POPE COUNTY
MINNESOTA

MEETING MINUTES
POPE COUNTY PLANNING ADVISORY COMMISSION
Thursday, October 24, 2024

The Planning Advisory Commission convened in regular session on Thursday, October 24, 2024 at the Pope County Courthouse, 3rd floor Meeting Room.

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

Other Officials Present: David Green *by Webex* (Director, Land & Resource Management), Jessica Hill (Zoning Administrator, Land & Resource Management) and Shelley Retrum (Sr Administrative Associate)

Call to Order

The meeting was called to order by Chairman Messenger at 6:34 p.m.

Acceptance of Agenda

There were no additions or corrections to the agenda noted. Gerde made a motion to approve the agenda as presented. Motion seconded by Barkeim. Motion carries unanimously.

Review minutes of September 26, 2024

The minutes of the Planning Advisory Commission meeting held on Thursday September 26, 2024 were submitted for approval. Motion by Barkeim to accept the minutes as written. Motion seconded by Isdahl. Motion carried unanimously.

Tabled/Old Business/Other Business:

Old Business

Cannabis Ordinance

Director Green comments that he would like to give the board an opportunity to provide any feedback. There is more work to be done on this but welcomes any and all feedback.

New Business

Conditional Use Permit (C.U.P) #24299 Shoreland Alteration

Application by Twilight Bay- Tom Amberg and James Rudnick (present) (PID #08-0420-000)

Board Chair Messenger introduces the item, followed by a staff report as presented by Zoning Administrator Hill. Staff supports a recommendation of approval of the project as proposed with conditions stated in staff report.

The applicant, Tom Amberg was provided time to comment on the proposed project. The applicant indicated *the original rip rap was done approximately 47 years ago and it needs to be updated so that it doesn't continue any further wear and tear. Galen (Gruber) from the Land & Resource Management office was out to our site. All we are wanting to do is add to the rip rap. We also added gutters and tile to help with the run-off.*

Board Chair Messenger announces that the public hearing was in order and offers to receive comments from the public. With no one providing comment in support of or against the application, the Chairman closed the public hearing.

Members of the PAC Site Team provided comments including a comment from Cooley pointing out comments made from the DNR indicating *it does serve a purpose.* Barkeim adds *the installation of gutters and the tile work is a positive for the run-off.*

With no other comments or questions, Gerde makes a motion to recommend approval of the Conditional Use Permit provided that the conditions as identified in the staff report are complied with. The motion is seconded by Barkeim. Motion carried unanimously. Conditions as follows:

1. Compliance with Section 7.3 of the Pope County Floodplain Management Ordinance.
2. The applicant's shoreland alteration permit application must include erosion and sediment control plans conforming to the MPCA Construction Stormwater Permit to protect adjacent waterbodies, neighboring properties, ditches, and wetlands from negative impacts due to erosion.
3. Prior to any construction activities, all required permits must be secured from Township, County and State agencies including a NPDES permit if necessary.

Interim Use Permit (I.U.P.) #24300 Mining Operation

Application by Josh Sundheim (present) PID 15-0089-000

Board Chair Messenger introduces the item, followed by a staff report as presented by Zoning Administrator Hill. Staff recommends that the owner/applicant provide proof of a Natural Heritage Review request to the DNR prior to a recommendation of approval. Staff supports a recommendation of approval of the project as proposed with conditions stated in the staff report. Barkeim comments *do we possibly put a stipulation on an end date?* Zoning Administrator Hill references *condition #14 states the Interim Use Permit is in effect for ten (10) years and also condition #10 states applicant/operator provide assurance in the amount and form acceptable to the Board of County Commissioners.*

The applicant, Josh Sundheim was provided time to comment on the proposed project. The applicant indicated *the pit has been open for 30 plus years. My parents own the pit and I manage the property for them. We are looking to expand and it seems like there is definitely a need between the County and the Township.* Luke Lippert with Central Specialties is also present but has no further comments to add.

Board Chair Messenger announces that the public hearing was in order and offers to receive comments from the public. With no one providing comment in support of or against the application, the Chairman closed the public hearing.

Members of the PAC Site Team provided comments indicating *it has been a gravel pit for many years and it appears no neighbors are opposed. Seems to be a good plan and a responsible bunch.*

With no other comments or questions, Isdahl makes a motion to recommend approval of the Interim Use Permit provided that the conditions as identified in the staff report are complied with. The motion is seconded by Kannegiesser. Motion carried unanimously. 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. Secondary containment barriers shall be located below any onsite fuel tanks to prevent potential contamination of soils and ground water supply.
3. 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.
4. No subsurface sewage treatment system is to be installed in the mining and extraction area.
5. Operator to provide an on-site bathroom facility, such as a Porta John, for the safe storage and disposal of human waste.
6. Compliance with the operating standards as specified in Section 10.2.3.D of the Pope County Land Use Controls Ordinance.
7. Compliance with the permitting requirements of Township and State agencies.
8. 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.
9. Reclamation, rehabilitation and revegetation is to be in accordance with plan as approved by the County Board. *(details necessary)*
10. Applicant/Operator to provide evidence of assurance in an amount and form acceptable to the Board of County Commissioners in the amount of $5,000 per acre, equating to $5,000 x 4.5acres or $22,500.00.
11. The provisions of the MN Noxious Weed Law must be followed on all areas of the facility.

12. No waste materials may be disposed of on the property including trees, stumps, asphalt, concrete, metal, construction materials, or plastics.

13. 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.

14. 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 7:07 p.m. a motion was made by Kannegiesser to adjourn the Planning Advisory Commission meeting. Motion seconded by Gerde. Motion carried with no dissenting votes noted.

Respectfully submitted,

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