



REDWOOD COUNTY ENVIRONMENTAL OFFICE

*Planning & Zoning • Parks & Trails • GIS
Aquatic Invasive Species • Septic Inspector
Drainage Inspector • Agricultural Inspector*

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REDWOOD COUNTY PLANNING COMMISSION

MINUTES

Meeting Date: August 31, 2020

A meeting of the Redwood County Planning Commission convened on Monday, the 31st day of August, 2020, at the Redwood County Government Center.

The following members of the Redwood County Planning Commission were present: Mike Scheffler, Mark Madsen, Mike Kaufenberg, Jeff Huseby, DeVonna Zeug, and Commissioner Dave Forkrud. Also present were the following individuals: Jeff Potter, Steve Nelson, Chris Baker, Jason Behrendt, Ken Behrendt, Michael Dolan, Environmental Director Scott Wold, and Land Use & Zoning Supervisor Nick Brozek.

At 1:00 p.m. the regularly scheduled August 31st, 2020 Redwood County Planning Commission meeting was called to order by Chair Scheffler.

Chair Scheffler then waived the reading of the Planning Commission rules and procedures, since all the parties present had heard them at the previous Planning Commission meeting. Printed copies were available to the public.

At 1:02 p.m. Chair Scheffler called to order a continued public hearing on Conditional Use Permit Application #5-20, submitted by J.

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

I. Background:

1. This public hearing was originally convened at the regularly-scheduled July 27th, 2020, Planning Commission meeting. At that meeting, the Commission voted to table the matter until the August 31st meeting, for the purpose of collecting additional information. Specifically, the Commissioners were interested in reviewing property appraisals that Jeff Potter stated he had commissioned for his property. The Commissioners were also interested in collecting additional information from the Board of Animal Health (BAH), about a similar site in another part of Minnesota.
2. As of the date of this memorandum, the Environmental Office has not received any appraisals from Mr. Potter, nor any additional information from the BAH. Staff have been in contact with the BAH and have been told to expect additional information this week.
3. The information about this project sent in the Planning Commission packet for the July 27 meeting is reproduced below, followed by a summary of the discussion during the meeting.

II. July 27 Planning Commission packet:

- a. Jason Behrendt is proposing to operate a livestock carcass transfer station and truck parking facility on a former farm building site on the corner of County Hwy 6 and 310th Street, in section 24 of Sheridan Township.
- b. Mr. Behrendt's company picks up and hauls carcasses for rendering. The trucks that drop off the carcasses at the rendering plants cannot also be used to pick up livestock from farms. Consequently, Behrendt needs a place to transfer carcasses between trucks.
- c. The proposed transfer facility site is located in the Agricultural District. Redwood County Code of Ordinance Section 153.142(A)(30) states that "transfer stations" are a conditional use in the Agricultural District. Consequently, Mr. Behrendt was asked to apply for a Conditional Use Permit.
- d. Mr. Behrendt has already poured a 50' x 60' concrete slab with 6' tall cement side walls. The pad is sloped 6" down toward the back to prevent rainwater run-off. Per an email from Courtney Wheeler, Senior Veterinarian at the Minnesota Board of Animal Health, this meets the state rules regarding livestock carcass disposal and transportation. The email states that the site meets the requirements of Minnesota Rule 1721.0730 and is "at least 200 yards from any adjacent premises or water supply well." Carcasses are required to be picked up within 72 hours.
- e. Mr. Behrendt's plan is to dump deadstock straight trucks onto the slab and load the carcasses onto semi-trailers using a pay loader. He estimates that they will load 1 or 2 semi-trailers per day, 4 to 5 days per week. The product being handled is whole carcasses off farms (hogs and cattle). There will be no animal parts or slaughter plant bi-products on the site. The longest the carcasses will be left on the slab will be a couple of hours.
- f. There are two neighboring residences within ½ of a mile of the site. They are as follows: Jeff Potter, 28055 310th Street, about 750 feet northeast of the site; and a residence owned by Ramona Potter, 31012 County Hwy 6, about 890 north of the site.
- g. A county drain tile, a branch of Judicial Ditch 6, is located north of the site. The tile (8") starts about 875 feet west of the site and bends north, across 310th Street, where it increases to 10". It then comes back under 310th before crossing underneath County Hwy 6 in the northeast corner of Behrendt's property. The tile is about 300' away from the proposed transfer facility at its closest point. The tile eventually drains into an unnamed stream, which empties into the Redwood River, about one mile northeast of the site.
- h. The site has two access points from County Hwy 6.
- i. A copy of the Conditional Use Permit application, maps, plans, and proposed permit conditions are enclosed.

III. Summary of Public Comments at July 27 meeting:

- a. Jason Behrendt and Ken Behrendt were present at the meeting to explain the project. The Behrendts made the following statements to the Commission:
 - i. They operate a rendering transport company. They pick up dead animals off of farms and deliver them to various rendering plants in MN and IA.
 - ii. They deliver to South Saint Paul, Sioux City, Blue Earth, Redwood Falls, and Estherville, IA, depending on which plant has capacity.
 - iii. Some rendering plants can only accept certain types of trucks.
 - iv. They have constructed a concrete bunker, on which to offload dead animals from their straight trucks, and reload onto semi-trucks.
 - v. Animals will be on the concrete a maximum of 1 or 2 hours. They will never be left there overnight or on weekends.
 - vi. If a truck breakdown occurs, causing more time between loading, the semi-trailer will be tarped and parked in the shed on the site.
 - vii. They will have 1 to 2 loads per day on weekdays. They may occasionally have to haul on a Saturday too, if weather prevents pick-up during the week.

- viii. They have been transferring animals between trucks on the site already for three years, but have been transferring directly from truck to truck with the grapples on the straight trucks, which is slower and requires the animals to be on site for more time. This new process will speed things up.
- ix. They can put up a game camera to monitor coyotes.
- x. They have two cats on the site to reduce rodents.
- xi. They spray for flies. Their trucks are all white, and they never have any fly waste on them.
- xii. They only have 4 route trucks.
- xiii. Half their trucks are straight trucks and half are semis.
- xiv. They understand concerns about biosecurity. But Potter and another neighbor have both brought dead animals over to the site and dumped them in the trucks.
- xv. They chose this site because it is on a highway. It's not easy to find a site to buy on a highway. Also, they have a livestock hauling business and truck wash on a different site, and they can't keep rendering trucks and livestock trucks on the same property.
- xvi. If there are weather or mechanical problems, they can park the trucks in the shed.
- xvii. Full trucks are always tarped.
- xviii. Any loads that can go directly to the plant do so, so not all carcasses that are picked up are hauled to this site.

b. Jeff Potter made the following statements:

- i. Potter is a neighbor, his house is 600 feet away from the site.
- ii. His sister's house is 800 feet from the site.
- iii. They have had animal smell during the summer, and at times they can't sit outside.
- iv. The site has "no provision for rainwater."
- v. The diagram of the site submitted by Behrendt doesn't show the two county tile intakes near the property.
- vi. Potter has 4 wells within $\frac{1}{4}$ of a mile of the site and doesn't want them to be contaminated.
- vii. He is worried about disease being transferred from the site.
- viii. Potter custom feeds cattle on his farm site. His producers are concerned about biosecurity. Some of the cattle are worth \$10,000 to \$20,000.
- ix. He brought letters from some of the local landowners who couldn't make it to the meeting, and from some of his cattle producers.
- x. Potter has lived here since 1969.
- xi. He is against the project.
- xii. He talked to Dr. Brian Hoefs at BAH and was told that this sort of site is "uncharted territory."
- xiii. The two tile intakes go "straight to the Redwood River."
- xiv. The regulations for this site should be similar to Central Bi-products.
- xv. Dumping and loading the animals from the concrete is going to leave slime on the concrete. Where is rinse water going to go?

c. Mike Fier made the following statements:

- i. Fier is with the MN Board of Animal Health (BAH).
- ii. He is neither for nor against the project, but has worked with the Behrendts to make sure they are following the state rules.
- iii. He has been out to the site. Jason takes good care of it.
- iv. This site is considered a "collecting station" under state BAH rules, which requires that carcasses be picked up within 12 hours.
- v. There is only one other such site in the state.

- vi. Fier is responsible to inspect the site for compliance on behalf of BAH. When doing inspections, he looks at the following:
 - 1. Rodent/pest control
 - 2. Biosecurity – nothing falling out on the ground, nothing outside of the concrete pad
 - 3. Disease monitoring program – diseased animals cannot be hauled in (for instance, hoof and mouth disease)
 - 4. Concrete floor structural integrity
 - 5. Equipment cleaned before going off site
 - 6. Drainage – review how handled – can collect in honey wagon and haul away.
 - vii. The concrete pad is well-built and sloped to the back to contain runoff.
 - viii. After cleaning up the animals, the pad can be sprayed down with disinfectant.
 - ix. The biggest issue on the site will be rodents and insects.
 - x. The structural integrity of the concrete block walls must be maintained.
 - xi. He will conduct surprise inspections of the site 3 or 4 times per year.
 - xii. The BAH has no setback from wells for this type of site.
 - xiii. Behrendt should be able to control odor on the site, but probably won't completely eliminate it.
 - xiv. The pad could take 15" of rain before it would run off.
 - xv. Behrendt could use fencing to control access by wild animals.
 - xvi. Rendering is an important way of disposing of carcasses.
- d. Chris Baker made the following statements:
- i. He lives 800 feet from the site.
 - ii. Who has been inspecting the site for the last three years?
 - iii. Coyotes are coming closer, from the river, because of this site.
 - iv. There has been animal parts dropped on the ground.
 - v. Water table issues.
 - vi. The smell is horrible.
 - vii. The flies are horrible. Baker has a white truck and it has been covered in "fly crap."
 - viii. When the trucks drive by you can smell them for 10 minutes.
 - ix. He can't open his windows, or go outside, when the wind is from the south.
 - x. He thinks using the concrete slab to transfer the carcasses will make the smell worse.
 - xi. The trucks are noisy on the road, every 10 to 15 minutes.
 - xii. Why was this site selected for this by Behrendt?
- e. Steve Nelson made the following statements:
- i. Nelson lives $\frac{3}{4}$ of a mile from the site and has not had any odor at his place.
 - ii. He is concerned about what this site will do to Potter's property values.
- f. In addition to the comments made by interested parties attending the meeting, staff read aloud four letters received from area landowners and Potter's cattle producers. They were from Katie Muelenhardt, Stephen Sinner, Jay Watje, and Kirby Josephson. All are against the project.

Jason Behrendt and Ken Behrendt were present at the meeting to explain the project. Jason Behrendt made the following statements to the Commission:

- Behrendt bought the site three years ago, to park trucks and maybe do some transferring of carcasses.
- Central Bi-products, the local rendering plant, told Behrendt they would not be able to accept all the carcasses Behrendt picks up.
- Recently Behrendt poured concrete pad and block walls in order to transfer carcasses using a better method.

- Behrendt also picks up carcasses in Iowa, but those carcasses stay in Iowa. Some of the carcasses picked up in MN come to the transfer site, but not all. Any load that can be hauled directly to the rendering plant does not come to the transfer site.
- The new transfer method is the state's recommendation (Board of Animal Health).
- Behrendt can cover the slab with a hood barn so it has a roof.
- Behrendt will plant trees on the North, east, and south sides of the site.
- To haul to Central Bi-products, carcasses must be reloaded on to Central Bi-products' trailers.
- The transfer slab is 50' x 60' with 6' walls.
- Behrendt will haul 2 or 3 trucks per day, about 5 days per week. The rendering plants are not open on the weekends, so he will not haul those days.
- The slab as designed can hold 3 to 4 inches of rain without any running off.
- A local landowner will allow Behrendt to land apply water/residue on his land.

The Planning Commissioners asked .

Brozek stated that the hearing on this permit application had been tabled at the previous Planning Commission meeting in order to gather more information about a similar carcass transfer site in southeastern MN, and to give Jeff Potter's appraiser time to complete appraisals of Jeff's and his sister's properties.

Brozek presented information he received from the Board of Animal Health regarding a carcass transfer site in Fillmore County, Minnesota:

- Brozek had received the information about the site on the morning of the meeting.
- Information received included annual registrations (permits), applications, and inspection reports for the site from 2017 through 2020.
- Brozek used the info to look the site up on the Fillmore County GIS website.
- A map from the GIS site was provided to the Commissioners.
- The site is located outside of the city of Chatfield.
- It is located in the floodplain of the Root River, about 50 feet from the bank of the river.
- The closest neighboring residence is a farm house located about 813 feet to the southwest. The next closest residence is a farm house located about 1577 feet to the north.
- Per Fillmore County tax records, the northern neighbor site increased in value by \$100,000 dollars between 2011 and 2014, which was the last time the property was sold. The property to the southwest did not have any sale information, leading Brozek to conclude that the last time it sold was long enough ago that the information has not been uploaded into the Fillmore County online database.

Jeff Potter made the following statements:

- His appraisals are complete and he emailed them to Scott Wold the previous day. (Wold stated they had not been received, so Potter gave him paper copies, which were passed around to the Planning Commissioners).
- The appraisals were by Dave Mattison.
- Mattison had trouble finding comparable properties, because transfer sites are so rare, so he used a property that is close to the feedlot.
- Mattison estimates that the presence of Behrendt's transfer station reduces the value Potter's property and Potter's sister's property by 10%. This amounts to about \$27,000 for Potter's house and \$30,000 for his sister's house.
- Samantha Adams from the MPCA told him that water run-off from Behrendt's site would be considered "industrial waste" and would be regulated differently by the state than other waste.
- Potter calculates that 3" of rain would just over-top the curb on Behrendt's concrete slab.
- Potter thinks that water will run off the gravel yard onto the slab.
- Water that escapes from the slab will go into a tile intake and run into the Redwood River.
- Potter looked at Behrendt's site in Iowa and then closest neighbors are ¼ of a mile to ½ of a mile away.

- Behrendt's site has been better over the past month or two.
- Once Berendt transferred a truck at 2am.
- Redwood County Ordinance Section 153.02 states that the purpose of the ordinance is to protect the public.
- The County should amend the ordinance to clarify the definition of a transfer site.

Chris Baker made the following statements:

- He complained the first year Behrendt moved in (to Behrendt), and Ken Behrendt swore at him.
- The number of flies has gone down.
- Trucks have not been engine braking in front of his house since the previous meeting.
- He hears coyotes south of his house, in the direction of Behrendt's property.

Behrendt made the following statements in response:

- There are no varmints on the site. He has cats on the site, and has to feed them because there is nothing for them to catch.
- Cats tend to disappear when coyotes are around.
- Someone lives on their Iowa site, about 100 feet from the transfer area.
- If any water gets into the bunker, they can scoop it up and load it into their trucks with their pay loader.

Ken Behrendt made the following statements:

- Their loads are about 45,000 to 80,000 lbs. per day, including the weight of the trucks.
- Volume is lower in summer, because animals are healthier.
- There is less odor in the winter when it is cold.

The Planning Commission asked Potter if he thought a roof would help. Potter said he would still be able to see the animals while they are being dumped, over the top of the wall. But he thought it might help reduce the odor.

Commissioner Zeug stated that she visited Behrendt's site for about 30 to 45 minutes after the July 27 meeting. She did not see any flies and there was no odor at all on that day. She thinks planting trees and putting a roof on the slab will be helpful.

Commissioner Madsen asked whether rainwater will enter the slab if there is a roof. Ken Behrendt answered no, unless a little might blow in through the opening to the south.

Brozek asked whether water runs off the gravel onto the concrete transfer pad. Ken Behrendt said no, it does not.

Commissioner Kaufenberg stated that appraisals are tricky when comparable properties are difficult to find and that 10% is within the usual margin of error. He is glad the applicant has complied with the state recommendations.

Commissioner Madsen stated that the hoop structure over the concrete will reduce flies, will completely eliminate water runoff.

Scheffler asked whether anyone else wanted to comment. No one came forward.

Chair Scheffler closed the public meeting at 1:44 p.m. He then directed Brozek to lead the commission through the findings of fact worksheet, which Brozek did.

At 2:07 p.m. Kaufenberg moved to recommend approval of Conditional Use Permit #5-20, subject to the conditions proposed by staff, and also including three additional conditions, as follows: 1) prohibiting Jake

brakes from being used by the trucks on CSAH 6, 2) Behrendt must add the hoop barn roof over the concrete transfer slab; and 3) Behrendt must plant and maintain trees around the site on the north, east and south sides.

The motion was seconded by Zeug and passed unanimously.

At 2:10 p.m. Chair Scheffler called to order a public hearing on Conditional Use Permit #7-20, submitted by Michael Dolan.

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

- Michael Dolan is proposing to construct a total of five religious art monuments on his property located in Section 31 of Vesta Township, on the northwest side of State Highway 19. These monuments will take the form of statues sculpted by various artists, each erected upon its own engineered base, sunk into the ground below the frost line. The monuments will be about 20 feet tall or shorter.
- This project falls under the Redwood County Sign Ordinance, which includes “statuary” in the definition of a “sign.” Under the sign ordinance, Mr. Dolan has already permitted and built one of the five monuments, which can be seen at the intersection of State Hwy 19 and County Hwy 59 (Dayton Avenue), about 4 miles west of Vesta. A zoning permit (building permit) has also been issued for a second monument, which has yet to be constructed. However, the sign ordinance limits total signage on any agricultural parcel to no more than 70 square feet of surface area, unless a Conditional Use Permit is approved. The Environmental Office estimates that a third monument will tip the project over 70 square feet. Consequently, Mr. Dolan was asked to apply for a Conditional Use Permit. Mr. Dolan estimates that each monument will have no more than approximately 20 to 25 square feet of surface area.
- The site will have a visitor parking area consisting of a graveled lot with a 40-foot wide driveway access onto County Hwy 59, about 650 feet north of the Hwy 19 and Hwy 59 intersection. This parking area will be expandable, if needed.
- Mr. Dolan estimates the site currently has 4 to 5 people in 2 to 3 vehicles visiting each day. He estimates that this will increase to 20 to 35 people in about 15 after project completion. Right now the site uses a graveled area lying within the right-of-way on the northeast corner of the intersection as the parking area.
- A graveled walkway has been installed to allow visitors to approach each monument. The remainder of the site will be planted into native prairie grasses. Mr. Dolan will control noxious weeds and volunteer trees on the site.
- Solar-powered lighting may be installed in the future.
- Mr. Dolan plans to construct the second monument in September of 2020. The remaining three monuments will follow in August of 2021, August of 2022, and August of 2023.
- The three nearest rural dwellings to the project site are as follows: (1) Troy & Kelly Krause, about 880 feet northwest of the site; (2) Lon & Jean Walling, about 2100 feet south of the site; and (3) Robert & Peggy Dolan, about 2300 feet north of the site. Additionally, Irish Yard baseball field is located about 2350 feet north of the site.
- The closest public drainage ditch the proposed project site is County Ditch 80, about 1700 feet east of the site. There is no county drainage tile near the site.

- A copy of the Conditional Use Permit application, maps, plans, and proposed permit conditions are enclosed.

Michael Dolan was present at the meeting to explain the project. Dolan made the following statements to the Commission:

- He sent pictures of his site to Brozek and brought additional ones today for the commissioners.
- He plans to construct a series of five monuments.
- One has already been built and a second is planned and permitted for Sept. 8.
- Three more will be built in the coming years.
- The site is on land he has owned for years in Vesta Twp. Section 31, where State Highway 19 curves and heads west, southwest of the city of Vesta.
- He added gravel parking to the site. This can be expanded in the future if needed.
- There is always increased initial interest when a new monument goes up, and then it tapers off. Now there are approximately 3 visits per day to the site.
- He hopes to make this a minor roadside attraction, for personal reflection.
- The monuments will be placed where the dots are on the maps provided with the application.
- The site is at the intersection where you can turn north to Irish Yard.

Chair Scheffler asked if there was anyone present who wanted to speak in support of the project. No one came forward.

Chair Scheffler then asked if there was anyone present who wanted to speak in opposition to the project. No one came forward.

Chair Scheffler closed the public hearing at 2:23 p.m. He then directed Brozek to lead the commission through the findings of fact worksheet, which Brozek did.

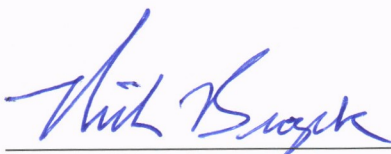
At 2:29 p.m. Zeug moved to recommend approval of Conditional Use Permit #7-20, subject to the conditions proposed by staff.

The motion was seconded by Kaufenberg and passed unanimously.

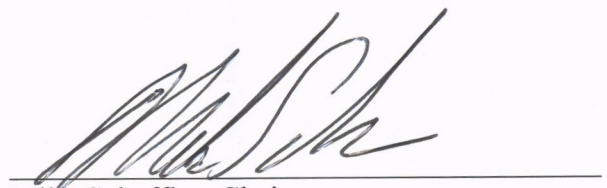
The Commissioners reviewed and discussed the minutes from the July 27, 2020 Planning Commission meeting.

Kaufenberg made a motion to approve the July 27, 2020 Planning Commission minutes as presented. Madsen seconded the motion and it passed unanimously.

At 2:32 p.m. Forkrud made a motion to adjourn. The motion was seconded by Huseby, and passed unanimously.



Nick Brozek
Land Use & Zoning Supervisor
Redwood County Environmental Office



Mike Scheffler, Chair
Redwood County Planning Commission