MEETING MINUTES
POPE COUNTY BOARD OF ADJUSTMENT
Thursday, October 22, 2020

The Board of Adjustment convened in regular session on Thursday, October 22, 2020 at the Pope County Courthouse. 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, the Board members convened in the Commissioners Board room while staff (Dir. Green), the applicants and any members of the public convened in the Community room.

Members Present: Roger Isdahl, Ronald Feigum, Ivie Cooley(remote), John Messenger and Mark Halls

Other Officials Present: David Green (Land & Resource Management Director), Shelley Cameron (Sr. Administrative Associate), Larry Lindor (County Commissioner), and Cody Rogahn (County Commissioner)

The meeting was called to order by Chairman Messenger at precisely 6:00 p.m.

Additions and Corrections to the Agenda

There was no additions or corrections to the agenda.

Review minutes of September 24, 2020

The minutes of the Board of Adjustment meeting that was held on September 24, 2020 were submitted for approval. Motion to accept the minutes as written was made by Feigum. Seconded by Isdahl. Motion carried.

Variance-Marvin Sandvig

Chairman Messenger introduces the item. Applicants Marvin and Chad Sandvig are present. Director Green presents staff report and states "having reviewed and considered the application, staff does not find that a practical difficulty has been established in this case. However, the public hearing as well as the applicant may offer facts that are not yet evident for the Board of Adjustment to consider. If the Board does grant a variance, staff recommends the conditions as presented in the staff report." Chairman Messenger asks for any additional comments from the applicant. Applicant Marvin Sandvig states "I don't have a lot to add. It fits in there nice and we wouldn't have to remove any trees. The power is right there." Halls asks the applicant "what will the use of the building be?" Applicant Marvin Sandvig states "part of it will be used for storage and machine shed as well as dismantling of cars so that we can get rid of them." Feigum states "I know when we were out there for site visits you said you are going to drain fluids from the cars and everything will be sloped to the middle. Will this still be the case?" Applicant Marvin Sandvig states "yes, that is correct." Commissioner Lindor asks "has Marvin (Sandvig) had an opportunity to review the letter that was submitted by the public and does he want to address the concerns brought up?" Applicant Marvin Sandvig states "it is our hobby and we just want to take parts off of the vehicles on Saturday's and Sunday's. We really do try to be respectful and try not to make as much noise as possible." John Moe with Johanna Township reiterates that the Township and the applicant never had any restrictions in place as far as noise. Any noise that came about was from a project that was on the opposite side of the road. Chairman Messenger asks "what are your proposed operating hours?" Applicant Marvin Sandvig states "it will actually be on the weekends. I run a shop during the week. Once the building is up, we will be in the

building and you shouldn't hear anything." Applicant Chad Sandvig states "we have tried to be respectful to the neighbors and we don't start any equipment before 8:00 am and we are done by 5:00 pm." Chairman Messenger states "being that you are located by a Glacial Ridge Scenic By-Way do you plan to put up any fencing, vegetation, trees or screening?" Applicant Marvin Sandvig states "there are two large trees there now that will somewhat hide the building and you won't be able to see the vehicles because they will be in the building." Commissioner Rogahn asks "how many vehicles do you anticipate will be outside of the building?" Applicant Marvin Sandvig states "my first goal is to make that number zero. They should be either inside unless it is our own vehicles we drive." Cooley states "the last time I was on the site there was a lot of cars there were on the hillside of the slew or a lake that were highly visible. Has this been improved at all?" Applicant Marvin Sandvig states "about half of them are gone and we are hoping to get this building up so that we can have the rest of them in the building." Chairman Messenger opens to the public asking "is there anyone speaking in favor of this variance?" John Moe states "I understand this as that Marvin (Sandvig) is looking for a variance to locate the building closer to the road. I do not see this as a finalized building application. We would still need to see more information on the use and sidewall height. As a commercial building we would need to see the building code standards for a commercial structure and the handling of hazardous materials in accordance with the MPCA. Tonight, we are talking about a Variance to locate the structure closer to the road and the Township does not have an issue with that. Speaking for the township, we see this as a better location so that the trees that are there can remain." Chairman Messenger asks "is there anyone speaking against this variance?" John Wordes (virtually) states "As far as the noise it was across the road but he took that material and used as fill. I have all of that on video. I did file a complaint with MPCA and they did come out and they did take a reading and I will discuss those results at a later time. That is not being polite on Sunday's pushing those decibels. I realize that this is about the building and the placement of the building but if he is dismantling vehicles there will be hazardous waste and it will be 135 feet from our well and 25 feet higher in elevation which makes it roughly 27 percent slope so it highly exposes our well to surface run off contamination. How is the building going to contain that? That is my concern with the placement of the building." Director Green states "Barry Bouwman from our office has been out to the site and has been working with the applicant and I ask if he would like to share any comments." Barry Bouwman states "I have talked with Marvin (Sandvig) and John (Wordes). One of the concerns is John's (Wordes) well. I had a detailed conversation with Marvin (Sandvig) and if we actually do move forward with approving the building, we would be looking at the specs for that building and Marvin (Sandvig) does not intend to have fluids stored in the building. He already has a deal with a neighboring business to dispose of any waste. Any fluids that would be stored there temporarily would be accounted for and our specs would be looking at that. Such as what is the cement going to look like, is there going to be a drain or not, is there going to be a slope to the center. I think the main issue is the amount of fluids and it does not sound like there is going to be any kind of fluids that will be stored there. Another issue that I would be looking at would be are we going to be looking at any crushing out there. It appears that cars will be taken apart and leaving. Another concern was how many cars were going to be left and Marvin indicated to me, that as the County has requested, that he will be below that 150 mark as soon as they can start dismantling and removing them. Marvin will be applying for an industrial storm water permit and to do that he has to have a storm water pollution prevention plan which I gave him all the paperwork to have him complete. A successful pollution prevention plan will eliminate the risks that I have heard here tonight." Chairman Messenger closes the public hearing. Chairman Messenger asks for comments from the site team. Feigum from the site team states "the site is cleaned up quite a bit and if the fluids are only temporarily stored there and there is a pollution prevention plan in place, I think it

could be alright." Chairman Messenger from the site team states "the arial photo presented in the staff report shows a mobile home that is now gone. Most of the vehicles have been removed and the applicant indicated that the garage type building to the west, the one with the tan roof, is going to stay. The applicant indicated it is his intent to construct the new building so that it pretty much aligns with the access road just to the east that runs kind of parallel to the Quonset so that he would have the ability to move vehicles in one end and move out the other end. He also indicated that it would require less amount of fill needed to construct there and nearly all of the current vegetation would stay. So, it looks like a logical place to locate the building in that spot." Feigum asks the applicant "once and if the building is approved and you are starting to process cars are you going to have a whole lot of cars sitting around there or are you going to process them right away or are you just going to let them pile up?" Applicant Marvin Sandvig states "we are going to try and get them out as fast as we can." Feigum asks the applicant "but when you get them all drained and everything are you going to park them there or are you going to move them out right away?" Applicant Marvin Sandvig states "we are going to try and get them out as fast as we can." Cooley asks "is it an appropriate time to ask about the type of building at this point?" Applicant Marvin Sandvig states "it is going to be a steel structure with steel siding and steel on the roof. There will be a concrete floor through most of it or the workshop area of the building. The other half is going to be a machine shed for storage of equipment." Cooley asks "will it be a new structure?" Applicant Marvin Sandvig states "it is a new structure. It would be almost impossible to move a building that size on that property. The road isn't wide enough." Commissioner Rogahn asks the applicant "the pollutants that you remove will be stored in a safe area temporarily but do you have a backup or secondary plan for the temporarily stored pollutants due to the neighboring well?" Applicant Marvin Sandvig states "there will be one tank inside of another tank and there will probably not be more than 50 gallons on the property at a time." Chairman Messenger seeks a motion. Feigum states "based upon the information as presented in the staff report and facts as gathered this evening, I move to approve of the variance request to locate a structure at 74 feet from the center line of the road right of way limited to the conditions as identified in the staff report." Halls seconded. Motion carried with no dissenting votes noted. Chairman Messenger seeks a motion to direct staff to prepare findings consistent with the action taken by the Board of Adjustment. Halls makes a motion. Feigum seconded. Motion carried with no dissenting votes noted.

Tabled/Old Business

There was no tabled or old business.

Adjournment 6:49 p.m. Motion by Isdahl to adjourn the Board of Adjustment meeting. Motion Seconded by Feigum. Motion carried with no dissenting votes noted.

Respectfully submitted,

Shelley Cameron

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