

REDWOOD COUNTY PLANNING COMMISSION

MINUTES

Meeting Date: February 23, 2015

A meeting of the Redwood County Planning Commission convened on Monday, the 23rd day of February, 2015, at the Redwood County Government Center.

The following members of the Redwood County Planning Commission were present: David Mattison, Mark Madsen, Mike Scheffler, John Rohlik, Jr., Kent Runkel and Commissioner Jim Salfer. Also present were the following individuals: Land Use & Zoning Supervisor Nick Brozek and Citizens: Shane Rasset, Brian Kletscher, John Kleinschmidt, Dale Hansen, John Graupman, Mary Martinson, Bill Martinson, Steve Ohlemann, Sharon Hollatz and Priscilla Klabunde.

At approximately 1:00 p.m., Chairman Madsen called the meeting to order.

At approximately 1:02 p.m., Chairman Madsen called to order a public hearing on a *Conditional Use Permit Application*, No. 2-15 submitted by Brian Kletscher, CEO of Highwater Ethanol, LLC to excavate and construct a 24.7 million gallon synthetically lined water holding pond.

Prior to the Planning Commission meeting, the Planning Commission members were provided an informational packet, which included the following information regarding the *Conditional Use Permit Application*, No. 2-15 submitted by Brian Kletscher, CEO of Highwater Ethanol:

1. A *Conditional Use Permit Application* has been submitted by Brian Kletscher, CEO of Highwater Ethanol, LLC, to excavate and construct a 24.7 million gallon synthetically lined water holding pond on the existing Highwater production facility site. The Highwater site is located west of the City of Lamberton, in the South Half, north of the railroad line, of Section 21, Lamberton Township. The proposed pond will be located in the southwest corner of the Highwater property, south of US Hwy 14, east of Harvest Avenue, and north of the Dakota, Minnesota & Eastern Railroad Corporation railway line.
2. The purpose of the holding pond is to supply water for use in the production of Highwater's products. The plan is for the water to be piped in from the Southern Minnesota Construction Quarry (Sioux Rock Quarry) in Cottonwood County. A pipeline will be built in Cottonwood County to bring water from the quarry to one of Highwater's two existing wells, also in Cottonwood County. From there the water will be pumped into Redwood County and to the proposed pond via existing pipeline.
3. The Highwater property is zoned I-1 Industry. The proposed location of the pond is currently tilled agricultural field.

4. Highwater was issued a Conditional Use Permit by the Redwood County Board of Commissioners in 2006 for the existing ethanol facility. In 2007 an additional Conditional Use Permit was issued to Highwater for the construction of a pipeline to carry well water to the site from Highwater's two wells in Cottonwood County. According to these permits, the annual capacity of the production facility is 50 million gallons of ethanol and 160,000 tons of dried distillers grains (DDG). Operational hours are 24 hours per day, seven days per week, 365 days per year.
5. Since 2007 the facility has seen minor building expansion projects, as follows:
 1. Land Use/Zoning Permit #253-11 for a building to store equipment and parts (2011);
 2. Land Use/Zoning Permit #83-12 for building to store cake lime, a byproduct of the ethanol process that is sold as a field additive (2012);
 3. Land Use/Zoning Permit #151-13 for a building used for corn oil extraction, a process used to separate the corn oil out prior to using the corn to make ethanol (2013); and
 4. Land Use/Zoning Permit #26-14 for two hoop-style plastic-clad cold storage buildings.
6. The corn oil separation process was added as part of a plan to begin production of biobutanol. Biobutanol is a similar fuel to ethanol in that it is produced by fermentation of biomass and can be made from corn.
7. Section 16, Subd. 5.D. of the Zoning Ordinance states that “[n]o person shall hereafter dig, excavate, enlarge, make, maintain or allow to be maintained, upon property owned or used by him, any open pit or excavation or any impounded water except for borrow sites and temporary sites as defined by this ordinance, without first making an application for and obtaining from the Board of County Commissioners and the County Planning Commission a Conditional Use Permit.” Since Highwater is proposing to excavate and maintain a pond for the purpose of holding, or impounding, water, they were asked to provide a Conditional Use Permit Application.
8. The proposed pond will measure 440 feet wide by 680 feet long, with a surface area of nearly 7 acres. The bottom of the pond will be 13 feet lower than the top of the dike around the pond. It is designed to hold water to a maximum depth of 10 feet, and a minimum depth of 1 foot. The purpose of the one foot minimum is to hold the synthetic pond liner in place. The surrounding dike will be sloped 3:1 and the unlined portions will be seeded with grass.
9. Perimeter tile will be installed around the pond and in the outlying areas. Tile will also be installed under the pond at a depth 2 feet below the pond bottom in order to prevent water from accumulating under the liner.

10. The dike and pond will be enclosed with a 6 foot tall chain link fence. An additional 5 foot tall chain link fence will be installed around the perimeter of that part of the Highwater property where the pond and its accessory structures are located.
11. An emergency overflow pipe will be located in southeast corner of the pond. This pipe will prevent the water level in the pond from exceeding ten feet.
12. The planned accessory structures to the pond include a 12' x 16' meter/control building and two in-ground lift stations.
13. A private drive to access the pond and accessory structures will be constructed from the existing Highwater entrance driveway and along the Highwater railroad spur.
14. The following bodies of water are located about a mile from the proposed pond site:
 1. Dutch Charley Creek – 5100 feet south of the pond;
 2. Pell Creek – 6300 feet west of the pond; and
 3. the Cottonwood River – 6300 feet north of the pond.
15. The watershed line between the Cottonwood River and Dutch Charley Creek is located just south of the railroad line. The pond will be located entirely within the Cottonwood watershed. Surface water falling south of the railroad grade generally runs in a southerly direction into Dutch Charley. Surface water falling north of the railroad grade generally runs northeast into the Cottonwood River. The elevation of the Pond area is flat, with the land generally dropping away to the northeast toward the Cottonwood River. However, it should be noted that the Martinson and Benedict dwelling sites, to the northeast, are on a ridge and are 8 to 14 feet higher in elevation than the land where the pond is to be built.
16. There is no setback required by ordinance from a water holding pond to a residence. The closest residence to the proposed pond is about ¼ of a mile distant. There are eight residences within 5000 feet of the proposed pond, as follows (distances measured from the proposed pond location to the edge of the residence building site):

1.	Thomas & Catherine Halter	23726 US Hwy 14	1100' west
2.	Arden & Jacalyn Imker	24794 120 th St.	3200' southeast
3.	Dean & Jodene Kronbach	23410 120 th St.	3200' southwest
4.	Dillon Imker	11552 Harvest Ave.	3400' south
5.	John & Merrilee Rogotzke	23347 US Hwy 14	3400' west
6.	William Martinson	24973 US Hwy 14	3700' northeast
7.	Leon Benedict	24983 US Hwy 14	4400' northeast
8.	James & Susan Imker	25224 120 th St.	5000' southeast
17. In addition to the above listed dwellings, the University of Minnesota Ag research facility is located 3600' north of the proposed pond site.

18. Highwater has current permits with the State of Minnesota, including a Water Appropriation Permit, Above Ground Storage permit (fuel), National Pollutant Discharge Elimination System (NPDES)/State Disposal System (SDS) permit, and an Air Quality Permit. Obtaining said permits is a condition of Highwater's 2006 CUP. Another 2006 condition is that Highwater comply with all governmental laws, rules, and regulations.
19. In June of 2014, after conducting noise testing, the MPCA determined that Highwater was in violation of its Air Quality permit. Highwater agreed to make changes to address the noise. In July of 2014, the MPCA issued an Administrative Penalty Order (APO), which included requirements for follow up noise monitoring, future annual noise monitoring, daily noise mitigation recording, and other noise retrofitting as needed. Highwater complied with the APO and was issued a new Air Quality Permit by the MPCA in September, 2014, which allows for the installation of two additional hammer mills and rotary scalper. Subsequently, Highwater passed the follow up noise test required to continue operations and the MPCA is currently in the process of issuing a letter of compliance to Highwater. Highwater still has to perform noise testing annually and provide a report thereof to the MPCA each year by Nov. 30. Additionally, Highwater must conduct noise testing and supply a report thereof within 30 days of the installation of the newly permitted hammer mills and scalper.
20. The above information regarding Highwater's Air Quality Permit violations and resolution thereof comes from the Findings of Fact issued by the MPCA board in connection with the issuance of the amended Air Quality Permit, and from recent email communications with MPCA employees in charge of permitting and enforcement. The information is provided here to show that Highwater is in compliance with State air quality regulations. However, the proposed holding pond should have minimal, if any, effect on air quality, and consequently noise issues related to the existing facility are not directly pertinent to Highwater's current CUP application.
21. In conjunction with the proposed pond project, Highwater has made applications to the State of Minnesota DNR for a Water Appropriations Permit and a Dam Permit. Copies of these applications have been supplied to the Environmental Office.
22. The water appropriations permit application is for a maximum total of 350 million gallons of water per year from three potential sources: (1) the Sioux Rock Quarry; (2) Highwater's two existing wells; and (3) the Cottonwood River. The primary source will be the Sioux Rock Quarry, which will supply up to 224 million gallons per year. Highwater has monitored the flow from the quarry and found a maximum flow of 4500 gallons per minute.
23. As part of the Water Appropriations Permit application, Highwater provided a Low Flow Contingency Plan. According to this plan, pumping will cease from the quarry when the nearby Little Cottonwood River is in a low flow state. When that occurs, Highwater will instead utilize its two existing wells. The DNR application asks to reduce the permitted water appropriation from the wells, which are currently Highwater's primary water

source, from 126 million gallons per year to 90 million gallons per year (for well #1) and from 56 million gallons per year to 26.5 million gallons per year (for well #2).

24. If there is insufficient water from the quarry and the wells, Highwater's third option will be to draw water from the Cottonwood River at a point 1.2 miles north of the Highwater facility. Water will only be drawn from the Cottonwood River if the flow of water in the river is above 3.7 cubic feet per second.
25. According to the terms of the DNR permit application, plant wastewater is treated with an RO system and reused. Water conservation practices, in addition to recycling, will include calibration of equipment and leak detection and repair.
26. Wastewater that cannot be recycled is trucked to a licensed sewage treatment plant.
27. The Dam Permit is required by the DNR for construction of the holding pond.
28. In addition to the required state permits, Highwater will be applying for a CUP from Cottonwood County for the construction of the water pipeline to pump water from the quarry to Highwater's existing water pipeline.
29. Section 11, Subd. 5 of Redwood County Ordinance requires that all buildings in the Industrial zone be set back at least 15' from the side lot lines and at least 40' from the rear lot line. Additionally, there must be a setback of 67' from the right-of-way of any public road. A "building" is defined in Section 22, Subd. 2, Paragraph 19 as "[a]ny structure for the shelter, support or enclosure of persons, animals, chattel or property of any kind." Additionally, a "structure" is defined in Paragraph 118 as "[a]nything constructed or erected on the ground or attached to the ground or on-site utilities..." Highwater's proposed holding pond will be constructed on the ground and will enclose water. The water, once pumped from any of the three permitted sources and thus captured by Highwater, will thereafter become the property of Highwater. Consequently the proposed holding pond is a structure to which the setback requirements apply according to the ordinance.
30. Section 11, Subd. 5, Paragraph 2.A.(3.) states that "*[i]n the event any building is located in a lot at the intersection of two (2) or more roads or highways, such lot shall have a front yard abutting each such road or highway.*" The Highwater property is located at the intersection of US Hwy 14 and Harvest Avenue. Consequently, the north and west sides of the lot are both "front yards" requiring 67' setbacks from the road right-of-way. Conversely, the south and east sides of the property are "rear yards" requiring 40' setbacks from the property lines. The 40' setback also applies to the railroad right-of-way. The railroad line is not a public road right-of-way, but is rather a private parcel owned by the Dakota, Minnesota & Eastern Railroad Corporation. Therefore, the 67' setback does not apply to the railroad.
31. The edge of the proposed pond will be 70' from the south parcel line (railroad property) and 4135' from the east parcel line. Thus it will meet the 40' rear yard setback on both

sides. Furthermore, the pond will be constructed 550' from US Hwy 14 and 240' from the center line of Harvest Avenue. Thus it will meet the required 67' right-of-way setback for both roads. The perimeter fence around the site will also meet the setbacks. The fence will be built 45' from the south parcel line, 490' from US Hwy 14, 3600' from the east parcel line, and 105' from the right-of-way line of Harvest Avenue.

32. The nearest wetland delineated on the National Wetland Inventory map is located on the west side of Harvest Avenue approximately 750 feet west of the site. The description code for the wetland is PUBFx¹.
33. There is no County or Judicial ditch or tile anywhere near the vicinity of the proposed pond.
34. The soils on the property, according to the maps maintained by the Redwood County Environmental Office, are as follows, from north to south:
 1. Normania loam, 0-3 percent slopes;
 2. Webster clay loam, 1-2 percent slopes;
 3. Glencoe clay loam, depressional, 0-1 percent slopes;
 4. Revere clay loam; and
 5. Wilmington clay loam.
35. According to information available on the United States Department of Agriculture website, Normania clay loam is typically deep and moderately well drained. Seasonal saturation depth is normally found at a depth of 50-120 centimeters. Clay content ranges from 18-33 percent. Sand content ranges from 30-50 percent.

1

Description for code **PUBFx** :

P System **PALUSTRINE**: The Palustrine System includes all nontidal wetlands dominated by trees, shrubs, emergents, mosses or lichens, and all such wetlands that occur in tidal areas where salinity due to ocean derived salts is below 0.5 ppt. Wetlands lacking such vegetation are also included if they exhibit all of the following characteristics: 1. are less than 8 hectares (20 acres); 2. do not have an active wave-formed or bedrock shoreline feature; 3. have at low water a depth less than 2 meters (6.6 feet) in the deepest part of the basin; 4. have a salinity due to ocean-derived salts of less than 0.5 ppt.

Subsystem :

UB Class **UNCONSOLIDATED BOTTOM**: Includes all wetlands and deepwater habitats with at least 25% cover of particles smaller than stones (less than 6-7 cm), and a vegetative cover less than 30%.

Subclass :

Modifier(s):

F WATER REGIME **Semipermanently Flooded**: Surface water persists throughout the growing season in most years. When surface water is absent, the water table is usually at or very near the land's surface.

x SPECIAL MODIFIER **Excavated**: Lies within a basin or channel that have been dug, gouged, blasted or suctioned through artificial means by man.

36. Webster clay loam is very deep, poorly drained, and moderately permeable. Seasonal saturation depth is 0-20 centimeters. Slay content ranges from 10-30 percent and sand content ranges from 16-46 percent.
37. Glencoe clay loam is very deep and very poorly drained. Typical seasonal saturation occurs at surface level. Clay content ranges from 25-35 percent and sand content ranges from 15-40 percent.
38. Revere clay loam is poorly drained. Seasonal saturation typically occurs at a depth of 0-30 centimeters.
39. Wilmonton clay loam is very deep and somewhat poorly drained. Seasonal saturation occurs as shallow as 1.5 feet. Clay content ranges from 24-33 percent and sand content ranges from 10-30 percent.
40. The proposed conditions for the *Application for Conditional Use Permit* submitted by Brian Kletscher on behalf of Highwater Ethanol, LLC, are attached hereto.

Shane Rasset and Brian Kletscher appeared before the Commission to explain the project. They presented the following information and it was discussed by the Planning Commission:

1. Plan to build a 24.7 million gallon capacity holding pond, which will measure 440' X 680' and the top of the dike will be 13' and the pond will hold a maximum 10' of water
2. The pond will be synthetically lined, located on Highwater Ethanol property and will be located on the south side of the entrance
3. The water will be used for the production of ethanol, distillers and other products produced at the plant
4. The water that will be in this pond will come from Southern Minnesota Construction Quarry located in Cottonwood County
5. Highwater Ethanol is currently working on their water appropriations permits, etc., from the DNR
6. There will be a meter building and lift station that will tie in with the existing well
7. The pond will be surrounded by a chain link fence with barbed wire on top. This will prevent unauthorized personnel or animals from gaining entry
8. Construction will occur mid-late April and will end prior to November 1st of this year
9. There were several questions regarding the reason for the pond construction. Are they short of water, are they eliminating their wells, have the neighbors complained about well drainage, etc.? Kletscher explained the following:
 - a. When the plant was initially built, there was an agreement with the DNR that there would be a 3rd water source (they currently use 2 on-site wells and pump water from a neighbor's tile line)
 - b. The quarry has high flow and low flow periods. Highwater wishes to catch as much of that water as possible and the pond will help them accomplish that, especially during period of low-flow (the pond will have a capacity that should last approx. 2.5 months)

- c. Water will be used to mix with ground corn; for cooling purposes; to produce steam, etc.
- d. They will still continue to use the two on-site wells, but as a secondary water source and ideally only December-February
- e. They will not increase water usage, but hope to reduce the amount of water because of reduced well usage
- f. The quarry water will be higher quality water than the water that comes from the wells so they are hoping to re-use the water on-site rather than hauling 1-2 trucks/day to St. Peter for wastewater treatment

Members of the public speaking in favor of the project: None

Members of the public speaking in opposition to the project: Steve Ohlemann and Bill Martinson.

A. Steve:

- a. How many gallons will be pumped out of the tile?
- b. How will the water be treated (there will be contaminants from blasting)?
 - i. He claimed to have had multiple phone conversations with Lucas Youngsma regarding the water from the quarry.
- c. Will there be an odor?

B. Bill:

- a. Lives 1/3 mile from the Highwater Ethanol plant
- b. Concerned about wells/ground water. Claims his well has gone dry.
- c. Landscaping at the plant took a lot of topsoil, etc.
- d. Smells odor from the pond
- e. Stated that the tile that Highwater gets water from actually goes downhill to Pell Creek

Scheffler pointed out that it would be in the best interest of the parties with the objections to produce paperwork that states the quality of the water that will come from the Southern Minnesota Construction Quarry. He also mentioned that this should help the area by using less well/ground water.

When those opposed to the project had finished speaking, Brian and Shane responded to some of their questions and statements:

A. Odor:

- a. Synthetically lined pond so there won't be any organic matter.
- b. The water will constantly move in and out of the pond, so no stagnation.
- c. They will aerate the pond if necessary
- d. The water in the pond will be cold

B. Usage:

- a. This will be the primary source of water, with the neighboring tile and 2 wells as back-up sources
- b. The quantity of water used on the site will not change, just the source of the water.

- c. Permitting through the DNR for up to 150 million gallons of water. Typically, they use 120 million gallons up to 130 million gallons, depending on temperature, etc.
- C. Contamination:
 - a. Highwater has conducted numerous water quality samples and the water from the quarry is better quality than is coming from the wells
 - b. The quarry has its own NPDS permit through the MPCA so any contamination should be dealt with before the water comes to Highwater
 - c. Lucas Youngsma has been the hydrologist that Highwater has been working with the last few years and is actually the person who suggested the quarry as a 3rd water source
 - d. The water will be treated before it goes into the plant, so there should be no concern about contaminants leaving the plant via steam, etc. Also, MPCA requires that the equipment “scrubs” the steam
- D. Tile Water:
 - a. The water drawn from the tile varies with rainfall, etc.
 - b. Highwater has some of its own tile that empties into it
 - c. Neither the tile water or storm water usage is reportable, but Highwater does keep internal records

Brozek shared some information that he had recently received from Paul Kimman with the water compliance and division of the MPCA. Kimman stated that Highwater is currently in compliance with their water permit and will have a regularly scheduled inspection coming up this year.

The hearing was closed at 1:45 p.m.

The board discussed the following:

- A. Aeration clause in conditions
- B. Condition #5 could cover the aeration issue if necessary
- C. Condition #9 – noise? Brozek feels this would apply mostly to the time during construction.

On a motion made by Runkel and seconded by Scheffler it was moved and passed unanimously that the *Conditional Use Permit Application*, No. 2-15 submitted by Brian Kletscher, CEO of Highwater Ethanol be recommended for approval by the Redwood County Board of Commissioners subject to the seventeen (17) recommended conditions.

At approximately 1:50 p.m., Chairman Madsen called to order a public hearing on a *Conditional Use Permit Application*, No. 3-15 submitted by Scott Gehrke, landowner, and Robert Fischer, Mayor, on behalf of the City of Morgan to excavate and construct a new wastewater treatment facility, consisting of a series of three (3) wastewater stabilization ponds.

Prior to the Planning Commission meeting, the Planning Commission members were provided an informational packet, which included the following information regarding the *Conditional*

Use Permit Application, No. 3-15 submitted by Scott Gehrke, landowner, and Robert Fischer, Mayor, on behalf of the City of Morgan:

1. A *Conditional Use Permit Application* has been submitted by Scott Gehrke, landowner, and Robert Fischer, Mayor, on behalf of the City of Morgan, to excavate and construct a new wastewater treatment facility, consisting of a series of three (3) wastewater stabilization ponds, on the following described real property, situated in the County of Redwood, State of Minnesota, to wit: Southwest Quarter of the Southwest Quarter (SW1/4 SW1/4), of Section 9, Township 111 North, Range 34 West, Morgan Township. The wastewater ponds will be used to process the sewage from Morgan and will replace the City's existing mechanical wastewater treatment plant. In conjunction with this project, a sewer force-main and lift station will be built to transport the wastewater from the City to the treatment ponds.
2. The Gehrke property, which is the proposed site for the wastewater ponds, is located at the northeast corner of Ranch Avenue and State Hwy 67. Ranch Avenue runs north along the west side of the property. State Hwy 67 runs from the northwest to the southeast and clips the southwest corner of the property. The ponds and associated accessory structures will take up the majority of the 40-acre parcel. The land is currently zoned "A" Agriculture. The land is currently used for row-crop farming.
3. Section 18, Subd. 4 of the Redwood County Zoning Ordinance requires that a Conditional Use Permit be obtained for the construction of any major essential service structure or line. An essential service is defined in Section 22, Subd. 2, Paragraph 49, as "[a]ny surface, overhead or underground electric, gas transportation, hydro-carbon, steam, water, or refuse transmission, distribution or collection system operated by any utility company or government agency." The project proposed by Morgan will consist of a surface and underground collection system for refuse and is therefore considered an essential service. A major, as opposed to minor, essential service structure or line is one which provides for more than simply a single user. The project proposed by Morgan will provide service to all the residents of the city, and so is a major essential service. Consequently, the City of Morgan was asked to apply for a Conditional Use Permit.
4. There are no natural bodies of water in the vicinity of the proposed wastewater ponds. However, County Ditch 109 is located on the west side of Ranch Avenue. The edge of the proposed ponds will be 125 feet from the top of the bank of CD 109.
5. The wastewater from the city will be treated first in the two smaller primary treatment ponds, then in the larger secondary treatment pond. When it has received the required level of treatment it will be discharged into CD 109. Morgan's existing mechanical treatment plant also discharges into CD 109. The mechanical plant will be decommissioned, dismantled, and disposed of upon completion of the proposed ponds.
6. The bottom of the ponds will be 13 feet lower than the top of the dikes around the ponds. Normal high water in the primary ponds will be at a depth of 7.3 feet and normal low water will be a depth of 3.3 feet. Normal high water for the secondary pond will be a

depth of 11.3 feet and normal low water will be a depth of 2.8 feet. The surrounding dike will be sloped 3:1 on the inside slopes and 4:1 on the outside slopes. The outside slopes will be mulched and seeded.

7. Tile will be installed under the ponds in order to prevent water from accumulating under the liner. The tile will collect in a sump hole, accessible by manhole, and will be pumped into County Ditch 109.
8. A County tile line is present on the proposed pond site (Branch C of CD 109 Branch 14). Branch 14 originates about one half of a mile southeast of the proposed pond site, on the boundary of land owned by the City of Morgan (the mechanical wastewater treatment plant site) and Allan Ibberson. Branch 14 then flows generally north through land owned by Marion Maas, with a branch draining land owned by Keith Bendixen and Kerry Bendixen on the south side of State Hwy 67. It then turns to the northwest and cuts through the northeast corner of the proposed pond site, crosses property owned by Charles Neitzel, and outlets into CD 109 on the west side of Ranch Avenue. Branch C of the tile line starts near the middle of the proposed pond site and runs north into the Branch 14 main. The City of Morgan will work with the County Ditch Authority and the affected land owners to remove Branch C and reroute Branch 14 around the ponds.
9. The ponds and accessory structures will be enclosed by a woven wire fence topped with barbed wire. The fence will be located 10 feet from the north, east, and south property lines, and 67 feet from the right-of-way lines of State Hwy 67 and Ranch Avenue.
10. The planned accessory structures to the pond include a small storage building, perimeter fence, force main, two in-ground lift stations, and four in-ground control structures.
11. A private drive to access the pond and accessory structures will be constructed from Ranch Avenue in the location of an existing field approach, about 60 feet north of the intersection of Ranch and State Hwy 67.
12. The elevation on the proposed pond site is highest on the south end, near Hwy 67, and gradually drops as you go to the north and east. The elevation at the northeast corner of the property is 18 feet lower than the elevation of the southwest corner. The dikes of the proposed ponds will shed surface water onto the neighboring properties, but most of the rain falling on the site will stay in the ponds. Therefore, the amount of surface water running from the proposed pond site onto the neighboring lands should decrease after the ponds are built.
13. There is no setback required by ordinance from a wastewater treatment pond to a residence. However, according to information presented by Bolton & Menk, the state requires a $\frac{1}{4}$ mile setback for dwellings and a $\frac{1}{2}$ mile setback from the city limits. According to the Redwood County Zoning Maps, there are no dwellings within $\frac{1}{4}$ of a mile of the site, and there are no municipalities within $\frac{1}{2}$ of a mile.

14. The closest residence to the proposed pond is about 1700 feet from the proposed wastewater ponds. The three closest dwellings to the proposed pond location are as follows:

- | | | | |
|----|-------------------------|--------------------------------|-------------|
| 1. | Dale & Karen Hansen | 41679 260 th Street | 1700' west |
| 2. | Daniel & Marcia Dolezal | 41434 260 th Street | 2900' west |
| 3. | Kenneth & Tina Spaeth | 26640 Ranch Ave. | 2200' north |

15. In addition to the above listed dwellings, Gary Kerkhoff's shop (25603 State Hwy 67) is located 1200 feet southeast of the proposed pond site.

16. The proposed wastewater ponds will be located 2090 feet (.56 miles) from the city limits of the City of Morgan and about 3270 feet (.62 miles) from the nearest residential structure in the City of Morgan (Keith & Monde Grunke, 924 W Front St.).

17. In conjunction with the proposed wastewater pond project, the City of Morgan has made an application to the MPCA for an updated NPDES/SDS permit. Morgan will also need to apply for and obtain a storm water construction permit from the MPCA and a permit from the road authority for placing the force main in the Hwy 67 right of way.

18. Section 7, Subd. 5 of Redwood County Ordinance requires that all buildings in the Agricultural District be set back at least 10' from the side and rear lot lines. Additionally, there must be a setback of 67' from the right-of-way of any public road. A "building" is defined in Section 22, Subd. 2, Paragraph 19 as "[a]ny structure for the shelter, support or enclosure of persons, animals, chattel or property of any kind." Additionally, a "structure" is defined in Paragraph 118 as "[a]nything constructed or erected on the ground or attached to the ground or on-site utilities..." Morgan's proposed wastewater ponds will be constructed on the ground and will enclose sewage wastewater. The water is generated by the dwellings, businesses, and other establishments in the City of Morgan and is removed from said establishments under contract with the public utility. Therefore, the sewage is the property of the City of Morgan. Consequently the proposed wastewater ponds are structures to which the setback requirements apply according to the ordinance.

19. Section 7, Subd. 5, Paragraph 2.A.(3.) states that "[i]n the event any building is located in a lot at the intersection of two or more roads or highways, such lot shall have a front yard abutting each such road or highway." The proposed wastewater pond property is located at the intersection of State Hwy 67 and Ranch Avenue. Consequently, the property has "front yards" requiring 67' setbacks from the right-of-way of both said roads. However, Hwy 67 only borders the property on the southwest corner. Alternatively stated, as the road moves to the east it also moves away from the south boundary of the property. Therefore, on the south side of the property, the required setback is either the 67' road right-of-way setback OR the 10' property line setback, whichever is greater.

20. All three ponds and all the above-ground accessory structures are located within the perimeter fence. The perimeter fence will be constructed 10' from the north, east, and

south property lines, and 67' from the right-of-way of State Hwy 67 and Ranch Avenue. Therefore, the project meets the required setbacks.

21. The nearest wetland delineated on the National Wetland Inventory map is located on the south side of State Hwy 67 approximately 950 feet west of the site. The description code for the wetland is PEMCd². Another small wetland area (description code PEMA³) is

2

Description for code **PEMCd** :

P System **PALUSTRINE**: The Palustrine System includes all nontidal wetlands dominated by trees, shrubs, emergents, mosses or lichens, and all such wetlands that occur in tidal areas where salinity due to ocean derived salts is below 0.5 ppt. Wetlands lacking such vegetation are also included if they exhibit all of the following characteristics: 1. are less than 8 hectares (20 acres); 2. do not have an active wave-formed or bedrock shoreline feature; 3. have at low water a depth less than 2 meters (6.6 feet) in the deepest part of the basin; 4. have a salinity due to ocean-derived salts of less than 0.5 ppt.

Subsystem :

EM Class **EMERGENT**: Characterized by erect, rooted, herbaceous hydrophytes, excluding mosses and lichens. This vegetation is present for most of the growing season in most years. These wetlands are usually dominated by perennial plants.

Subclass :

Modifier(s):

C WATER REGIME **Seasonally Flooded**: Surface water is present for extended periods especially early in the growing season, but is absent by the end of the growing season in most years. The water table after flooding ceases is variable, extending from saturated to the surface to a water table well below the ground surface.

d SPECIAL MODIFIER **Partially Drained/Ditched**: A partially drained wetland has been hydrologically altered but soil moisture is sufficient to support some hydrophytes. Totally drained areas are not considered wetland if they can no longer support hydrophytes. This modifier has also been used to indicate wetlands connected by extensive ditch networks. The "d" modifier can be applied to wetlands with ditch or drain networks or wetlands adjacent to the ditches even if the ditch is too small to be included in the delineations. Large ditches that may be delineated as separate features should have the "x" modifier applied to the ditch itself and the "d" modifier applied to the wetland area.

3

Description for code **PEMA** :

P System **PALUSTRINE**: The Palustrine System includes all nontidal wetlands dominated by trees, shrubs, emergents, mosses or lichens, and all such wetlands that occur in tidal areas where salinity due to ocean derived salts is below 0.5 ppt. Wetlands lacking such vegetation are also included if they exhibit all of the following characteristics: 1. are less than 8 hectares (20 acres); 2. do not have an active wave-formed or bedrock shoreline feature; 3. have at low water a depth less than 2 meters (6.6 feet) in the deepest part of the basin; 4. have a salinity due to ocean-derived salts of less than 0.5 ppt.

Subsystem :

EM Class **EMERGENT**: Characterized by erect, rooted, herbaceous hydrophytes, excluding mosses and lichens. This vegetation is present for most of the growing season in most years. These wetlands are usually dominated by perennial plants.

Subclass :

Modifier(s):

listed on the NWI maps about 1100 feet east of the site. According to the NWI maps, there are no wetlands located on the proposed pond site.

22. The soils on the property, according to the maps maintained by the Redwood County Environmental Office, are as follows, from north to south:
 1. Okoboji silty clay loam, depressional, 0-1 percent slopes;
 2. Canisteo clay loam;
 3. Webster clay loam, 0-2 percent slopes; and
 4. Normania loam, 0-3 percent slopes.
23. According to information available on the United States Department of Agriculture website, Normania clay loam is typically deep and moderately well drained. Seasonal saturation depth is normally found at a depth of 50-120 centimeters. Clay content ranges from 18-33 percent. Sand content ranges from 30-50 percent.
24. Webster clay loam is very deep, poorly drained, and moderately permeable. Seasonal saturation depth is 0-20 centimeters. Clay content ranges from 10-30 percent and sand content ranges from 16-46 percent.
25. Canisteo clay loam is very deep and poorly to very poorly drained. Seasonal saturation in undrained soils ranges from the surface to a depth of .3 meters. Clay content ranges from 20-30 percent and sand content ranges from 30-55 percent.
26. Okoboji silty clay loam is very deep and very poorly drained. Seasonal saturation in undrained conditions frequently occurs from the surface to a depth of .3 meters. Clay content ranges from 35-40 percent and sand content ranges from 10 to 20 percent.

John Kleinschmidt, Morgan City Clerk and John Graupmann of Bolton and Menk appeared before the Commission to explain the project. They presented the following information and it was discussed by the Planning Commission:

1. Beginning a three-year project which will start with a stabilization pond system. Plan to dismantle the current system (mechanical plant/trickling filter) once the ponds are up and running.
2. Currently in the process of obtaining the land to place the treatment ponds.
3. Have the option of upgrading the existing system (which is expensive) or building ponds. The ponds are cost-effective and a viable treatment system.
4. The MPCA has granted the proposed permit limits for the ponds. They will be constructed to meet MPCA standards.
5. There will be rigorous testing (150 psi; normally pumps at 20 psi).
6. A tile will need to be relocated slightly so the ponds aren't built on top of it.

A WATER REGIME Temporary Flooded: Surface water is present for brief periods during growing season, but the water table usually lies well below the soil surface for most of the growing season. Plants that grow both in uplands and wetlands may be characteristic of this water regime.

7. The ponds will discharge directly to ditches so there won't be any impact on any tile.
8. The main pond will be 6' deep which is the state standard. This helps to minimize odor, etc. Graupmann stated there may be some odor when the pond turns over in the spring and the fall, but that is natural. The second pond will have an aeration system because it will be designed for extreme wet weather and will likely be deeper than 6'
9. The ponds will be located more than ¼ mile from residences and ½ mile from any city
10. Will strip the black dirt from the 40 acre site and the dikes will be made with clay
11. The construction of the ponds should take approximately 15 months
12. Tile will be tested 3x/year for contaminants
13. Water flow into county ditch should be reduced with this new system
14. There could be some odor associated with the ponds, but due to the setback requirements and no "organic contributors" such as meat packing plants, etc., the odor should not be a nuisance
15. They use a synthetic, textured liner on the sides of the pond. This is to help reduce animals, etc. from drowning in the ponds.

Members of the public speaking in favor of the project: None

Members of the public speaking in opposition to the project: Dale Hansen.

- a. Came today mostly for information
- b. Happy to hear about 100' setback, because his wife was worried about sliding off icy roadway and into a pond
- c. His family has farmed land nearby since 1968 and he doesn't know yet if he will farm yet this year because he hasn't received any information on timelines, etc.
- d. He lives "barely" ¼ mile from the "lagoons"
- e. Thinks the city should just build a new facility rather than ponds

When those opposed to the project had finished speaking, John Kleinschmidt responded to some of their questions and statements:

A. Plant:

- a. Personally feels a plant would be a better way to go, except they are only designed for a 20 year life span whereas ponds are designed for 40 years
- b. The city has already upgraded the plant several times and it still can't keep up
- c. The current plant was built in 1954 and would be expensive to refurbish it

B. Timeline:

- a. Depends on Rural Development and their decision regarding funding the project
- b. Madsen pointed out that the planting issue is a topic that Hansen needs to discuss with Gehrke, the landowner. That is not really an issue that the Planning Commission handles
- c. The ordinance states that once the conditional permit is approved by the board of commissioners, any major construction needs to begin at least 1 year from the date of approval. In this case, March 3, 2015.

The hearing was closed at 2:20 p.m.

On a motion made by Scheffler and seconded by Rohlik it was moved and passed unanimously that the *Conditional Use Permit Application*, No. 3-15 submitted by Scott Gehrke, landowner, and Robert Fischer, Mayor, on behalf of the City of Morgan be recommended for approval by the Redwood County Board of Commissioners subject to the sixteen (16) recommended conditions.

On a motion by Runkel seconded by Rohlik, the Commission unanimously approved the January 26, 2015 Planning Commission minutes.

Brozek discussed Todd Schouvieller and his turkey barns. Schouvieller will change the direction the barns will lay on the property because once the contractors arrived; they discovered that a large amount of fill would be needed to build the barns in the original east-west direction. Todd is proposing to turn the barn so it lies north-south, but will now lie partially on his father's, Joe Schouvieller, property. Because of this, the original notification area did not cover the correct neighbors, so Brozek had Schouvieller obtain written consent from the neighbors that would have been notified had the barns been originally planned to lie north-south. Nick has those consent forms on file.

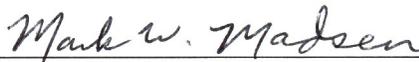
On a motion by Mattison seconded by Rohlik, the Commission unanimously approved to allow Schouvieller to turn the barn.

The planning commission members were given the conflict of interest policy and each of them read and signed.

On a motion by Rohlik seconded by Scheffler, the meeting was adjourned at 2:35 p.m.



Nicholas Brozek
Land Use & Zoning Supervisor
Redwood County Environmental Office



Mark Madsen, Chairman
Redwood County Planning Commission

Redwood County Planning Commission Meeting

Date: 02/23/2015

NAME
(Please **PRINT** legibly)

MAILING ADDRESS
(Street, City, State and ZIP code)

Shane Rasset

24500 US Hwy 14

Lamberton, MN 56152

Brian Kletschen

24500 US Hwy 14

Lamberton, MN 56152

Priscilla Klabsch

John Kleinschmidt

CITY OF MORGAN MORGAN, MN
CITY CLERK PO Box 37 56240

Dale Hansen

41674 260 St Morgan MN 56266

John Graupman

1960 Pleasant Dr

Mankato MN 56001

Marymartinson

24973 US Hwy 14

Lamberton MN.

Bill Martinson

same ↑

Steve Ohlman

13072 Greenway Subscription

Sharon Holtz

Red Co. Comm.