

PLANNING COMMISSION REGULAR MEETING MINUTES

August 10, 2021

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I. Regular Meeting

Call to Order:

Pursuant to due call and notice thereof, the Regular Meeting of the Planning Commission was held on August 10, 2021. Chair Kenninger called the meeting to order at 6:30 p.m. with Commissioners Reed, Rivera, Thiagarajan, Schmisek and Hebert. Commissioner Marlow was absent. Also, in attendance were Senior Planner Klatt, City Engineer Erickson and Recording Specialist Bodsberg.

The Pledge of Allegiance was said.

Additions to Agenda: None.

Audience Input: None.

Consent Agenda:

4.a. Approval of the July 13, 2021, Regular Meeting Minutes.

4.b. Approval of the July 27, 2021, Regular Meeting Minutes.

MOTION by Reed.

Second by Schmisek.

Ayes: 6. Nays: 0.

Public Hearing:

5.a. Request by SKB Environmental, Inc. for Approval of a Comprehensive Plan Amendment, Zoning Map Amendment, Preliminary Plat, and Amend Interim Use Permit Associated with an Expansion of the SKB Landfill Facility. **(21-22-CPA, 21-23-RZ, 21-24-PP, 21-25-IUP)**

Senior Planner Klatt gave a presentation and summary of the staff report for the Planning Commission.

Commissioner Hebert questioned if the recycling facility proposal included in the item proposed. Klatt stated that the recycling proposal is included as part of the waste management site.

Commissioner Rivera inquired if SKB has always owned the entire parcel of land. Klatt stated that they have not. Since 2013 the applicant has acquired an additional 52 acres. They have doubled the land that they own throughout the years.

Commissioner Reed inquired if there is concern about safety with the current entrance into SKB Environmental. Klatt stated that there is nothing specific with this intersection but that according to MnDOT there have been major accidents in this location throughout the years. Reed inquired if the road could be put in without approving the entire proposed project. Klatt stated that the City of Rosemount would have to acquire the appropriate right-of-way in order to facilitate the construction.

Commissioner Thiagarajan questioned if the expansion happens, would the amount of trucks that come and go from SKB Environmental be increased. Klatt stated that is correct. The expansion would not allow for additional waste to come into SKB.

Commissioner Schmisek inquired if the new access provided, 55 access would be closed. Klatt stated that is correct.

Chair Kenninger questioned what changes will be made to improve the safety of the intersection. Klatt stated that there will be improvements at that specific access point could include additional turn lanes, acceleration lane and additional improvements that will allow for a safer intersection. City Engineer Erickson stated that the connection road between 55 and Ehlers Path has not been designed yet, discussions with SKB and MnDOT to figure out what would be required. There would be both right and left turn lanes that would have to be put in.

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The public hearing opened at 7:20 pm.

Public Comments:

Ryan O’Gara, 251 Starkey Street, St. Paul, SKB Environmental, Applicant, stated that a neighborhood meeting was held last Friday, August 6th and they listened to the residents’ concerns and comments about the proposed project. The acquisition of the surrounding parcels, 150 acres, was done in 2014 or 2015 all at the same time. If the expansion doesn’t happen, based on the 2020 volumes, the landfill will be full in just under 9 years if the volumes are similar.

Commissioner Reed inquired what SKB has proposed to surrounding neighbors that are directly impacted. Mr. O’Gara stated that SKB has agreed to the construction of a screening berm, that has been constructed. SKB is open to different layout ideas.

Commissioner Rivera inquired how long SKB Environmental has been in business in their current location. Mr. O’Gara stated that SKB acquired the property from Safety Clean in 2000. Expansions were complete in 2003, 2008 and 2013. Rivera questioned if there have been any environmental studies or violations against SKB Environmental. Mr. O’Gara stated that there has not been.

James Flagg, 14175 Ehlers Path East, stated that he is the southern parcel at the proposed road into the SKB facility. Mr. Flagg explained how living near SKB has affected their privacy, trash on their land and additional dust from the facility. Living on the property since 1965 and witnessed the neighboring farm be turned into a landfill. Mr. Flagg stated that he has a signed petition from almost 1500 people that are also against the proposed project. Mr. Flagg inquired how the culvert will be affected.

Mary Her, 5693 142nd Street East, stated that her family opposes the proposed plans. Ms. Her stated that property was purchased by her parents in 2000. Her father wanted to keep their property in the family. There is concern that the landfill will contaminate the surrounding ground water and land.

Faith Her, 5693 142nd Street East, daughter of Mary Her, stated that she is concerned about an endangered bird in our area. This species is now so rare. Agricultural land needs to be preserved so that this bird does not become extinct. Our property has been in our family for years, and it is where her family will be raised. Future generations should not be exposed to possible contamination because of the landfill.

Brenda Sugii, 13701 Courthouse Blvd, stated that she has been dealing with SKB for almost 30 years. Her property is completely surrounded by the landfill. Her property was purchased in 1985. They raised their family on this property and runs her business on that property. At the time that they purchased their property there was no discussions on that land being a landfill. Ms. Sugii stated that her property continuously has garbage blowing into her yard from SKB. She suggested that a berm be built in between the two properties. SKB has proposed to purchase her land but she is unable to find similar property elsewhere that she can have her business on it.

Janet Rohlf, 1350 121st Street, stated that she has concerns about living a mile within a landfill. The increase in pollutants is concerning and the affects that the landfill will have on her property well.

Leonard Gerten, 15007 Fischer Ave, stated that he agrees with his fellow neighbors on their concerns about the landfill expansion.

MOTION by Reed to close the public hearing.

Second by Schmisek.

Ayes: 6. Nays: 0. Motion Passes.

The public hearing closed at 8:12 pm.

5-minute break starting at 8:13 pm.

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Additional Comments:

Chair Kenninger stated that the residents had questions about the stormwater drainage, and culvert. Klatt stated that the applicant is required to submit a stormwater management plan. Erickson stated that the water flow off needs to match what currently flows off of the property.

Kenninger questioned about the 2015 purchase and rezoning of the property, as well as the resident notification process.

Klatt explained that the area was a more specific area that the applicant submitted a project for. Klatt explained the public hearing notice process that staff follows.

Kenninger questioned about the specifics of what happens when the landfill closes and possible contamination to the land and groundwater.

Ryan O’Gara, SKB Environmental, stated that SKB is required to have a liner be constructed and SKB has an additional second liner. If there was any leaking, it would show up in the additional second liner and could be dealt with right away. The County inspects the site 14 times a year. Several violations that were listed by the residents happened before we owned the company.

Kenninger inquired about SKB’s process to make sure that no hazardous waste gets into SKB. Mr. O’Gara stated that everything brought onto the landfill has to go through the waste expectance plan. An example of the waste would get screened prior to the waste getting excepted at SKB.

Kenninger questioned that the berm was originally planned to be a 20-foot berm and that the one that was constructed is only 10 feet tall. Mr. O’Gara stated that it was not stipulated how tall the berm would be.

Commissioner Reed inquired the cause of the blowing garbage onto surrounding properties. Mr. O’Gara stated that during very high winds this may happen and SKB have invested in screens and nets to avoid materials from blowing onto surrounding properties. If this situation that does happen SKB tries to be timely in picking up the debris in the parcels.

Reed inquired if a resident experiences debris on their property, what would the process be. Klatt stated that the resident should contact the City of Rosemount so that staff can document the incident.

Chair Kenninger questioned what has been done to help with the dust mitigation. Mr. O’Gara stated that calcium chloride gets applied to the unpaved surfaces and a water truck to water the internal roads during dry times. Kenninger inquired with the new road that is proposed, would the area of unpaved surfaces increase. Mr. O’Gara stated that the new road would be paved.

Commissioner Hebert inquired if any environmental studies have been done for the surrounding air. Mr. O’Gara stated that the landfill does monitor but the amount is so little that they are not required to monitor. The materials that are on this landfill do not produce that type of gas. From an air quality standpoint, the landfill has no impact.

Hebert questioned what kind of waste does SKB except. Mr. O’Gara stated that SKB excepts MSW ash, industrial waste, and construction or demolition debris.

Commissioner Rivera inquired if a resident letter that is dated July 20, 2021, was included in the packet for the Planning Commission meeting on July 27, 2021. Klatt stated that staff received that letter shortly after the July Planning Commission meeting.

Rivera inquired what the landfills business process includes. Mr. O’Gara stated that the landfills reasoning for expansion is because the current site has about 10 years left before they would be full, if the current amounts of waste continue.

Chair Kenninger inquired if Mr. O’Gara has any information about the regional trail. Mr. O’Gara stated that Dakota County was supposed to start construction but that they have redesigned their plans. SKB has been accommodating with Dakota County throughout the process of the trail.

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Commissioner Schmisek inquired if the current site has 10 years left. Mr. O’Gara stated that if the amount of waste continues the current site has about 10 years left. With the expansion it would extend the life of the landfill 10-15 years. After the proposed expansion the landfill will be at it’s limit of space.

Commissioner Thiagarajan questioned what the two-layer liner longevity. Mr. O’Gara stated that the material is high density and very thick. Thiagarajan questioned if there is a system used to monitor if anything gets through the two liners. Mr. O’Gara stated that there is a leak detection system. A liner is the most vulnerable when it is being constructed. Once a liner is constructed, they will do a leak detection system.

Commissioner Rivera questioned how many acres the actual landfill is. Mr. O’Gara stated that it is about 240 acres.

Klatt stated that the overall height of the facility is actually measured above sea level. The actual height of the landfill is 240 feet. There were three letters from residents that were submitted from residents.

1. Rebecca Wayerski and David Fry, 13273 Pine Bend Trail, stated that they live on the east side of the landfill. They would like this application denied. Their impact of quality of life is greatly impacted by the landfill.
2. Mary Her, also submitted an email to staff. Ms. Her spoke during the public hearing tonight and she touched on the topics that she wrote in her email.
3. MnDOT, stated that for the future road they need to be notified and included on the project.
4. A petition was also submitted to staff.

Commissioner Reed stated that the surrounding residents need to be in agreement to what is happening. There is time to get a better plan in place. Will not be supporting the proposed plan.

Commissioner Schmisek stated that he would like to see a better plan be put together to see if some of the current issues can be resolved.

Commissioner Rivera stated that the resident’s voices have been heard. Not in favor of this proposed plan. The long-term impact of the landfill is concerning.

Chair Kenninger stated that the proposed plan needs to be revised and work together with neighbors. Would like to see additional buffers be installed for the other surrounding neighbors so that debris doesn’t end up in yards and also provide some land value back to property owners.

Commissioner Thiagarajan stated that a solution should be made that can include the residents that the landfill impacts. There is a waste cap, but that land will never be the same.

Commissioner Reed noted that the land is proposed for General Industrial and Business Park in the comprehensive plan.

MOTION by Kenninger to rescind the actions that were taken at the July 13, 2021 meeting with regards to the application by SKB Environmental.

Second by Schmisek.

Ayes: 6. Nays: 0. Motion Passes.

MOTION by Reed to recommend the City Council Deny a Comprehensive Plan Amendment to change the future land use designation of 113 acres east of the existing SKB Landfill from GI-General Industrial, LI-Light Industrial, and BP-Business Park to WM-Waste Management.

Second by Hebert.

Ayes: 6. Nays: 0. Motion Passes.

MOTION by Schmisek to recommend the City Council Deny a Zoning Map Amendment to change the zoning of 113 acres east of the existing SKB Landfill from GI-General Industrial and AG-Agricultural to WM-Waste Management based on the comprehensive plan amendment and due to the comments discussed.

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Second by Rivera.

Ayes: 6. Nays: 0. Motion Passes.

MOTION by Rivera to recommend the City Council Deny the SKB Rosemount 2nd Addition Preliminary Plat.

Second by Hebert.

Ayes: 6. Nays: 0. Motion Passes.

MOTION by Reed to recommend the City Council Deny an Interim Use Permit amendment allowing an expansion of the SKB Environmental Landfill and related building construction.

Second by Schmisek.

Ayes: 6. Nays: 0. Motion Passes.

Chair Kenninger stated that she isn't opposed to SKB's expansion, but details need to be worked through and include the neighbors.

Discussion: None.

Reports: None.

Adjournment: There being no further business to come before this Commission, Chair Kenninger adjourned the meeting at 9:37 pm.

Specialist

Respectfully submitted,
Stacy Bodsberg, Recording