

Coordinated Development In

MOWER COUNTY

AUSTIN, MINNESOTA

55912



(507) 433-1846

AUSTIN-MOWER COUNTY PLANNING DEPT.

May 27, 1986

MINUTES OF THE MOWER COUNTY PLANNING COMMISSION REGULAR MEETING

Members Present: Ray Capelle, Jen Ulwelling, Joe Monsen, Gary Braaten, John Hill, Richard Cummings

Members Absent: Bob Werner

Others Present: Daryl Franklin, William Buckley, Julie Lewon

Chairman Capelle called the meeting to order at 8:04 p.m. on Tuesday, May 27, 1986 in Conference Room I in the Mower County Courthouse, Austin, MN. The minutes of the April 29, 1986 meeting were approved as mailed on a motion by Mr. Monsen, seconded by Mr. Braaten and passed unanimously.

Renewal of Conditional Use Permit for a Demolition Landfill in the Rural Zone and Shoreland Areas - Wallace Bustad: Mr. Franklin read the staff report. The permit was first issued in 1982, renewed in 1984 and is up for renewal in August of this year. The legal description of this property is 15 acres in the S 1/2, NE 1/4, Section 15, Austin Township.

Mr. Bustad was present and spoke in favor of the permit being renewed. He explained that the landfill was used by himself and other contractors, and that sometimes the wrong type of materials were dumped but he removed them before covering with dirt.

Louise Lingbeck, resident of the area, showed pictures of what had been in the landfill and pointed out inappropriate materials. She also showed a garbage bag of items and said that she had seen car parts, garbage, paper, etc. in the landfill. She commented on the water in the landfill being green and smelly and asked Mr. Buckley when the water test authorized by the County Board would be taken. Mr. Buckley responded by first reading the definition of a demolition landfill and demolition waste. He said that he had sent for the water test bottles and was expecting to take the test this week. He explained that it could take six weeks to get the test results.

Nancy Heimsness, resident of the area, spoke about her concern over heavy equipment using the north access to the landfill and

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the fact that inappropriate material was being dumped at the landfill. She said that the water at her house had been tested in August of 1985 and the results showed it was unfit for human consumption. She was now wondering if this was the fault of the landfill.

Glen Hertle, resident of the area, expressed concern about the possibility of toxic waste being dumped at the site. He felt the area was not adequately policed to prevent toxic waste from being placed there. Mr. Hertle wanted the renewal of the permit held up until the water test was taken and the results received.

Mr. Bustad was asked where he takes those items that must be removed from the landfill. He replied that most of the things were taken to the transfer station, but tires were taken to his shop.

Beverly Houston, resident of the area, expressed concern over sofas, chairs, and other non-demolition material being in the landfill.

Oliver Hillier, Austin Town Board, suggested that the permit be changed to allow only material from street construction so there wouldn't be anything perishable there to harm the ground water.

Mrs. Lingbeck asked if it would be possible to have the State Fire Marshall out to check the site as she felt it would burn for months if it caught fire.

Sal Espe, Austin Town Board, asked if Mr. Bustad had plans to expand his operation. Mr. Bustad said yes, he had bought some property directly to the north of the landfill site and he had plans to use that new area for a gravel pit.

When asked if Mr. Bustad has a permit for this new area, Daryl Franklin stated that he did not but that he was working on an application for the permit now. Mr. Franklin further explained that the permit being discussed did not cover the new area to the north.

Tim Heimsness, resident of the area, was concerned that the landfill was so close to the river and the possibility that Mr. Bustad was digging below the water level. Mr. Buckley said that Mr. Bustad had not dug too close to the river since the permit had been granted and that he does not feel the bottom of the site is below the water level of the Cedar River.

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Bruce Heiny, resident of the area, asked about the length of the next permit, five years, and stated that he felt it should be looked at yearly. John Hill explained that the new permit was for five years in order to run along with the State permit.

Richard Mueller, resident of the area, said he was concerned about the ground water and felt the landfill had been dug too low. He had just drilled a new well and was concerned about his water.

Jen Ulwelling asked Mr. Bustad how the landfill was supervised. He explained that the contractor gets a key from him before dumping or they are given a key until they are done with a job. He tells them what shouldn't go in before they dump. He doesn't watch them actually dump the things. He said that mostly the problem comes from dump containers left on a construction site that are unsupervised.

Sheldon Lukes, Austin Town Board, asked who policed Mr. Bustad and who had copies of the on-site inspections. Mr. Franklin said that Mr. Buckley polices the site and, through letters and speaking to Mr. Bustad, gets things removed. The Pollution Control Agency can also order things to be removed. Mr. Buckley said the PCA, Mr. Bustad and himself have copies of on-site inspection reports and that they were available to anyone.

Francis Richardson, resident of the area, spoke concerning the ground water. He said that if the water is in jeopardy from toxic waste it should be checked better. He felt the water test should be taken as soon as possible.

Mr. Heiny asked why a demolition landfill was allowed in the flood zone when you can't build there. Mr. Franklin explained that a demolition landfill was allowed because there were no people there and, therefore, no danger to people from the area flooding. Mr. Buckley stated that there had been a cut at the north end of the site to allow for drainage of water in the landfill. A valve had been placed there and the cut filled. The valve let water out and no flood water in. He further explained that the State feels that demolition debris, because it doesn't rot, doesn't leach out things they don't want in the river.

Dean Anderson, Austin Sanitation, said he thought Mr. Bustad was doing a good job with the landfill. He said he himself had been policed well whenever he dumped there.

Dale Rossow, resident of the County, asked Chairman Capelle to read a paragraph from the "The Biology of Polluted Waters" by

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H.B. Hynes. It concerned lead in water and the effect on fish. He was concerned about lead and other heavy metals getting into the water.

Ruby Klingfus, resident of the area, questioned why the water test had not been taken yet. She said that we live in America, have rights and should be notified as soon as possible if there is a problem with the water.

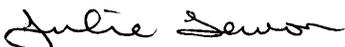
Mr. Bustad asked if water from the Cedar River could be tested also so the two results could be compared.

Chairman Capelle asked the Commission members for their thoughts. Mrs. Ulwelling said it was obvious that non-demolition material was being placed there and it wasn't being properly supervised. She suggested that the matter be tabled until the water test results were received. Mr. Monsen was concerned about wrong materials being placed there and suggested that the nearby residents have water tests taken. Mr. Braaten agreed that water tests should be taken by the area residents to see if there was a problem. Mr. Cummings felt there should be a better way to police the matter than presently used. He suggested that someone be there when dumping occurs. Mr. Hill agreed that thought should be given to a different type of supervision. He also suggested water tests but added that there could be many reasons for a bad water test besides the landfill.

A motion was made by Mr. Hill to table the matter to the June meeting to see if the water test results would be received by then. The motion was seconded by Mr. Braaten and passed unanimously. It was decided that Mr. Buckley would contact Mrs. Lingbeck prior to the June Meeting and let her know if the results had been received. If they are not the matter will be held at the August meeting. Mrs. Lingbeck agreed that she would contact others in the area so they would know whether to come to the meeting.

There being no further business a motion to adjourn was made by Mr. Monsen, seconded by Mrs. Ulwelling and passed unanimously. The meeting adjourned at 9:30 p.m.

Respectfully submitted,



Julie Lewon, Acting Secretary