then we are going to screen the rock out. We will then use the rock and put the sand back in place with the topsoil back on top of that. We expect to have this done at the most within 90 days. So, this is not going to be a long-term mining. We are estimating that by screening out the rock and using

the rock that it will probably lower the entire site probably three feet. We are estimating that there is 20% of what we screen will be rock and 80% is going to be sand. The sand will stay on site. The rock we will haul over to our asphalt plant. We will shape the area back to roughly what it is now and put the topsoil back on top and we are done. If this were approved sometime in the next 30 days, we would be done and out of there before the end of the year." Halls asks "are you going to crush the rock before you haul it out?" Applicant Joe Riley states "we will crush it and then haul it over to our asphalt plant." Chairman Messenger opens the public meeting and asks "is there anyone speaking in favor of this?" None noted. Chairman Messenger asks "is there anyone speaking against this?" Sharon Gustafson states "I am here tonight with my husband David Gustafson and my two daughters." Tiffany Michael states "I am their daughter and my first issue is the crushing. It is right behind their property. It will extremely lower property values. Also, the crushing will produce a great deal of dust. That I would say is the utmost importance because when you are crushing it can actually produce minute particles that get into the lungs. This is a concern for my parents because they have heart issues and lung issues. This would be very detrimental to their health. The road that looks like they are preparing right now looks to be 70 feet from their bedroom. So, as they are hauling this crushed gravel that dust is going to be transferred to their home." Sharon Gustafson states "it is too close. It is within 210 feet from the back and its 70 feet from the side where their gravel trucks will be going back and forth. We would not be able to sit on our deck. We would not be able to have people over. I have tuberculosis and my husband has micro bacteria." April Harth states "I am and nurse and their daughter and my father had open heart surgery a few years ago." Tim Fiala states "what I am concerned with is that this awful close to the city wellhead protection program if they are going to be digging deep. You are not going to return nothing back to its normal habitat. We have enough traffic going up and down with Northern Metal and the grain elevator without having a bunch of more gravel trucks. We already have one gravel pit close by." Sharon Gustafson states "the water table can be effected and put toxins in our water. I have done my research." April Harth states "I do have a question. The applicant states that they already began. Why were they allowed to already start striping the topsoil and such before this is approved?" Director Green states "it wasn't allowed. The Township and County officials did recognize this and had a meeting with the property owner and they stopped at that point. Which has brought us to this point with the proper permitting process. It was not ignored and allowed to continue. We reacted as soon as we received a complaint." April Harth asks "why did they side step that proper process if I may ask?" Applicant Joe Riley states "we were told by the property owner that they had a permit. We started conversation about last August and the property owner had told us at that time that they were working on the permit process and said he had all the permits he needed and that we could go ahead and start. This is why we started because we were told that everything was in line. We later found out that it was not." Sharon Gustafson states "they are a business.

They sould be aware that they would need written permission. I fail to see how it could be overlooked by Riley Brothers." Lloyd Pahan states "They went about this all wrong in the first place. They can not be driving out Gustafson's driveway. I mean they are driving right next to their house. When this all first started the neighbor out there said that they could get a variance to go out the other way through the gravel pit to the east and that wouldn't have been so bad. This is insane here as far as I am concerned." Jerome Panitzke states "I am across the field there and there is a lot of dust and noise. I have leukemia from agent orange so my health is not that great and my wife has MS. There is enough dust and dirt from the traffic we deal with currently." Matt Laubach states "I am with Glenwood Township and I just want to clarify one thing. Mr. Arneson did come to the Township and we informed him that we have a moratorium in place at that time and there were no permits being issued. So, he did proceed knowing that he could not have a permit." Chairman Messenger closes the public meeting. Chairman Messenger asks for comments from the site team and states "as part of the site team it is a fertile field if you are looking for rock. Lots of rock. One thing in the applicants favor is the limited time." Cooley (site team) states "I really feel this is very dangerous in this situation. Our ordinance is written for the health, welfare and safety of the public. I think it is one thing when they do the road in front of you because it is for public use, but this is for the good of profit making for an institution and I don't think we can just dismiss the health, welfare and safety of the residents nearby. Also, I am highly disturbed by the fact that they are already in there working on it and haven't followed the process." Feigum (site team) states "I just have a question for Joe (Riley), is it possible to haul that gravel out a different route?" Applicant Joe Riley states "we have to get permission from Hancock Concrete which owns the pit right to the east, which I don't think they would be against that. As far as hauling, you are going to create dust in the crushing operation for sure. But the crusher is going to be set up towards the east end of the property which would probably be 800 to 1000 feet to the nearest residence. Plus, the predominant wind comes out of the northwest so that any dust would go the other direction. As far as hauling the rock out, we can control the dust with a water truck. Can not control the dust in the crusher." Commissioner Rogahn asks "what are the hours of operation?" Joe Riley states "I would say 7 a.m. to 7 p.m. Mike Brown who is from Glenwood will be the guy doing the crushing. We do not own a crusher of our own. He has never crushed on a Sunday and it is pretty rare or I don't think I have ever seen him crush on a Saturday which then would be then 5 days a week. Monday through Friday." Feigum asks "is there anyway you can haul that rock out and crush at a different site?" Joe Riley states "it is possible. It just adds another process. You would have to screen it on site. Then when you get it over to our pit you would crush it over there. The process of screening or crushing either one is going to create dust." Chairman Messenger seeks a motion. Cooley states "due to the fact that our ordinance is based on the health, welfare and safety of the public, I move to offer a recommendation of denial for the Interim Use Permit as requested." Commissioner Rogahn seconded. All in favor

Cooley, Messenger, and Commissioner Rogahn. Opposed Halls, Feigum, Jergenson and Isdahl. Motion fails. Chairman Messenger seeks a second motion. Cooley makes a motion to table. Chairman Messenger seconded. All in favor Cooley, Messenger, Isdahl, and Commissioner Rogahn. Halls, Feigum, and Jergenson opposed. Motion carried. Isdahl states "my motion to table is to allow for signatures and also to give the applicant an opportunity to look at an alternate route with a 30 day or one month table." Feigum states "I would like to see you haul the rock out of there and crush at another location. That would help a lot with the dust and the noise."

Tabled/Old Business

There was no tabled or old business.

Adjournment 7:41 p.m. Motion by Jergenson to adjourn the Planning Advisory Commission meeting. Motion seconded by Feigum. Motion carried with no dissenting votes noted.

Respectfully submitted,

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