MEETING MINUTES
POPE COUNTY PLANNING ADVISORY COMMISSION
Thursday October 27, 2022

The Planning Advisory Commission convened in regular session on Thursday, October 27, 2022 at the Pope County Courthouse, 3rd floor Board Room.

Members Present: John Messenger (C), Ivie Cooley (VC), Roger Isdahl, Ron Feigum, Ted Kannegiesser, Mark Halls, Larry Lindor (County Commissioner) and alt Paul Gerde (County Commissioner)

Other Officials Present: David Green, Jessica Hill, and Ariel Hughes (Land & Resource Management staff)

The meeting was called to order by Chairperson Messenger at 6:45 p.m. with the following items being addressed by the chair:

Additions and Corrections to the Agenda

There were no additions to the agenda.

Review minutes of September 22nd, 2022 Regular Meeting

The minutes of the Planning Advisory Commission meeting held on Thursday, September 22nd, 2022 were submitted for approval. Motion to accept the minutes as presented was made by Isdahl and seconded by Lindor. Motion carried with no dissenting votes noted.

General Business

There was no general business to discuss

Public Hearings and Other Matters for Discussion

CUP-Glenwood Demolition Disposal (PID 09-0383-001)

Chairman Messenger introduces the item followed by staff report as presented by Director Green. Staff recommend approval of the application with the following conditions:

1. That the applicant/operator agrees to operate in accordance to plans and specifications submitted in support of permits and approvals of the State of Minnesota.
2. That the applicant/operator agrees to apply an enhanced final cover over the entire landfill area.
3. That the applicant/owner provides a form of assurance to either the State of Minnesota, Glenwood Township or Pope County in an amount sufficient to cover the cost of closure.
4. That the owner/operator agrees to install a septic system that is compliant with Section 10.20 of the Pope County Land Use Controls Ordinance *(Sanitation Standards)*.
5. That a vegetated buffer (trees) be maintained or a fence be installed for the purpose of

mitigating debris leaving the site.

6. That the applicant/operator agrees to allow officials of the County on the property for site inspection purposes at reasonable times.
7. That any deviations from the submitted Narrative relating to design, construction plans, closure plans, or location must be approved by the Director.
8. Applicant is responsible for compliance with Minnesota Pollution Control Agency stormwater and erosion control permitting and for maintaining any installed best management practices (BMPs) throughout the project.
9. That a contact name and number be provided in the event of emergencies and **weed management issues**.
10. Failure to meet any of the conditions listed above may result in revocation of this permit following procedures established by and listed in the Pope County Land Use Controls Ordinance.

Discussion: Isdahl seeks clarification on the two types of closure cover that are described in the MPCA permit application. Dan Riggs, consultant for Glenwood Demolition Disposal, explained the difference between a soil cover and enhanced (synthetic) cover for the demolition area. Halls further explores questions regarding what closure may look like. Cooley asks is *there any part of the facility that is already under final cover?* Riggs responds *yes*. Lindor asks the applicant if they have reviewed the staff recommended conditions and are they in agreement. Applicant responds that they are aware of the conditions recommended and discuss several of the conditions. Regarding condition #4 they admit that they do have an onsite septic system and would like to change the condition to agreeing to have a Compliance inspection on the system. Regarding Condition #2, the applicant would like have the final cover dependent upon capacity and duration of MPCA permit. There was some discussion relating to Condition #3 the amount of assurance that is required. Director Green points out that an estimated cost for closure was included in the Carlson McCain report that was submitted in support of both the Pope County and the MPCA permit applications. Lindor asks about test wells and water sampling. Riggs and Kramer (owner) describe the test well locations and that they are sampled twice per year. Cooley follows up with more well and water quality questions. Riggs clarifies that the well sampling is a MPCA requirement. Cooley asks *where have you gotten your geologic and groundwater information from?* Riggs states that it is from onsite observation and explains the process of well drilling and groundwater flow. Cooley expresses concern for neighboring residential property owners and asks *what accommodations are being made for the neighboring property owners?* Gerde points out that the nearest neighboring property owner is Matt Laubach, who is one of the township supervisors, from which no complaints have been filed to our knowledge. Halls asks about compositing and other waste that may be received at the facility. Messenger points out that it appears that the list of acceptable items is much smaller that the list of unacceptable items. Cooley, *back to the wells, is there any leaching onto neighboring wells?* Riggs replies *that we test*

every year. Isdahl asks about annual volume received, to which Kramer (owner) replies *approximately 25,000cy*. Messenger mentions the amount of solid waste that may have come from the summer storms. Riggs replies that the volume of disposal was certainly impacted by both the Forada tornado and the summer storm hail damage. He noted that ongoing capacity will need to account for the strength and intensity of these type of storms. At 7:16 pm, Chairman Messenger opens a public hearing and seeks comments. There were no comments offered from the public in attendance, for or against the proposal at this time. The Public Hearing was followed by a site visit report as presented by Messenger, Feigum and Kannegiesser. Fiegum states that *it is a demolition site. Why would you want to go anywhere else. This site is already operating and has monitoring wells in place.* Messenger and Kannegiesser agree. More discussion amongst the PAC members ensued which included speed limits, dust control, fencing and hours of operation. Chairman Messenger seeks a motion on the application. Motion in support of a recommendation of approval with amended conditions is presented by Cooley and seconded by Isdahl. The motion is supported by a unanimous vote of all members. The following conditions are recommended by the PAC:

1. That the applicant/operator agrees to operate in accordance to plans and specifications submitted in support of permits and approvals of the State of Minnesota.
2. *That the applicant/operator agrees to apply an enhanced final cover over the entire landfill area if the MPCA approves of the requested additional capacity (523,515 CY) and a ten year permit.*
3. *That the applicant/owner provides a form of assurance to either the State of Minnesota, Glenwood Township or Pope County in an amount sufficient to cover the cost of closure. Cost of closure has been identified as 1.13MM for a soil based final cover or 1.40MM for a synthetic based final cover.*
4. That the owner/operator agrees to provide proof of a compliant onsite septic system that is to Pope County Land and Resource Management department.
5. That a vegetated buffer (trees) be maintained or a fence be installed for the purpose of mitigating debris leaving the site.
6. That the applicant/operator agrees to allow officials of the County on the property for site inspection purposes at reasonable times.
7. That any deviations from the submitted Narrative relating to design, construction plans, closure plans, or location must be approved by the Director.
8. Applicant is responsible for compliance with Minnesota Pollution Control Agency stormwater and erosion control permitting and for maintaining any installed best management practices (BMPs) throughout the project.
9. That a contact name and number be provided in the event of emergencies and **weed management issues**.

10. Failure to meet any of the conditions listed above may result in revocation of this permit following procedures established by and listed in the Pope County Land Use Controls Ordinance.
11. *Hours of operation are limited to 7:30 a.m. to 5:30 p.m. Monday through Friday. Hours of operation may be adjusted, upon concurrence with the L&RM Director, for special circumstances which may include Saturday hours.*

7:44 p.m. recess/break

7:57 p.m. reconvene

IUP- Nonconfinement Feeding Area(s), applicant Reichmann Land and Cattle

Chairman Messenger introduces the item followed by staff report as presented by Director Green. Staff recommend approval of the application with the following conditions:

1. Approved NFAs and Stocking Densities:

NFA Field Name	NFA Acres	STAFF RECOMMENDATION			Approved via:	
		Approved Stocking Density (Head/ Acre)	Approved Stocking Density minus Exclusion Areas (Head/ Acre)	Approved # of Cows	I.U.P.	By Right
Kuseske North	147	4.53	4.59	675	X	
Kuseske South	144	4.53	4.69	675	X	
Greens	68	3.80	8.38	570	X	
Peterson NE	7	1.30	4.29	30	X	
Culbertson/ Peterson	168	4.19	5.76	968	X	
P123	241	4.08	4.02	968	X	
R123 (R1T1)	181	2.61	6.36	1152	X	
R4	89	1.34	6.66	593	X	
J1*	38	*	*	*		X
P5&8	108	2.08	4.58	495	X	
Lange	346	4.56	4.77	1650	X	

*J1 is restricted by setbacks from sensitive environmental features, shoreland zoning and the density limitation within ¼ mile of the City of Villard. As a result, there is 31 acres available at 2 head per acre = 62 cows. The remaining 7 acres can be populated at 4.5 head per acre = ~ 31 cows. The total number of cows that can occupy the NFA is 93. Being that there are less than 300 animals and the overall density is less than 4 head/acre,

the use is permitted by right. However, the applicant/owner/operator is obligated to conform with all adopted performance standards.

2. The effect of the I.U.P. is limited to five (5) years at which point it will need to be renewed by approval of the County Board of Commissioners.
3. Any modifications to the individual NFAs including operational ownership, boundary changes or increases in total number of cows, requires an amendment to the permit, which requires approval by action of the County Board of Commissioners.
4. The identified intermittent stream locations may be amended, if the location has been altered via natural meander or physical manipulation, upon verification by the Director.
5. There needs to be concurrence from all property owners, i.e., Wanda Lange, Curtis Reichmann, and Allan & Kathleen Kuseske.
6. Amend/update the Manure Management Plan and the 6 Year Phosphorus Plan based on permitted totals.
7. Feeding operations are to be managed in a manner so as to keep cattle out of the Shoreland zoned areas, otherwise these environmentally sensitive areas must be fenced so as to keep the cattle out during winter NFA operations. The Director will evaluate effectiveness of management practices and determine if fencing is necessary to achieve the objective.
8. The Shoreland zoned area on the Peterson NE Tract is to be fenced out.
9. The intermittent stream identified in the northeast corner of Tract Greens needs to be fenced to assure that cattle do not encroach on this sensitive feature.
10. The applicant needs to provide updated soil tests for Greens Tract, Culbertson-Peterson Tract and the Kuseske South Tract.
11. The applicant and/or property owner(s) are each responsible parties for conformance with setback standards as identified in section 10.3.6.E.2, reporting requirements as identified in section 10.3.6.E.5.d. and 10.3.6.G.1.d. and acknowledges that County staff will verify compliance as specified in section 10.6.3.F.1.
12. The applicant and/or property owner(s) are each responsible parties for managing pollutant runoff as a result of stormwater events. Staff may perform post storm event (24 hour/0.5 in) site visits to verify compliance with standards and that BMPs are in place and effective.
13. Failure to meet any of the conditions listed above may result in revocation of this permit following procedures established by and listed in the Pope County Land Use Controls Ordinance.

Discussion with applicant and consultants Ion Olson and Brent Louwagie (Centrol). Reichmann points to a 24 year history of the land use activity. Lindor asks Reichmann if he is in agreement with the conditions as proposed by staff. He says that *they could work with that.* A follow up

question by Lindor, *how can staff assure compliance with stocking densities and other conditions?* Reichmann replies, that *it is up to the county or state for enforcement. We have been inspected many times.* Reichmann mentions a *Major Agreement* that was negotiated and that ever sense *they have worked just fine with PCA.* Cooley points out comment submitted by MPCA. Isdahl states position that if anything is a violation of PCA standards then the PCA should be the enforcement agency. Reichmann asks *how many times has staff received that same comment from the PCA in the past?* Reply by Green, *multiple times over recent years.* Cooley comments about the significant increase in the number of cows being fed and that an SDS should be required. Cooley continues, that the zoning is designated as A-1 and shouldn't be used this intensely and that based on the number of animals involved that *this is the largest project in Pope County*. Kannegiesser states that the practice of using manure for fertilizer is a benefit and that more farmers would like to do it (use cows to graze post harvest residue) but are not equipped to do so. At 8:22 pm, Chairman Messenger opens a public hearing and seeks comments.

Comments in support of application

Cindy Kuseske, Westport: *We welcome this land use. Having cows on our crop fields will help put organic matter back on our fields.*

Comments in opposition of application

Ed Lussman, Villard: *How come Reichmann can stockpile manure in the City of Villard?*

Allan Cooley, Villard: *This area is A-1. Is this mentioned in the Grand Agreement?*

Thomas Mahoney, Walden: *This item should be tabled until further research. I'm annoyed about no access to public comments* (references public comments submitted through web page access).

Ron Cinn,Leven: *Need more time to make this decision.* Commented that more public should be notified and involved and also commented on water quality of Lake Amelia.

Mary Jane Skurat, Leven: *MPCA should check wells. It is important to think about the City of Villard and their wells.*

With no more comments offered from the public in attendance, the Chairman declares an end to the public hearing at 8:34 p.m. The Public Hearing was followed by a site visit report as presented by Messenger, Feigum, and Kannegiesser. Kannegiesser comments about the process of loading and unloading cows, their need for acclimatation, and the overall operation. He noted that on the day of the site inspection that there was crop in the field yet to be harvested and that there were some areas that were planted with cover crop. Feigum states that *I don't really have much to add*. Messenger adds that there appeared to be one little area of concern and that was the acclimatation area. Cooley follows with a comment regarding the elevated phosphorus level in the acclimation area. She mentions that Reichmann could be a good neighbor by relocating the acclimation so that any discharges would not flow towards Villard. Reichmann responds that they have been working to address any potential runoff issue with berms and vegetative buffers

and that in fact the water flows away from Villard east to the Sauk River not towards Villard. Cooley raises issue about having cows occupy land within one quarter mile of the city of Villard. She offers that it would be a good neighbor policy to agree to not feed cows in that area. She asks Reichmann if he would agree to that. In response Reichmann is not willing to forgo having cow in that ¼ mile range but will adhere to the permitted threshold. Cooley makes a motion to approve of the NFA application conditioned upon owner installing a fence at ¼ mile from the Villard city that would prevent any cows from being in that area, no cows being in the acclimatation area, additional fencing be installed in tract P123 and around any residences and the stocking density for tract Greens to be reduced to 4.5. Chairman Messenger seeks a second for the motion. After three calls the motion fails from lack of support. Cooley makes a second motion for approval this time conditioned upon no NFA being stocked at greater than 300 cows. Chairman Messenger seeks a second for the motion. Motion fails from lack of support. Halls makes that following motion 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. Motion in support of a recommendation of approval is presented by Feigum and seconded by Halls. The motion is supported by a majority vote of all members. Cooley does not support the recommendation.

Adjournment

With no other business to address, Chairman Messenger adjourns the Planning Advisory Commission meeting at 8:54 pm.

Respectfully submitted,

David J. Green

David Green/Director
Pope County Land & Resource Management