



Sibley County Zoning
Property Assessing & Zoning Department
400 Court Avenue – P.O. Box 532
Gaylord, MN 55334
Phone: (507) 237-4091
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Zoning@co.sibley.mn.us

Sibley County
Planning & Zoning Commission
Public Hearing Minutes
June 7, 2021

The Sibley County Planning & Zoning Commission convened at the Sibley County Courthouse Monday, June 7, 2021 at 6 p.m. pursuant to notice given as required by law.

Members of the Planning & Zoning Commission Present: Bruce Froehlich, Bruce Lilienthal, Terry Morrison, Brad Perschau

Members of the Planning & Zoning Commission Absent: Joy Cohrs & Darrel Mosel

Also Present: David Schauer, County Attorney; Geoff Beranek, Property Assessing and Zoning

Guests Present: Steve Herschman, Dana Lietzau, Roger Tabbert, Austin Frauendienst, Rachael Frauendienst, Lori Ammann, Troy Ammann, Scott Tempel, Gary Lagerstedt, Jon Lagerstedt, Ken Briese

The meeting was called to order and roll call was taken.

Planning & Zoning Commission May 3, 2021 meeting minutes were approved. Motion made by Terry Morrison, second by Brad Perschau and passed unanimously.

Geoff Beranek introduced CUP #1129 Amendment submitted by Novel Energy on behalf of property owner Lila J Sillerud ET AL to allow for an additional 1MW solar array in the A-General Agriculture district at the property located at 29623 627th Ave Gibbon, MN 55335.

Scott Tempel of Novel Energy gave an overview of the proposed project, spoke about the existing array issues and provided background information on Novel Energy's involvement with the permitting and sale of the existing array, and updates in regards to addressing the issues with the existing array.

The public hearing was opened.

Bruce Lilienthal asked about the location of the proposed array and if the panels would be the same as the existing array.



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Scott Tempel replied it would be south of the existing array with a gap in between the arrays large enough to maintain and the panels would be different then the existing panels.

Bruce Froehlich asked about the size of the proposed array in comparison to the existing and if Novel was working to correct existing issues.

Scott Tempel responded the project area is 10 acres and that they were working to get the existing issues corrected.

Brad Pershau questioned what levels of stray voltage was coming from the existing array when it was tested and what the acceptable level of stray voltage was.

Scott Tempel replied at the array it was around 3 volts and after corrections were made it was down to a half of volt and under a volt is standard.

Dana Lietzau from the City of Gibbon stated they were working with the stray voltage contractor Scott Tempel had put them in touch with. She explained the issues the City was having with power surges at their water plant cutting out the wells and having to reset the well constantly. She stated it was an issue with Xcel Energy and the dangers to the community should the wells kick out if there is a fire. She explained she is not against solar energy but this project because of the problems they have been experiencing since the first array was constructed.

Ken Briese asked if there were any assurances that Novel Energy could not sell out again.

Geoff Beranek stated the Conditional Use Permit stays with the land.

Scott Tempel stated there are no intentions at this time to sell the project.

Geoff Beranek question what language is in the lease agreement between the property owner and solar company in regards to who is responsible when issues arise.

Scott Tempel stated Novel would be the responsible party for the maintenance of the project.

Bruce Lilienthal spoke about not issuing the permit to construct until current issues are fixed.

Geoff Beranek stated if a condition like that was made he would like a duration to be placed on it.



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Scott Tempel stated it is common that a condition for stray voltage testing to be placed on a permit for before and after an array is constructed and annually after that.

Terry Morrison questioned if there was a way to shut off the existing array to see what affect it had on the Gibbon Water Plant issues.

Gary Lagerstedt stated in order to shut it off that would have to be an agreement made between the lease owner and power partner.

David Schauer explained the process of terminating a Conditional Use Permit.

The conditions listed on the original CUP were reviewed and discussion on the current power surge issues, stray voltage, and Conditional Use Permits took place.

Bruce Froehlich questioned when the wells kick out if they are out completely and how long it takes to get them turned back on again.

Dana Lietzau stated they are completely shut down when they kick out and it takes a short time to reset them but there is no way of knowing when the notification they have kicked out will come as the power surges happen sporadically. She stated the places of business serviced by 3-Phase are currently having issues.

Discussion on a condition of adding stray voltage testing to the solar site took place.

Scott Tempel commented on stray voltage at the solar array compared to stray voltage at specific building sites.

Discussion on conditions, drainage, and a Stormwater permit was had.

Bruce Lilienthal asked Ken Briese if a condition to repair the damaged drain tile would help his drainage issues caused by the original array.

Ken Briese stated he believed it would if the repair was completed and asked who would be the contact to enforce the conditions should they not be followed.

Geoff Beranek stated himself or whoever held the Planning and Zoning Administrator position at the time.



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Discussion on enforcing conditions and follow-up took place.

Steve Herschman commented the Township does conduct weed inspection and contact property owners in violation and send a copy to the County Weed Inspector.

Jon Lagerstedt commented the arrays are ugly and he does not like the looks of them.

Roger Tabbert with the City of Gibbon commented on if Novel Energy sells this project like the first they are legally off the hook and the City has spent thousands of dollars over the past two years to try and fix the power problems.

Geoff Beranek explained any complaints are followed up with the property owner since the CUP is issued to the property owner.

No additional comments were made and the public hearing was closed.

Findings were found to be met.

A motion to approve the amendment to CUP #1129 was made with conditions by Terry Morrison, second by Bruce Froehlich and passed unanimously. Existing condition to remain are as follows; 1) Provide Sibley County Property Assessing & Zoning with a financial accounting for the difference between the expected decommissioning cost and salvage value every five (5) years, for the term of the project; 2) Control weeds on project site; 3) Fence project site. Additional conditions added to the CUP are as follows; 4) Stray voltage to be tested at site before and after new array is constructed; 5) Annual stray voltage testing to show stray voltage is at or below Industry Standard; 6) Repair damaged drainage tile.

Geoff Beranek introduced CUP #906 Amendment submitted by Rachael Aggregates LLC on behalf of property owners Chard Brothers LLC to allow for crushing of gravel and stone excavated at the gravel pit for the property located at 32755 333rd Ave Le Sueur, MN 56058.

The public hearing was opened.

Bruce Lilienthal stated at the public viewing of the site the area where crushing would take place was identified.



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Austin Frauendienst gave a background on the property and explained the reasoning behind the application for the amendment.

A discussion took place on the legal description attached to the original CUP.

Geoff Beranek stated that no action would take place on the application since no written Township Notification was presented.

Geoff Beranek stated the existing conditions that are listed on CUP #906.

Austin Frauendienst provided details on the equipment used to crush the materials.

Rachael Frauendienst stated the crushing would take place periodically as they would rent the machinery.

A general discussion on hours of operation was had and will be revisited at the July meeting.

Lori and Troy Ammann provided background information on their property adjacent to the pit and the operation of the pit. The issue of dust control was brought up and proximity to their home was brought up.

Austin Frauendienst stated the equipment does have spray units on it that can be used to help with the dust during crushing and it would not be any dustier than the current screen processes. The proposed crushing would take place in the pit.

Lori Ammann asked if a dust control schedule could be set up.

Austin Frauendienst talked about the availability of the dust control treatments and the difficulty of getting on the schedule.

Lori Ammann asked about placing a berm between the haul road and her property.

Austin Frauendienst stated there was common borrow in the pit that could be used to establish a berm.

Austin Frauendienst stated Henderson Township would like to see signage such as "Trucks Hauling" placed along the road and who to address that with.



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Geoff Beranek stated Sibley County Public Works would be the contact for any signage along a County road.

Lori Ammann questioned if a second entrance to State Hwy 93 was planned.

Austin and Rachael Frauendiest stated if they have work on the State Hwy 93 project that maybe something they would pursue.

The public hearing will be continued to the July 12, 2021 meeting.

A motion to table the application until the July 12, 2021 meeting along with a 60-day extension to allow for the Township Notification to be filed was made by Bruce Froehlich, second by Terry Morrison and passed unanimously.

Lori Ammann asked about future operators of the pit and their ability to crush.

Austin Frauendienst stated he has a 15-year lease on the property and the material will more than likely be used up at that point.

Geoff Beranek gave a staff update and general discussion on permits was had.

A motion to adjourn the meeting was made by Terry Morrison, second by Brad Perschau and passed unanimously.

Meeting was adjourned at 7:40pm.

Attest:



Planning & Zoning Commission, Chair



Date