

**McLEOD COUNTY
PLANNING ADVISORY COMMISSION
MEETING MINUTES
May 13, 2020**

1. CALL TO ORDER:

The regular meeting of the McLeod County Planning Advisory Commission was called to order at 9:30 am by Chairman Larry Phillips at the McLeod County Environmental Service Center, Large Conference Room. Members present were Larry Phillips, Paul Merkins, Charles Hausladen, Commissioner Rich Pohlmeier and David Hoernemann. Also present were Marc Telecky, Environmental Services Director and Sandra Posusta, Secretary.

Others present: Rodney Manderscheid, Jon Mueller of McLeod County Chronicle, Mr & Mrs Joel Foster, Joshua Kosek, Joseph & Holly Neaton, Richard Waage, Ron Vorlicek, Mr. & Mrs. Ron Blazinski, Tammy Stifter, Hale Township Clerk, Ron Mickoliched, Hale Township Board Member, Cullen Kobayashi, Donald Mielke, Jonathon Posusta, Land Grobe, and others.

2. ACTION ON MINUTES:

Upon review of the February 26, 2020 meeting minutes, Paul Merkins noted a correction needed for the spelling of Mr. McKormick which should be with two (2) “Cs” and not a “K.” The Secretary so noted the correction of McKormick to McCormick.

With no other corrections to note, Paul Merkins motioned to approved the meeting minutes with the so noted correction. A second motion was made by Charles Hausladen. The motion carried unanimously amongst the Board.

3. PUBLIC HEARINGS

1) 2-LOT PRELIMINARY PLAT 20-01, Rodney Manderscheid, Hutchinson Township

Chairman Phillips introduced a 2-Lot Preliminary Plat applied for by Rodney & Tracy Manderscheid and handed the floor over to Director, Marc Telecky.

Mr. Telecky explained the applicant requests approval to split an existing platted lot with a dwelling into two (2) platted buildable lots by adding 100.3’ of tillable land to the south of the existing platted lot. This request is a re-plat of an existing platted lot (Lot-1 Block1 Woodlands Second Addition Subdivision) located in an “R-1” the East One-half of the Southwest Quarter of Section 35 in Hutchinson Township. Transportation comes off of Memory Circle.

Bob Schlueter of Hjerpe Contracting submitted soil borings and Jacob McLain, County Environmental Tech II, reviewed the soils and indicated a standard septic system can be installed on the property.

Staff does not have concerns with this request. Preliminary review of the site does not indicate hydraulic soils (wetlands). This area meets the criteria of platting/rezoning due to the area being contiguous to an existing “R-1” Rural Residential zoned subdivision (Woodlands Subdivision).

The Board of Hutchinson Township unanimously recommended approval at their March 12, 2020 meeting.

Christy Christensen, GIS Director provided comment stating the original plat was done in 1995 and has no concerns with this as requested.

A copy of the Preliminary Plat sketch completed by Jeff Rausch of Pellinen Land Surveying is provided in the packets.

The Board viewed the property during a road tour for the Sketch Plan. What Mr. Manderscheid is asking for is to create another lot. There's a pole shed on that lot that in which Mr. Manderscheid would like to build a Shoust (Shed House). Time to downsize.

Larry Phillips asked for public comment. No one was present to make comment.

Paul Merkins confirmed with Mr. Manderscheid that he owns the land around this area. He does.

Mr. Hausladen asked about the people outside waiting in their vehicles if they might have comment.

Mr. Telecky said they've all been told of this item and clarified the process we're taking due to Corona Virus social distancing measures. All attendees will enter the main doors when the item is called in which they're present for, per the Agenda. Until then, they're to remain outside or in their vehicle until the next item is announced by our Staff, for the item(s) they are here for. We'll take a five (5) minute recess in between each item to allow attendees to exit through the Probation area entry way in order to prevent cross traffic. During the recess, the chairs and table tops will be sanitized. All seating chairs and the Board member chairs are seated six (6) feet apart. Masks, hand sanitizer and sanitizing cloths are available in the entrance. Again, this process is due to COVID-19 social distancing rules.

Mr. Hoernemann motioned to close the public hearing. Charles Hausladen seconded the motion. Motion carried.

Commissioner Rich Pohlmeier motioned to recommend approval. Paul Merkins seconded this motion. This motion carried unanimously.

Mr. Telecky said this item will be forwarded to the June 2, 2020 County Board Consent Agenda.

Chairman Phillips called for a five (5) minute recess.

Chairman Phillips called the meeting back to order and introduced the next application.

2) Conditional Use Permit 20-03 requested by Joe Foster, Winsted Township

Mr. Telecky explained the requested action applied for by Mr. Joe Foster to operate a boat/motor repair and storage business as a home occupation in an "R-1" zoned subdivision (Highpoint Addition). The location is Lot 3, Block 1, Highpoint Addition in the Southwest One-Quarter of the Southwest One-Quarter of Section 13 in Winsted Township. Transportation comes off of Babcock Avenue *County Road 1).

Mr. Foster has established a home occupation repairing and maintaining boats. Recently, this expanded into outdoor boat storage along with his repair and maintenance business. Both uses require a conditional use permit. Mr. Foster is requesting two (2) non-residential employees with this application request. Business hours are proposed to be 8am-6pm Monday – Friday and 9am– noon on Saturday's. The applicants are requesting a ten (10) square foot illuminated business sign with this request as well as seventy (70) outdoor storage spaces. The applicant has proposed natural screening (Arborvitae) south of the septic system to screen the storage spaces from County Road 1.

If approved, Environmental Services Staff would recommend the following conditions:

- 1) Hours of operation are 8am-6pm Monday – Friday and 9am – 12pm (Noon) on Saturday’s.
- 2) The outdoor storage spaces be screened on 3 sides (north, south, and west) to mitigate impact on neighboring property.
- 3) Outdoor storage spaces shall be setback a minimum of 10’ from side property lines and 100’ from the east property line.
- 4) No outdoor storage allowed between the house/detached garage and Babcock Avenue.
- 5) Free standing sign shall not exceed 10 square feet and shall not be illuminated (Zoning Ordinance does not allow for illuminated signage)

John Brunkhorst, County Highway Engineer, provided comment on February 27, 2020 stating no major concerns. He requested to add a condition into the permit that if access in the future becomes to busy or there are safety concerns that develop then he would like to look into a turn lane which would be at the applicant’s cost.

Adam Birkholz, Winsted City Administrator, encourages screening of the storage areas but does not have any concerns with this request.

Charles Hausladen asked Mr. Foster if he’s planning to grow bigger. That idea is was being entertained now but not planning on growing anymore due to medical concerns that started in January 2020 and now needs to slow down. Thus, the reason for the two (2) employees.

David Hoernemann discussed the concerns of the Highway Department regarding traffic becoming a safety issue and questioned peak time during the year. Spring and Fall are peak times, but there are no foreseeable issues with the traffic.

Mr. Telecky explained the verbiage that Mr. Brunkhorst is asking for is to note that if it does become a life/safety issue, in order to mitigate this as far as access coming off of Babcock Avenue then should the business have grown, then it is the responsibility of the applicant to add a turn lane. It’s very expensive, \$300,000 to \$400,000. If the traffic grows too much, the Planning Board could call the application back in and look at the activity and reduce those numbers. Much less expensive. We can add a condition to the permit.

Discussion ensued with the need to screen boats from Babcock Avenue and locations of screening needed on the property and setbacks from property lines and pipeline.

There were no comments received from neighboring properties.

Mr. Telecky shared comments received by Brian Anderson, Winsted Township Board member, stating Winsted Township approved of this request recommending a maximum of (75) boats to be stored and limit the illuminated sign to (8) feet. The Zoning Ordinance allows up to ten (10) square feet for signage, however illuminating signs are prohibited and cannot be directional toward the roadway.

David Hoernemann asked if the neighbor to the north has any issues. Mr. Foster said no because he works on his boat. The neighbor to the south should not be a problem.

Mr. Telecky shared that a complaint was triggered because of the number of units that are visible from the road. The Township was notified and the issue was forwarded to the Environmental Services office.

With there no comments from the public, Charles Hausladen motioned to close the public hearing, seconded by Commissioner Rich Pohlmeier.

David Hoernemann would like comment by John Brunkhorst included as a condition regarding that if an increase in traffic occurs which causes safety issues that we are able to call the applicant back before the Planning Commission to discuss the need for a reduction of stored boats. Leave the sign as per the Ordinance, to be ten (10) square feet.

Larry Phillips asked if small solar lights would be okay. Mr. Telecky said they are, but no flood lights.

Types of screening and where to screen were discussed and noted natural screening is less intrusive to neighbors versus a fence. The applicant should work with the Environmental Services Staff and Soil & Water Conservation District (SWCD) to create a natural screening plan.

Paul Merkins said we need to remember it is an “R-1” Residential zoning property.

Discussion took place regarding where water sits, and where the screening should be.

Mr. Telecky addressed Chairman Phillips and asked if he could explain easements as per the Zoning Ordinance. “On a platted lot in the Subdivision Ordinance in McLeod County, there is a ten (10) foot easement on each side of the common property line. So, on the north boundary there’s an easement area we don’t permit in because it’s for utilities and drainage.” said Mr. Telecky.

Mr. Telecky asked Mr. Foster, “You’ve been there since 2003, but when did expansion into the boat storage begin?” Mr. Foster believes it was near 2005 and got up to the current number around 2013-2014. Mr. Telecky said it shows that issues that need to be mitigated are kept to a minimum, traffic is kept to a minimum, but when the storage component

The Board discussed the conditions they wish to recommend.

Paul Merkins questioned the selling of boats or having a display. Mr. Foster was firm that he would not be selling any boats, ever, and will not display any. He maintains, repairs and stores.

Mr. Telecky asked Mr. Foster if he agreed with the recommendations. Mr. Foster does agree.

After all discussions were complete, Charles Hausladen motioned to recommend approval of this request with conditions, seconded by David Hoernemann. The motion carried with the following conditions:

- 1) Hours of operation are 8am-6pm Monday – Friday and 9am – 12pm (Noon) on Saturday’s.**
- 2) The outdoor storage spaces be screened on 3 sides (north, south, and west) to mitigate impact on neighboring property. An approved screening plan shall be submitted to McLeod County Environmental Services by July 1, 2020 and implemented by July 1, 2021.**
- 3) Outdoor storage spaces shall be setback a minimum of 10’ from side property lines and 100’ from the east property line.**
- 4) No outdoor storage allowed between the house/detached garage and Babcock Ave.**
- 5) Free standing sign shall not exceed ten (10) square feet and shall not be illuminated.**
- 6) Up to two (2) non-resident employees allowed with this permit request.**
- 7) If safety concerns arise on Babcock Avenue right-of-way, applicant, Mr. Joe Foster agrees to appear at a McLeod County Planning Commission meeting to discuss mitigation.**

Mr. Telecky said this item will be forwarded to the June 2, 2020 County Board Consent Agenda.

Chairman Phillips called for a five (5) minute recess to allow attendees to exit, sanitize tables and chairs and provide notice that the next agenda item will begin in five (5) minutes.

Chairman Phillips called the meeting to order for Conditional Use Permit 20-04.

3) Conditional Use Permit 20-04 requested by Joe & Holly Neaton, Hale Township

Joe & Holly Neaton made application requesting approval of a conditional use permit for the purpose of a home occupation for the storage of boats in an accessory building greater than 2400 square feet, (100' X 300') for a company they work for providing boat storage only. This would be regulated as a home occupation, if approved. The lot size is approximately 88 acres located in the "A" Agricultural District of Section 35 in Hale Township.

A Land Use Permit was issued in March 2017 for the construction of a 120' X 200' pole shed.

The Hale Township Board recommended approval at their March 12, 2020 meeting. There were no comments or concerns received to the Zoning Office from neighboring property owners.

Mr. Telecky read aloud the considered conditions that Staff recommends, including indoor storage only, hours of operation will be Monday – Friday 8am to 6pm between September 1 and May 31 each year. This home occupation shall not employ more than four (4) non-resident employees.

Chairman Phillips asked at what size are sprinklers needed per state standard. Mr. Telecky advised Mr. Neaton to check into state requirements for sprinklers and fire suppression. This area is zoned "A" and other properties that were required to install sprinkler systems are zoned Industrial.

Mr. Neaton explained that he and Holly work for a boat company and they simply store boats for this business. The same two employees come from the company to bring boats and pick them up. Storage is mostly September through May 31.

Charles Hausladen asked if boats will be stacked. Mr. Neaton confirmed boats will not be stacked at any point. There are approximately seventy (70) boats. They come in on trailers and stay on their trailers until they leave.

With no neighbors available to comment, Paul Merkins made a motion to close the public hearing. Charles Hausladen seconded the motion. Motion carried.

Paul Merkins question the hours of operation not including Saturday hours.

David Hoernemann questioned if that might be a concern of inconsistency if we don't include Saturdays.

Mr. Neaton commented that they don't want Saturdays. Mrs. Neaton said they work for one company that they provide storage for. Saturday hours are not necessary. The same two people always come in.

Charles Hausladen made a motion to recommend approval with conditions as noted on the Zoning Staff Report, seconded by David Hoernemann. The motion carried with the following conditions:

- 1) Hours of operation for picking boats up or dropping off for storage shall be Monday – Friday 8am -6pm. Storage will occur between September 1 to May 31 each calendar year.**
- 2) This conditional use permit request is specific to indoor boat storage. No outdoor storage permitted.**
- 3) This home occupation shall not employ more than 4 non-resident employees.**

Mr. Telecky said this item will be forwarded to the June 2, 2020 County Board Consent Agenda.

Chairman Phillips called for a five (5) minute recess to allow for sanitizing of meeting room and to allow attendees to enter for the next application.

Chairman Phillips called the meeting back to order and requested Mr. Telecky to explain the next application on the agenda.

4) Conditional Use Permit 20-06 requested by Josh Kosek, Sumter Township

Marc Telecky shared the Staff Report by explaining this request by applicant, Josh Kosek, for a mining conditional use permit on property he owns. This is a renewal of a pit the late Dan Rickert was in previously and is for the purpose of gravel mining, screening, and stockpiling of material in an existing gravel pit area for a 5-year time period. The primary haul route will be from the pit to 130th Street to State Highway 15. The secondary haul route will be 130th Street to Page Avenue, (CR 25). Mr. Kosek will reclaim the pit to a 4:1 side slope as he excavates. The pit will be filled in as mining occurs in order to restore and minimize run-off and erosion. Stockpiles will be a maximum height of 35'. The hours of operation will be 6:30am to 7:00pm Monday – Friday and 7:00am to 12:00pm on Saturdays on an as needed basis. A 24-hour notice shall be given to the McLeod County Environmental Services Office if work will be occurring on a Saturday.

This gravel pit is located in the “A” Agricultural area within 4.559 acres of That Part of the Northwest One-Quarter of the Northeast One-Quarter of Section 6 in Sumter Township. A mining conditional use permit was previously issued in 2014 and the 5-year timeframe is up for renewal.

If approved, Mr. Telecky read aloud conditions they may wish to consider:

- 1) The applicant shall submit a bond or letter of credit to McLeod County Environmental Services by June 15, 2020 in the amount of \$5,000.
- 2) Hours of operation are Monday – Friday 630am – 7pm. Saturday’s shall be permitted as needed with a 24-hour notice to McLeod County Environmental Services. Saturday hour shall be 7am -12pm (Noon)
- 3) Applicant shall meet all state NPDES requirements and apply for a DNR de-watering permit if needed.
- 4) Applicant shall restore pit area to a 4:1 back slope for wildlife purposes.
- 5) Stockpiles shall not exceed 35’ in height.
- 6) McLeod County Environmental Services shall inspect all restoration work completed and approve with letter acknowledging completion to release bond or letter of credit back to applicant.
- 7) Applicant shall follow all mining standards contained in Section 16 of the McLeod County Zoning Ordinance if not further restricted by this permit.

Sumter Township Board recommended approval at their April 14, 2020 meeting. John Brunkhorst, County Highway Engineer, provided comment on May 4, 2020. County Road 70 is a gravel road. The applicant shall provide dust control as necessary and also restoration repair due to excessive hauling. Megan DeSchepper, MnDOT, District 8, sent an email on May 5, 2020 stating no comment.

Charles Hausladen asked if there was more gravel in the area. There is but its in a different location on the property.

Discussion took place regarding bonding for reclamation purposes.

Josh Kosek commented that he intends to clean this area up and then apply for a new permit down the road. There will be screening but no crushing is planned.

Paul Merkins asked how much gravel is in this five-acre area. Mr. Kosek said 2,000 to 3,000 yards per year and will run out before the five years are up.

Mr. Phillips asked for public comment. There were none.

Paul Merkins motioned to close the public hearing. Commissioner Rich Pohlmeier seconded the motion. Motion carried.

Mr. Telecky explained that the applicant is responsible for dust control, road repair, and standards contained in Section 16 of the McLeod County Zoning Ordinance.

Paul Merkins made a motion with the conditions listed on the Staff Report. Charles Hausladen seconded the motion. The motion carried with the following conditions:

- 1) **The applicant shall submit a bond or letter of credit to McLeod County Environmental Services by June 15, 2020 in the amount of \$5,000.**
- 2) **Hours of operation are Monday – Friday 630am – 7pm. Saturday’s shall be permitted as needed with a 24-hour notice to McLeod County Environmental Services. Saturday hour shall be 7am -12pm (Noon)**
- 3) **Applicant shall meet all state NPDES requirements and apply for a DNR de-watering permit if needed.**
- 4) **Applicant shall restore pit area to a 4:1 back slope for wildlife purposes.**
- 5) **Stockpiles shall not exceed 35’ in height.**
- 6) **McLeod County Environmental Services shall inspect all restoration work completed and approve with letter acknowledging completion to release bond or letter of credit back to applicant.**
- 7) **Applicant shall follow all mining standards contained in Section 16 of the McLeod County Zoning Ordinance if not further restricted by this permit.**

Mr. Telecky said this item will be forwarded on to the June 2, 2020 County Board Consent Agenda.

Mr. Phillips called for a five (5) minute recess to prepare the meeting room for the next application.

Mr. Phillip called the meeting back to order and announced item number five (5) on the agenda and handed the floor over to Marc Telecky.

5) Mining Conditional Use Permit 20-02 Craig Reiner, Acoma Township

Marc Telecky introduced Craig Reiner (Reiner Contracting) who’s requesting a re-application of a Conditional Use Permit for gravel mining, concrete and asphalt recycling, crushing, and stockpiling of material for a 5-year time period. This pit was originally permitted in 2013 and re-permitted in 2019. Mr. Reiner will be exceeding the re-permitted size of 7.55 acres thus requesting an increase to the excavation limit. The lot size is 35 acres of the Southeast One-Quarter of the Southwest One-Quarter, Gov’t Lot 3 & 4 in Section 14 of Acoma Township. The adjacent land use is “A” Agriculture.

The haul route from the pit access directly enters onto Vista Road (CR 9) which is paved access. 30,000 cubic yards of material is estimated to be processed in the pit area over the next five (5) years. The pit will be restored to a 4:1 side slope for non-farming purposes. The topsoil stripped and stockpiled for use in reclaiming the side slopes. The stockpiles will not exceed 34’ in height.

The Hours of operation will be 6:30am to 7:00pm Monday through Friday and Saturday 7:00am to 12:00pm on an as needed basis with a 24-hour notice to the McLeod County Environmental Services Office in order to notify neighboring property owners.

Mr. Telecky shared that if this application is approved, the Board may wish to consider the following conditions:

1. The applicant shall submit a bond or letter of credit to McLeod County Environmental Services by June 15, 2020 in the amount of \$35,000.
2. The Hours of Operation are Monday-Friday 6:30am-7:00pm. Saturdays shall be permitted as needed with a 24-hour notice to McLeod County Environmental Services from 7:00am -12:00pm. Crushing shall not occur prior to 8:00am during hours of operation.
3. Crushing is allowed to occur in the pit area.
4. Applicant shall meet all state NPDES requirements and apply for a DNR dewatering permit if needed.
5. Applicant shall follow all mining standards contained in Section 16 of the McLeod County Zoning Ordinance if not further restricted by this permit.
6. Stockpiling of recyclable concrete and asphalt shall be permitted in the surveyed pit area.
7. Applicant shall restore pit area to a 4:1 back slope for non-farming.
8. McLeod County Environmental Services shall inspect all restoration work completed and approve with letter acknowledging completion to release bond or letter of credit back to applicant.

The Acoma Township Board recommended approval at their April 9, 2020 meeting.

Mr. Reiner does not intend to use any measures to control dust or noise in the pit area because the excavation is below adjacent natural grade.

The crushing activity is the primary concern by neighbors. The crusher will be brought in stay in the pit area in order to reduce noise and vibration.

Mr. Richard Waage, property owner directly across to the south, thanked Reiner Contracting for the nice well-built berm. The crushing hasn't been down in the pit and would prefer that it stay in the pit, otherwise no complaints. We're three (3) miles out of town and moved there for a reason.

Larry Phillips stated its hard to set-up in a pit when there is water. Last year (2019) was due to the extreme rainfalls we experienced.

Mr. Reiner said that the crusher should be able to be in the pits. In four and one-half days, we were able to removed twenty (20) tons. We will continue to try to minimize. As long as it doesn't rain, we'll be in the pit area. The large berm was constructed to assist with mitigating noise levels. The crusher is rented for about three weeks. We do not have one. Very expensive to rent. We try to get as much crushed as possible with the timeframe it is rented.

Mr. Telecky commented from 2013-2020, Mr. Reiner has made significant progress to mitigating concerns. Last year was very wet. This year is better. Crushing is an on-demand service.

Mr. Reiner shared they try to be the best as they can. The generator has been turned to the opposite direction to reduce noise. Crushing is project specific.

Mr. Waage said safety in the evening is important because there are dog walkers, runners, bikers and shared that Reiner Contracting drivers are good.

The lease drivers fly through and use jake brakes which really adds noise.

Craig Reiner said to call him when that happens. It's unacceptable and will be stopped immediately! Using Jake brakes and driving too fast is not acceptable.

Hours of operation were discussed in detail. The evening hours were requested to be earlier than 7pm.

Doug Tongen, neighbor west of Richard Waage, east of the project, shared there are seven (7) houses on Tiller Drive. There's a significant amount of noise and activity. There's isn't shoulder and limits access and safety of residents and 6:30pm – 7:00pm is not safe for residents to have outdoor time.

Mr. Reiner said we try to be out of there by 6:00pm and once in a while near 6:15pm. Mr. Tongen agreed that they have been out of the pit earlier than 6:00pm.

If there's Saturday work, the Environmental Services office would like prior notice so neighboring property owners can be informed of the activity. Per the Zoning Ordinance, the standard hours are 5:30am to 8:30pm. The Board has provided hours being mitigated per the location.

Mr. Reiner shared that the mining is project specific, such as Main Street.

Commissioner Pohlmeier told the audience that he is appreciative of concerns of the neighbors.

Mr. Telecky was appreciative of the public comments. It does not fall on deaf ears. Hours of operation are a concern. Also, we don't want to box the contractor in, especially when the demand is high.

Doug Tongen said he understands the demand and needed material.

Craig Reiner commented that a street sweeper was purchased just for this area and we're out multiple times per day. Close eyes are kept on the road. It's covered to control dust and the road is kept clean.

With no further comments, Charles Hausladen made a motion to close the public hearing portion of the meeting. Paul Merkins seconded the motion. Motion carried.

David Hoernemann made a motion to recommend approval with conditions as noted on the Staff Report and to add "below natural grade" to condition number three (3). Paul Merkins seconded this motion. The motion carried unanimously with the following conditions:

- 1. The applicant shall submit a bond or letter of credit to McLeod County Environmental Services by June 15, 2020 in the amount of \$35,000.**
- 2. The Hours of Operation are Monday-Friday 6:30am-7:00pm. Saturdays shall be permitted as needed with a 24-hour notice to McLeod County Environmental Services from 7:00am - 12:00pm. Crushing shall not occur prior to 8:00am during hours of operation.**
- 3. Crushing is allowed to occur in the pit area below natural grade.**
- 4. Applicant shall meet all state NPDES requirements and apply for a DNR dewatering permit if needed.**
- 5. Applicant shall follow all mining standards contained in Section 16 of the McLeod County Zoning Ordinance if not further restricted by this permit.**
- 6. Stockpiling of recyclable concrete and asphalt shall be permitted in the surveyed pit area.**
- 7. Applicant shall restore pit area to a 4:1 back slope for non-farming.**
- 8. McLeod County Environmental Services shall inspect all restoration work completed and approve with letter acknowledging completion to release bond or letter of credit back to applicant.**

Mr. Telecky said this item will be forwarded on to the June 2, 2020 County Board Consent Agenda

Chairman Phillips called for a five (5) minute recess.

Chairman Phillips called the meeting back to order and moved on to Item D on the agenda.

TABLED

1. Conditional Use Permit 19-23, US Solar Corporation, Property Owner, Donald Mielke

Mr. Telecky explained the details of hearings by reading off of the Staff Report included in today's packets.

This application was originally heard by the Planning Advisory Commission on January 22, 2020 and voted to table this application until February 26, 2020 in order to allow US Solar Corporation time to provide additional requested information in regards to screening concerns with the property owner, Donald Mielke. The Planning Commission voted to recommend approval on February 26, 2020 with ten (10) conditions.

The applicant signed a 60-day waiver. On March 17, 2020, the McLeod County Board of Commissioners voted to send this item back to the Planning Advisory Committee for further clarification on the proposed agreement between the applicant and the property owner for screening and tree planting. On March 18, 2020, the applicant signed an Indefinite Waiver due to COVID-19 Stay at Home Order by Governor, Tim Walz.

A letter received from property owner, Donald Mielke, dated and signed April 24, 2020 was read in full by Marc Telecky indicating, in brief, that he supports the project moving forward and the conditions provided by the Planning Advisory Committee and is in full agreement with the proposed landscape plan. This project is a financial opportunity as he is retired and hopes to provide for his children with the land and finances someday.

Mr. Cullen Kobayashi, United States Solar Corporation, Inc., refreshed the audience of the proposed project and leased land from property owner, Donald Mielke. In regards to the drain tile, they will work with a local drain tile company to reroute and properly care for the tile in this area. When the project is completed and no longer in use, US Solar Corporation will remove all trees at their cost and pay for decommissioning of the project. This project has been approved by Xcel Energy. A lot of engineering goes into this and is not taken lightly. There are no wetland impacts.

Mr. Kobayashi said to the audience that he is hopeful that they can all come together with support of the project and the land owner.

Mr. Larry Phillips stated to the audience that the Boards have heard all concerns from the neighboring property owners at the various meetings. Please bring forth discussion of the reasons why it was tabled as we've heard all of the other concerns already. We did hear you.

Donald Mielke said all of his concerns have been answered with US Solar Corporation.

Jon Posusta is my land renter and asked Mr. Posusta if he had any concerns. Mr. Posusta said he does have some issues, specifically the tile on the north that will be affected by trees.

Marc Telecky replied if there are problems with drainage, it is the responsibility of the applicant to fix those problems. If something comes up that we cannot foresee today, that the burden of proof will be on the applicant to fix and if they're willing to accept that then it is a way to mitigate that issue. He went on to explain a tile issue that arose with another solar company and property owner and how it was quickly mitigated by the property owner, the land renter, and the applicant.

Mr. Kobayashi said US Solar Corporation accepts the responsibility for any drain tile that needs to be fixed and will be sure to hire locally.

Mr. Vorlicek questioned if US Solar Corporation / USS Waterfowl will preserve Ron's tile line on the old line of the Hornicek area near this project.

Mr. Telecky addressed Mr. Vorlicek's concern. He suggested that condition number eight (8) be updated. He read aloud what he wrote down, indicating that it is the responsibility of the applicant. If they are not complying with the project, if approved, it could be revoked if conditions are not being followed.

Jon Posusta said tree roots will get in one-hundred (100) feet away. He explained a situation that occurred with obstruction and will take two to three years before to go bad.

Charles Hausladen said good PVC pipe will not allow roots to go through. A camera can scope the tile line, too, to locate the exact location of the obstruction. Mr. Kobayashi took note of this option.

Discussion continued about locations that would require screening.

Mrs. Ron Blazinski asked if this will affect their property value. Mr. Ron Blazinski said, "You don't care about me or what?"

Marc Telecky explained no adverse impacts have been proven to date on property values. The Northstar project in Chicago City is two-hundred times larger than this one and studies showed no signs of adverse effects.

It was asked if the solar panels cause health concerns. They're made of glass, silicone and a racking system and perfectly safe to operate said Cullen Kobayashi.

Mr. Blazinski asked if there would be toxic fun-off if panels get struck by lightning. And, down the road, sixty (60) acres of panels will be installed!

Mr. Kobayashi explained that we would not be permitted to do that today. We're only being permitted for the request on the application today. Mr. Telecky said in order to go bigger it would be required to go through this same permitting process. It requires a Conditional Use Permit.

Charles Hausladen said it must be signed off by a State approved licensed electric engineer.

All State laws and regulations are followed. A lot of testing and engineering goes into a project like this. All Xcel code regulations are followed. Rigorous stray voltage testing takes place. We need final inspection and approval by Xcel Energy for the permission to operate, shared Mr. Kobayashi.

Mr. Telecky asked if Environmental Services could receive a copy of the inspection logs prior to energization. Mr. Kobayashi said, "Yes, we'll get you that prior to energization of the project."

With no further discussion Charles Hausladen motioned to recommend approval of Conditional Use Permit 19-23 with the conditions as presented on the Staff Report, including the amendments and additions noted today. Paul Merkins seconded the motion. The motion carried unanimously with the following conditions:

- 1. A Bond or Letter of Credit in the amount of \$50,000 be provided to McLeod County Environmental Services Office prior to any permits being issued.**

2. Applicant shall restore the site to its original and natural state once the solar facility is no longer in use.
3. Contractor's Proof of Insurance during the construction of the facility.
4. Contact person and phone number for weed control and other concerns will be filed with the Environmental Services Office and there shall be a placard posted at the entrance visible from Falcon Avenue naming a contact person with a current phone number.
5. A landscape buffer plan and vegetative management plan shall be provided to the Environmental Services Office. Included in the plan shall be a row of maintained healthy living four feet trees with vegetative shrubbery along the exterior perimeter of the project boundary. This buffer shall be planted and maintained to remain healthy and live.
6. Agricultural fencing with two strands of barbed wire shall be installed for site security and safety around the perimeter of the project area.
7. Applicant shall meet all NPDES Permit requirements if required.
8. Applicant shall preserve the existing drainage tile and repair if any tile is broken. Repairs shall be performed by a drainage contractor. Tile lines may need to be rerouted along the roadside. The owner (owner = in case of transfer) of the solar project is responsible for damages and repairs of the existing drainage tile under the easement area of the owner.
9. Applicant shall obtain a permit from the Minnesota Department of Transportation for access off of Falcon Avenue (CR 15).
10. Stray voltage shall be tested prior to energization, after energization, and two years after energization.
11. Applicant shall provide copies of the Xcel Inspection Log and Reports to McLeod County Environmental Services Office prior to energization.

Mr. Telecky said this item will be on the June 2, 2020 County Board regular agenda.

OTHER BUSINESS:

- a) Marc Telecky updated the Board on items for the May 27, 2020 meeting and will provide a map to all locations as each Board member will review on their own due to Covid social distancing rules.

RECESS

With no further business to be discussed, Charles Hausladen motioned to recess until May 27, 2020. Paul Merkins seconded the motion, which carried unanimously.

Larry Phillips, Chairman

Sandra Posusta, Secretary