

**VILLAGE OF MARSHALL  
PLAN COMMISSION MINUTES  
JANUARY 23, 2013**

Chairperson Hensler called the Plan Commission meeting to order at 7:00 p.m. Members present: Shepler, Vick-Peck, Riley, Blaschka, and Hensler were present. Krebs and Arnold were absent.

Others Present: Erin Ruth-GRAEF, Bruce Barganz-Frontier FS-GROWMARK, Andy LaPalme-VAA on behalf of Frontier FS, Chris Raasch, Diane Graff -Courier, Jeff Korab and Sue Peck-Clerk.

Pledge of Allegiance

1. **Public Hearing:** Public comment period on a request for a conditional use permit by Frontier FS-GROWMARK to allow the expansion and operation of a retail terminal for FS-Growmark including the installation of a liquid fertilizer tank, pump feed house, ag-chemical load out area, and railroad spur expansion; with future plans to relocate an office building and scale and add an additional liquid fertilizer tank at the property known as 814 Lewellen Street, Marshall. The property is currently zoned Industrial (M-I).

**A motion was made by Riley and seconded by Blaschka to open the public hearing at 7:03 p.m.**

Andy LaPalme, consultant for Frontier FS, was hired to look at the grading, stormwater, and permitting for the site. They are proposing the addition of one liquid fertilizer tank, a pump feed house, Ag chemical load out area, drainage improvements, and rail spur extension.

Frontier FS agent Bruce Barganz stated according to state codes they must build to State standards and meet their standards. The tank will have an outside steel shell, and then an interior PVC liner. In between the walls there will be monitoring devices for detecting leaks. These tanks require draining and inspection every 5 years. They will be storing liquid nitrogen in the tanks. They currently hold 150,000 gallons of nitrogen at the site now. They are just expanding the storage. Most of the product will be coming by rail; some will come by truck. Everything is loaded with secondary containment in place. The product is not gas in nature. It is liquid, it can be contained. It is not flammable. The product is 38% nitrogen and the balance of the liquid is water. If you have a large concentration it will kill grass, trees etc.

Mr. Hensler asked about the storm water. Mr. LaPalme said they are working with Town & Country to meet the requirements. Because they are serving more than one acre they are required to be permitted by DNR. They are in the process of obtaining that permit as well.

Ms. Vick-Peck asked what type of trucks will be accessing the area. Semi-trucks that are pulling tankers will be used. They currently use tankers now. They will be about 400 trucks a year. They currently will only be using their current access on Lewellen. When they get the opportunity they may move the office building and may ask for a curb cut in the area to the south by Best Built Parkway for additional traffic flow.

Mr. Riley also questioned the access and if parking will be lost. He also questioned how many children are in that area. A survey wasn't taken on the number of families in the area.

Mr. Riley asked how many gallons the tank was. It is a two million gallon tank. Mr. Riley asked if the Fire Department has the capability to take care of a spill. Mr. Barganz said if there happens to be a spill you use earth moving equipment and build berms. If the structure is built the way it is supposed to be with secondary containment features, that is what stops spills from happening. If for some reason it escapes both containments it would run to where they propose the storm water to run, which is to the north east side of the property.

Mr. Blaschka said they must have an emergency plan. Mr. Barganz said they are required to have an emergency response plan submitted and then updated annually. They also invite the Fire Department to tour their site. Their drainage plan is designed for stormwater purposes, if there was a catastrophic event the spillage would flow to the drainage areas and eventually off site. The drainage structures are more to the north and east.

Mr. Riley asked if they had any fuel on site. They just have one tank for gas (50 gal) and one for diesel (50 gal) for their own purposes. They are doubled walled containment tanks.

Ms. Vick-Peck asked if there are going to be any odor factors to the neighborhood. Mr. Barganz said there is none. When it is transferred it all contained. The rail cars will have manifolds that will be connected to pump to the main tank.

Mr. Barganz said they also would like to get out of the anhydrous business, which is one reason they are using other types of fertilizer applications.

Mr. Riley asked about the future proposed tank. Mr. Barganz said the second tank wouldn't be any larger, but not sure at this time what that would be. That is something that would be added 5-10 years out.

Jeff Korab asked if there would be additional noise that they can perceive. Mr. Barganz said the load out shed is a ways off of Lewellen Street and everything will be inside the building. The pump itself will be closer to the railroad tracks. The only noise will be trucks. Will they be removing the fence? Mr. Barganz said they are flexible on that. It is not required for the site. They would also be a good neighbor and provide additional landscaping.

Mr. Barganz said they are not increasing the agro-chemicals on site, just the liquid fertilizer on site.

GRAEF-Erin Ruth; staff review. Mr. Ruth asked about the two story office building. Mr. Barganz said they may move the existing office to the center of the property. It is undetermined when that will be. Some of it will depend on the finances.

Mr. Ruth reviewed the proposed conditions he outlined in his staff report dated January 23, 2013. He recommends approval of a conditional use permit with the following conditions:

1. Requirement that additional landscaping be required to provide a better visual buffer from the residential areas. He suggested some tall shrubs by the Lewellen Street entrance.
2. Recommended that the relocation of the office building not be included in this approval.
3. The pump house building on the north east corner needs to meet the eight foot accessory building setbacks. If they provide documentation from the D.O.T. we could consider the 8' setback to the north to be something lessor.
4. Mr. Ruth asked if we wanted to give approval for a second tank now or have them come back at a later date.

Mr. Blaschka asked how far down the road will there be a second tank. Mr. Barganz said 5-10 years out. They are fine with coming back in the future for the second tank.

4. Approval for a future second tank will not be included in this proposal

Mr. Hensler asked if they are going to leave the fence. Mr. Barganz said the cement block building had lien twos and they will be keeping the cement block building. The building on the south east corner they don't have a use or plans for it. They may sell it someday.

Mr. Hensler said he doesn't want Best Built Parkway to be the main access for the southeast corner building if they should sell or rent out that structure. The previous owners had access on a limited basis. Mr. Barganz said they would have to work with a future tenant and access through their property.

Mr. Barganz said they are considering a second entrance/exit by the old office building near Best Built Parkway in the future. They wouldn't want that one until such time the office building is relocated or removed.

2. Close Public Hearing

Chairperson Hensler made a last call for testimony and then a second last call for testimony, hearing none; a motion was made by Riley and seconded by Shepler to close the hearing at 7:54 p.m. Motion carried unanimously.

3. Recommendation to the Village Board on the proposed conditional use permit request by Frontier FS-GROWMARK -for 814 Lewellen Street.

**A motion was made by Riley and seconded by Blaschka to recommend a conditional use permit request by Frontier FS-GROWMARK for 814 Lewellen Street including the following**

- **Inclusion of all conditions as outlined by GRAEF's staff report dated 1-23-13;**
- **stormwater/drainage must be approved by Town & Country and proper permits shall be received from the DNR;**
- **a landscaping plan shall be submitted and approved by the Planning Commission for the property by May 1, 2013;**
- **all access on the south property line should be used for emergency access purposes only;**
- **This approval DOES NOT include a future second tank on the property.**
- **Fire Department to be provided the opportunity to review the proposed plans prior to approval by Village Board on February 12, 2013.**
- **Does not include a second entrance/exit approval at this time for the property.**

**Motion carried unanimously.**

Mr. Barganz said they would like to have it functional by July. The only thing that may change is storm drainage.

4. Consideration on approving a site plan for Frontier FS-GROWMARK for 814 Lewellen Street.

**Motion by Shepler and seconded by Vick-Peck to approve a site plan for Frontier FS-GROWMARK for 814 Lewellen Street as long as all conditions are met as determined in the Conditional Use Permit dated February 2013. Motion carried unanimously.**

**IDENTIFICATION OF TOPICS FOR FUTURE DISCUSSION AND/OR ACTION**

1. Next regular meeting 2/27/13.

Adjournment

**Having no further business a motion was made by Vick-Peck and seconded by Shepler to adjourn at 8:11 p.m.**

Respectfully submitted,

Sue Peck  
Clerk/Treasurer