



**Regular Meeting of the Planning Commission**

Tuesday, December 13, 2016

7:00 p.m.

1307 Cloquet Ave, Cloquet, MN 55720

**CALL TO ORDER**

Chairperson Wilkinson called the meeting to order at 7:00 p.m.

**ROLL CALL**

**Attending:** Planning Commission members: Chuck Buscher, Michael Haubner, Bryan Bosto, Kelly Johnson and Uriah Wilkinson; City: Al Cottingham.

**Absent:** Commission members: Jesse Berglund and John Sanders.

**Others Present:** Ryan O’Gara, Karla Southworth, Arnelda Southworth, Dick and Nancy Stevens, Ron Funes, Frank McKean, Jay Cameron, Barb Wyman, Roy and Linda Ober, Bob DeCaigny. John Badger, Clarence Badger and Keith Matzdorf.

**ADDITIONS/CHANGES TO THE AGENDA**

None.

**AGENDA ITEMS**

**November 9, 2016 Meeting Minutes**

Chairperson Wilkinson asked for any corrections or additions.

**Motion:** Commissioner Johnson made a motion to approve the Planning Commission meeting minutes from November 9, 2016, Commissioner Buscher seconded. (Motion was approved 5-0).

**Zoning Case 16-21: Easement Vacation, ISD #94**

Chairperson Wilkinson reviewed the public hearing procedures and format and opened the public hearing for Zoning Case 16-21, Easement Vacation for ISD #94 (Cloquet School District). He asked Mr. Cottingham to provide an overview of the topic. Mr. Cottingham noted this is a public hearing with a legal notice published in the Pine Journal on November 23, 2016 and affected property owners were sent notice of the meeting. ISD #94 is proposing to vacate a utility easement that is running through the middle of their property east of Arthur Street and south of Slate Street. They are proposing to relocate the utility at their expense in order to construct an addition onto Churchill School. A new easement would be created for the utility as it will run through the property. Mr. Jay Cameron is present representing ISD #94.

Chairman Wilkinson asked if anyone would like to address the Commission on this request.



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Jay Cameron, representing ISD # 94 noted that the existing storm sewer pipe needed to be relocated in order to constructed the Early Childhood Family Education addition onto the west side of Churchill School. A new easement would be created for the new line.

Chairman Wilkinson asked if anyone else wished to speak and since nobody wished to he closed the public hearing.

**Motion: Commissioner Johnson made a motion to adopt Resolution No. 16-21, A Resolution Recommending Approval of the Vacation of the Utility Easement lying east of Arthur Street and south of Slate Street for ISD #94, Commissioner Haubner seconded. (Motion was approved 5-0).**

Mr. Cottingham noted this request would be forwarded to the City Council for their meeting on December 20, 2016.

**Zoning Case 16-20: Conditional Use Permit Amendment for SKB Environmental Cloquet Landfill, Inc.**

Chairperson Wilkinson reviewed the public hearing procedures and format and opened the public hearing for Zoning Case 16-20, Conditional Use Permit Amendment for SKB Environmental Cloquet Landfill, Inc. He asked Mr. Cottingham to provide an overview of the topic. Mr. Cottingham noted this is a public hearing with a legal notice published in the Pine Journal on December 1, 2016 and property owners within 1320 feet were sent notice of the meeting. SKB is proposing to amend their hours of operation to be open from 7:00 am to 7:00 pm seven days a week. They are also proposing to remove the 20% cap of the total volume of paper sludge waste and to allow the acceptance of this material on a 24 hour basis. The heavy equipment on site would not be used after 7:00 pm or on Sundays to help with possible noise issues. He referenced that there were representatives from SKB present along with Fred Doran, Burns and McDonnell the cities landfill consultant. He noted that he had received emails from Karla Southworth and Larry Anderson FDLTCC and a phone call from Joe Anderson all opposed to the request.

Chairman Wilkinson inquired as to the items of concern in the staff report regarding the Gas Management and Monitoring Plan.

Cottingham noted that he believed these things had been resolved since the writing of the report but deferred to Fred Doran since he was working with them on this.

Doran commented that he had been working with SKB on the plan and had just a few minor items that needed to be resolved.

Chairman Wilkinson inquired what if the gas levels exceeded the maximum levels.

Doran stated they are working out the details on a procedure to follow if this occurs.



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Commissioner Haubner stated he felt this procedure should be worked out prior to the Commission acting on the request. He would like to know what the procedure is.

Kyle Backstrom, SKB agreed with Commissioner Haubner and they are working with the consultant to put a contingency action plan together. He noted the expanded hours were being requested to accommodate other businesses that work into the evening and are looking for a place to dispose of their materials. The expanded hours are not for the general public but for contractors that would be working past 5:00 pm.

Karla Southworth, 1414 Lawrence Road stated she did not believe the 1320 foot distance for the property owner notice was a far enough distance. She noted that this did not reach any of the residents in the area. She did not like the proposed hours of operation in that a lot of trucks could be coming in at all hours hauling paper sludge.

Clarence Badger, 1518 Moorhead Road noted that this started as a small landfill for Ulland Brothers back in the 70's and look at where it is today. He noted if the paper sludge was kept at less than 20% then there really isn't an issue with methane gas but if it is more than 20% then there would be an issue with the gas. He wants the notification distance to be increased to 2,640 feet rather than 1,320 feet this way someone would actually be notified.

Frank McKean, 1411 Janis Road stated it was a couple of years ago on the same issue for hours of operation. He does not understand how you can use the land in the future if you have gas being produced on the site.

Bob DeCainy, 1419 Lawrence Road wondered who monitors the sludge that is coming in for chemicals. Who sets the limits on the gas levels? Who confirms that things are monitored and who is impacted on these things. He also did not believe the notification distance was far enough. He felt the vibration of the equipment being run was an issue.

Barb Wyman, 347 Nelson Road with a son residing at 1409 Lawrence Road noted she was on the City Council when this was approved in 2011. If this request goes through then you will smell the gas from the paper sludge. She felt that the city did not do diligence with the property notification for this. She was concerned with the potential of underground fires from the methane gas. She felt that nobody would spread out the waste to keep it in thin layers. It was not the cities problem if they were not making any money with the facility. She was concerned with the perceived notion that Cloquet is a bad place because of the landfill if the paper sludge limit is lifted.

This ended the public comments at this time.

Backstrom inquired how the Commission would like the issues and concerns addressed.



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Chairman Wilkinson stated he would lead the discussion with the questions and then the appropriate parties could respond. What discussions had been held with the Minnesota Pollution control Agency (MPCA).

Backstrom stated that they have been discussing the possible changes with them and would be following their requirements.

Chairman Wilkinson inquired who would be in charge of air monitoring and who establishes the limits.

Doran noted the MPCA establishes the limits on gas emissions.

Backstrom noted there would be no more surface exposure with the additional material than today since they use it as a cover material currently.

Commissioner Johnson inquired as to the likelihood of an explosion.

Backstrom noted the paper sludge would not just be stockpiled and buried but would be mixing it with other materials to avoid the possibility of an explosion.

Chairman Wilkinson inquired how they know what chemicals are in the materials being brought in.

Backstrom noted that loads are randomly tested to verify what materials are in them as required by the MPCA.

Chairman Wilkinson inquired who monitors the gas emissions.

Cottingham stated the City, County and the MPCA.

Commissioner Buscher stated if there was methane gas present then this should be in the country and not close to homes.

Backstrom noted this is not a MSW (municipal solid waste) landfill and this material does not generate a large volume of methane gas like an MSW.

Commissioner Johnson stated she was concerned with not having enough information as to how they would deal with all of the possible gas issues.

Karla Southworth stated she was concerned with this becoming an MSW.

Backstrom noted if they overcame the challenges of the hours and the waste this would meet their financial needs and would no longer be pursuing an MSW.



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Commission Haubner stated there is lots of talk on monitoring the gas but what happens if they need a solution.

Backstrom stated they are working on the flow chart on how to handle things depending on what it may be.

Commissioner Haubner felt this should be tabled until they can see a flow chart.

John Domke, SKB stated they had submitted a plan and the one thing that they needed to do was a flow chart to specifically show how they would handle a gas situation.

Bob DeCainy again stated his concern with the volume of materials and his concern with the frequency of sampling of the material.

Backstrom noted there were many landfills around the state and the U.S. with these materials and private firms test the materials and there has not been an issue.

Clarence Badger stated that the MPCA doesn't have the staff to monitor the site more than twice a year. He felt that the site should be monitored for at least a week at a time and not just a short site visit and review of the paperwork.

Frank McKean stated they knew what they bought and should stick to those requirements. The neighborhood shouldn't have to suffer because of this.

Karla Southworth agreed with Mr. McKean.

Chairman Wilkinson asked if anyone else wished to speak and since nobody wished to he closed the public hearing.

Commissioner Johnson felt there should be a clarification from the MPCA and how the gas would be handled.

Chairman Wilkinson was concerned with the odor and possible continuous odor and how it is handled.

Commissioner Johnson wondered how they would meet the standards and a plan to take care of things.

**Motion: Commissioner Johnson made a motion to table the request to allow time for a flow chart to be prepared and to hear from the MPCA on any comments that they may have on this, Commissioner Haubner seconded. (Motion was approved 5-0).**



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Chairman Wilkinson reminded the public that when this comes back to the Commission that the public hearing was closed and the discussion would be between them, staff and SKB. It is a public meeting so they are more than welcome to attend. They should keep in touch with Mr. Cottingham as to when this would be placed on the agenda.

**Commissioner's Questions/Comment**

Mr. Cottingham noted this was Mr. Buscher's last meeting with the Commission and thanked him for the time that he had served.

**Next Meeting**

January 10, 2017

Meeting adjourned 8:22 p.m.

Respectfully submitted,

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Al Cottingham, City Planner/Zoning Administrator