

**Minutes of the Dodge County
PLANNING COMMISSION MEETING
December 11, 2014
Special Meeting**

The special meeting of the Planning Commission was called to order by Richard Wolf at 1:00 PM on Thursday, December 11, 2014. Present were Planning Commission members Harlan Buck, Richard Wolf, Jon Balzum, Walter Wyttenbach, Darren Durst and Joshua Toquam. Also present were County Commissioners Dave Erickson, Rodney Peterson, Tim Tjosaas, John Allen and Steve Gray, Zoning Administrator, Melissa DeVetter, Environmental Services Director, Mark Gamm, County Administrator, Jim Elmquist, County Attorney, Paul Kiltinen and MCIT Attorney, Paul Reuvers.

Motion by Harlan Buck, seconded by Darren Durst, to approve the agenda. Motion passed unanimously.

Masching Swine Farms, LLC – CUP#14-08

The public hearing is to consider an application for a Conditional Use Permit to establish a new feedlot facility consists of Swine, Finishing Hogs, 2400 head, and 720 Animal Units. The barn is 101' 8" X 193' X 8' Total Confinement Building and Concrete Manure Storage Area below Barn. The parcel is 6 acres located in the NE ¼ of the NW ¼ of the NE ¼ of Section 5, Westfield Township. Masching Swine Farms LLC is the applicant and the property owner.

Paul Reuvers, MCIT attorney representing the County, stated that the District Court vacated the CUP#14-04 however; the Court stated Mr. Masching could reapply. This is why this application is here. This meeting has fully complied with all notice requirements in statute and ordinance. As you can see, we have a full house so they did receive the notice. Written comments have been received by mail. There was a written request by Sonja Trom Eayrs for a continuance however; she and her attorney, Mr. Peters are present. Whether they still want a continuance remains to be seen however, Mr. Reuvers stated that he sees no need for that since Ms. Eayrs and Mr. Peters are here. Mr. Reuvers stated that his recommendation would be to move forward with the application with a public hearing and recommendations. Mr. Reuvers stated that he will be available for questions.

Nick Masching was present to explain this proposal. The building is in Section 5 of Westfield Township. The dimension of the building is 101.8 x 193 with 8' concrete manure storage beneath the building. There is a 40 x 42' compost shed on site.

Richard Wolf instructed the audience that if anyone wishes to speak at this public hearing then they will be required to fill out the yellow form. These forms are located at the end of each table. Mr. Wolf stated that there is a time limit to speak of three minutes per person or five minute if you are representing a group.

Jim Peters, attorney representing Trom's stated that they are in opposition to the CUP. They are not asking for a continuance now. The court order was dated November 18th, 2014 the application was received on November 20th, 2014 and the 21st, 2014 there was a staff report. The new application that is being used now states that the applicant does not have to have any of the MPCA and other information now. That is inconsistent with the ordinance. The ordinance says that you have to have all that information up front and so Mr. Peters thinks that the application is out of order. Mr. Peters feels that the application should not be processed. There was quite an email traffic between the project lawyers and the county that he was not included on. The judge did note in the order of memorandum that there was information missing and that is why she reversed it and threw it out. The manure management plan is not adequate there is not enough acres. This project is going to generate 1.1 million gallons and they will need 800 acres on a corn soil bean rotation to prevent nitrate and phosphorus build up. They have 490 acres. Mr. Peters stated that he doesn't believe that the number of acres is verified. They have tankered manure down to the Westfield Township land so they are already using that land for manure application from some other site. There needs to be a handle on manure management. What happens is that some of these townships get full there is not enough land to apply the manure. Mr. Peters stated that he is representing townships that are adopting ordinances because they have no more land left and they are getting into bidding war. The 490 acres is not enough you need 800 acres and you need more verification here. Not just a one page document dated August 15th, 2014 stating that they have 300 acres here and 190 acres here plus you have to comply with the township. Ripley has an ordinance that talks about how you can transport manure. Bio-filters should be required. You have had a past practice of requiring them. Mr. Peters stated that his letter talks about property values issue and studies. Waseca has a chart that they use. It does hurt the residential property values. The ordinance talks about when a Conditional Use Permit is not allowed. It talks about a 6 month waiting period. They supposed to wait 6 months before they come back. This prevents a person to come back and back and back again. You need to do the right think here by following the ordinance you should not be cutting corners. You should not be using a new application that does not follow the ordinance and fast tracking this through in two day when they should be waiting 6 months.

Sonja Trom Eayrs stated that she and her husband grow up in Dodge County. She will be representing for a number of her family members.

Richard Wolf clarified that Ms. Trom Eayrs is representing all her family members.

Sonja Trom Eayrs stated that she is representing a number of her family members, however, her father and husband are going to speak also.

Richard Wolf stated that her 5 minutes has started.

Sonja Trom Eayrs stated that once again this County is fast tracking this controversial feedlot application. The county has a history of fast tracking feedlots

application. They have a sworn statement that was produced by Ms. DeVetter in contention with the law suit that was filed by her family earlier this year that states she admits that the county has a long history of fast tracking these applications. Judge Williamson in her order dated November 18th, 2014 chastised the county for fast tracking these applications and processing them incorrectly. The court vacated this permit on November 18th, 2014. November 26th, 2014 the day before Thanksgiving they had heard, well actually Ms. Trom Eayrs corrected, that they had heard through the grapevine that the applicant was back at it. That they were going to quickly reapply so her husband drove to the Dodge County Courthouse and requested the file. Ms. Trom Eayrs stated that they found out that two days after the Judge vacated the permit that Masching had already resubmitted their application and that was not disclosed to them. On November 21st, 2014 the county was already working behind the scene. Environmental office sent a memo to Westfield Township, SWCD, County Hwy Dept., DNR and the CRWSD requesting comments. On November 26th, 2014 the Feedlot Advisory Committee met. That is how fast they were trying to get this going. November 26th, 2014 the Dodge County Planning office issued its Finding of Fact and Recommendations and scheduled this special meeting. Ms. Trom Eayrs stated that they only found out about this meeting because her husband took time to come down here and looked at the file. Ms. Trom Eayrs stated that she has presented to the Planning Commission today about a 3" binder with material and in that is a summary of all the feedlots in the County. Ms. Troms Eayrs stated that you might have called this commission the feedlot commission in this county. Five of the seven people on this Planning Commission have feedlots ties. Joshua Toquam is the son of Roger Toquam, and Roger's signature appears on the manure management plan. Roger Toquam sold the 6 acres to Masching. Richard Wolf has 945 AU, Durst Brothers 3195 AU, AJ Wyttenbach 65 AU AJ Toquam 1176 AU, AJ Balzum 82 AU. Galen Johnson recently retired from the commission.

Richard Wolf stated that Ms. Trom Eayrs 5 minutes were almost up and she needed to wrap it up.

Sonja Trom Eayrs stated that she still has authorization from eight other family members and she intends on using her time.

Paul Reuvers informed the chair that Ms. Trom Eayrs was out of order.

Richard Wolf reminded Ms. Trom Eayrs that she stated that she was representing her family member and has had her 5 minutes to represent that group. We will now move on.

Sonja Trom Eayrs continues to talk over Mr. Wolf by stated that her mother Evelyn was in a nursing home and that she is being denied to speak. Ms. Trom Eayrs insisted on having her time.

Richard Wolf called Douglas Eayrs.

Sonja Trom Eayrs continued talking.

Paul Reuvers informed the Chair that Ms. Trom Eayrs was out of order and was disrupting the public meeting.

Sonja Trom Eayrs stated she has a right to her First Amendment; to the freedom of speech and has signed authorization to speak on behalf of her mother.

Richard Wolf stated to Ms. Trom Eayrs that she has had her 5 minutes to speak for the group of people she has on that paper now it is time for Douglas Trom to speak.

Paul Reuvers again informed the Chair that if Ms. Trom Eayrs does not yield the floor that we ask the sheriff office to come. Ms. Trom Eayrs is disrupting a public meeting and is not following the rules that the commission has set forth. Mr. Reuvers stated that he would ask Ms. Trom Eayrs to yield the floor and for a continuance to allow time to get the sheriff office here to maintain order in the meeting.

Sonja Trom Eayrs stated that she is formally stating her objections to this permit application on the record. She stated is a sham process; this is a miscarriage of justice and going to ask this feedlot commission to recuse yourselves because you are in such significate bias that you cannot vote on this project.

Richard Wolf informed Ms. Trom Eayrs to sit down or he will call the Sheriff. Mr. Wolf called Douglas Eayrs to speak.

Douglas Eayrs stated that he is a property owner in Concord Township and he lives in the Twin Cities. When you approve this Masching project those neighbors will be living by this for 40 years. That is how long you are sentencing them. How long will Masching own this, its 6 acres and it is an LLC. If he has a pit fire and his hog burn up he could abandon it. He could just walk away. The County's report is called the Findings of Fact by County staff this is a bias one sided report. There is information that was purposely omitted. The report states that there is no value to natural resource. Mr. Eayrs posted pictures of snowy owls and stated that snowy owls have been on site for years. This is a winter habitat for snowy owls and is worried about traffic up and down 700th St by the residence. There is nothing in this report about snowy owls a protected bird. The 2nd thing in this report it says that this does not harm property values. There is no supporting document stating that. The staff is not doing their work and the commission must decide on the thing that they are putting in the report. These staff people are paid by the county. Troms helps pay their salary to write a one sided report. There are 20,000 people in Dodge County. Hog and feedlot operators are 1% of the county. Every time you permit one you stiff the neighbors in favor of 1% of the county. Feedlot owners do harass and bully the neighbors that oppose their operations. The County could easily deny this permit.

Richard Wolf called Lowell Trom.

Brad Trom stated he lives in Blooming Prairie; he is at his dad farm every day.

Richard Wolf stopped Mr. Brad Trom and inquired of Ms. Trom Eayrs that Lowell Trom was next in order and inquired if this was okay with her. Ms. Trom Eayrs indicated yes.

Brad Trom stated that one thing that he felt was interesting was that there was a little cancer cluster going on. They are already surrounded by large hog barn and the odor is so terrible. Mr. Trom stated that he picks up along the road every summer and this summer it has been terrible with all of the kind of crap he has found. That is the kind of harassment that they are dealing with. That's wrong it's like putting a gun to your head and saying; we are doing this no matter what.

Lowell Trom stated that Dodge County is out of control. You can't even drive down the road without smelling them. Put an end to this crap and he sick of it.

Owen Kirkebon, Westfield Township, stated that the township felt that Masching should have the permit. Livestock creates job and it has created a lot job throughout the county. It is not just the hog farmer wrecking the roads it's the crop farmer too.

Ken Folie stated that he works with feedlot owners and the county. The manure plans are covered under the 7020 rules of the MPCA. The 7020 rules talks about the number of acres which can vary but there is a transfer of ownership plan. That plan requires you to know what the manure is and the manure testing. There is an appendix A and B that is giving to the recipients of it to make sure that he applies at agronomic rates and the setback are followed. There is generally a custom licensed manure hauler applying it.

Rhonda Toquam stated that she had a question; after these barns are build how much trouble has those build caused Dodge County. How much time does the county staff spend policing or taking care of these issues that are not followed by the rules set before them when issued a permit? Masching has several barns within Westfield Township and they are the nicest keep site within Dodge County. They already have a great track record.

Barb Brewington lives a couple of miles south of the proposed barn. Ms. Brewington is very disappointed in Westfield Township for not calling the meeting. She felt the township only talked to a select group of people and felt that it was okay. Ms. Brewington stated that she did talk to people that were not okay with it and would of showed up for the meeting had one been held.

Roger Toquam stated that he sold the land to Nick Masching. When Nick came to him he remember that when he drove by Masching's family hog barns that they were so well kept up and as a fellow hog producer, he was so proud of them. Mr. Toquam stated that he contacted a couple of feed mill in the area that are very close to this hog facility and that they all sell corn to. They grind roughly 9 million bushels of corn and that is all thanks to livestock. The grain market right now is \$3.60 but, it would be a whole lot lower for the price of corn if we didn't have people like Nick Masching

building hog barns. We need to increase the price of corn, we need livestock and with that farmer make more money, pay more taxes and that is how our roads get improved.

Jim Trom, son of Lowell Trom, stated that he works the farm and wanted to know why we can't mandate the bio-filters. Is there a problem with that? County wide.

Sonja Trom Eayrs interrupted and started to tell who she would like to speak for.

Paul Reuvers informed the Chair that Ms. Trom Eayrs was out of order and is disrupting the meeting.

Richard Wolf informed Ms. Trom Eayrs that she had her time to speak for the group and told her to sit down. Ms. Trom Eayrs continued to argue.

Mr. Peters interrupted to say what the hurry is for closing the public hearing.

Richard Wolf stated that there is no hurry but, there are no more yellow sheets that have been submitted for a request to speak at this public hearing.

Motion by Harlan Buck, seconded by Walter Wyttenbach, to close the public hearing. Motion passed unanimously.

Melissa DeVetter stated that Mr. Reuvers has stated that the CUP was vacated because of the court's interpretation that we did not have a complete CUP application. Mr. Peters has brought up that we have changed the application and that it is not in compliance with the ordinance. That is not true. With that being said we do have all of the components of the complete application that the Judge had determined incomplete. Ms. DeVetter went through each component of Section 16.24.3 of the Dodge County Ordinance.

Melissa DeVetter stated that one thing that was claimed was that 800 acres associated with this facility to meet the 7020 requirement. That is not correct. Ms. DeVetter stated that she did talk to Paul Brietzke, MPCA representative in regards to what kind of acres would be need for Mr. Masching facility. He provided Ms. DeVetter with the most resent University of Minnesota Extension recommendations. The recommendations that Mr. Peters used to do his calculation were older and the Minnesota rules states you must use the newer ones. Mr. Brietzke has provide step by step calculations and it appears that they are close to twice as must acre that you would need. By laws they are required to apply manure on a nitrogen rate, not phosphorus. Mr. Peters information that he referenced (40b) it talks about phosphorus management; phosphorus management would be required if it is less than 300' from waters. Going beyond the fact that Mr. Masching is not responsible for the application of manure he is responsible for providing the information to Mr. Toquam for him to properly applying it. Mr. Toquam is regulated by the MPCA also. He has a NPDES permit and he has requirements on how and where this manure is being applied. There is not a phosphorus requirements and based on the calculation

they could apply manure on half of it every other year and still be adding only 6 pounds of phosphorus. At that rate that is not a pollution concern. Mr. Toquam already has buffer established along his water course some are 35' and others are 50'. If the soil test does come back from Mr. Toquam indicating that there is a problem then Mr. Toquam would have to add additional buffers.

Melissa DeVetter stated that in the notes there was a mention of a Certificate of Compliance. The Certificate of Compliance has evolved into the Construction Short Form permit and Intern Permit and the NPDES permit. If you were properly permit under that and Mr. Masching facility is then you are covered. The Certificate of Compliance is an old term for older feedlot that existed per to Construction Short Form permits, Intern Permits and NPDES. Ordinance requirement as far as setbacks distance goes; many years ago Dodge County went through very, very long and a very, very public process on trying to determine what a good setback distance would be. It went from 500' to one quarter mile to one half of a mile and that was a very public process and that went out county wide. It was determined that the setback should be 1000'. Now we have a situation that the closest dwelling to this feedlot is 3845 feet away. It is not located within a Shoreland district or within a Floodplain district. It meets all the setbacks that the ordinance has for it. There are no odor standards as you aware. We have had bio-filters put on as a condition.

Melissa DeVetter stated that underneath the ordinance Dodge County only requires an OFFSET evaluation if there is a producer that is within that 1000' setback if they wanted to expand. In this case an OFFSET was not required however, it was still run to try to determine what odor would be expected through the month of April through October. The amount was 98% without bio-filter and the University of MN has estimated that it could be 15 hours per month from the months of April through October. If you were 99% it would be 7 hours per month from April through October. The one thing that was not said about OFFSET is that it's a very conservative model. This is just a model and it assumes that you basically have an open pit. You don't have any disturbance from the weather and your nearest receptor will be down wind in the prevailing wind. That is not the case in this situation. The Feedlot Advisory Board did discuss this on site. The bio-filters are not required by the Dodge County Ordinance.

Melissa DeVetter stated that there was a comment about property values as if this was not looked at. The articles that were presented were from out of state. The Dodge County assessor Ryan DeCook submitted a comment that read; "Properties that sell within the feedlot buffer do not appear to sell for less than properties that are located outside of the regulated area. It would be very difficult to determine an impact to value. Generally areas surrounding feedlots have very few residential parcels. Possibly the best measure we have in our County is Northview Subdivision in Mantorville Township. It is just outside of the buffer and is less 1,600 feet from an open pit manure lagoon. Properties in this subdivision have been selling at a premium and have shown no impact from the neighboring feedlot." So if you want to worry about Colorado or Missouri do, but we should be worried about what our own assessor says in our own county. There is an old staff paper that was done

in 1996 that say that there is not a negative correlation in rural areas. Ms. DeVetter stated that she did call Waseca County Mark Vagts to talk about their smell chart. This chart was used 10-15 years ago to give a minor adjustment in value based on distance to a feedlot. As properties have come up for reevaluation this adjustment is removed. They do not use it now. They have not seen a negative correlation.

Melissa DeVetter stated that the comment that was made that this permit would have to wait 6 months to reapply is not true this permit was never denied. In this case the Court vacated the CUP as if it didn't exist. This is a brand new application. There is not a 6 month period in which they are required to wait.

Melissa DeVetter stated that these total confinement barns are "zero discharge" facility. They are not open lots, they have pits that are pumped once a year. You cannot come off with the assumption just because they are a feedlot that they are a polluter. It's a closed system. There is not going to be anything discarding into the ditch that would go into the Cedar River. The Cedar River Watershed District has made the comment that as long as Mr. Masching has complied with the Construction Short Form Permit then their concerns have been addressed.

Melissa DeVetter stated that there has been a lot of conversation about feedlots and housing and what should be done about it in Westfield Township. That is not why we are here. We are here because we have an application in front of us. The criteria is set up for all uses whether it's has to go through a Conditional Use Permit are an Interim Use Permit. Ms. DeVetter read through all the criteria and explains each section.

Walter Wytttenbach inquired why the big discrepancy on the acres.

Melissa DeVetter stated that she believes that it based on the phosphorus requirements. MPCA rules only require that you apply at a nitrogen rate. They do have phosphorus recommendations but are not required. Ms. DeVetter stated that she had MPCA do the calculations on it.

Walter Wytttenbach inquired if there was an exact number for acreage.

Melissa DeVetter stated that when Mr. Brietzke went through the calculations he was assuming 200 bushels with 4500 gallon every other year you would need 244 acres in order to spread at a rate that is acceptable to the MPCA. Ms. DeVetter stated that since she has not been doing the feedlot for a couple of year Mr. Brietzke walked her through the calculation. They have 490 acres available.

Walter Wytttenbach stated that they have precedence over anything we would do anyway.

Melissa DeVetter stated that Minnesota Pollution Control Agency regulates air quality and surface water quality, so they have the standards.

Melissa DeVetter inquired if the Planning Commission had an opportunity to review all the material that has been handed to them.

The Planning Commission members indicated yes.

Melissa DeVetter inquired if they had any questions about it.

Richard Wolf stated that the Planning Commission has received this paper from Sonja Trom Eayrs and they have all read it. Mr. Wolf stated that he knows that there is some stuff that pertains to this and there is stuff that does not. He didn't know where all this stuff came from. They talk about bullying kids in school and about the birds. What we are dealing with is Nick Masching hog barn in Westfield Township. The Planning Commission is trying to do their best by following the rules that are setup by County and that is what they are doing. There were letters from people that were submitted and they will be placed into the minutes stating that they have been read.

Galen Johnson, representing the Feedlot Advisory Board, stated that they did look at the site. The report that they submitted does not require bio-filter however, about 2 out of 3 times they do recommend bio-filters. These are only recommendation and it states on the report that the Planning Commission and County Commissioners can do what action they choose to do with it. This is the Feedlot Advisory Boards best judgment. The site has been talked about. Mr. Johnson stated that this is not the most sparsely populated part of this side of the county however; it is less populated then the east side.

Walter Wyttenbach inquired if the fact that no bio-filter or trees were required was because of the setback distance. Mr. Wyttenbach stated that he drove from driveway to driveway and it was 7/10 of a mile. Is it just in the parameter or rules that bio-filter were not required.

Galen Johnson stated that is the proximity more than anything else. However, with time for those of us that have lived by hog barn we have because pretty familiar of how odors move. The elevation of the land and the pattern or direction of the wind plays in the impact.

Walter Wyttenbach inquired if the Feedlot Advisory Board gets involved in the manure management plan.

Galen Johnson stated that they don't. They do ask about it, but if the 7020 rules are met and it's a transfer of ownership then they are out of it and it's not considered any farther. However, if it looks like something is not being properly addressed that was related to the manure management then they will ask. In this case it was not an issue.

Richard Wolf stated that there was a comment that said that we will allow a hog barn on 6 acres but will not allow a house on less than 53 acres. That is absolutely not

true. If you want to build out in the county on less than 53 acres then you get a CUP for building a house on 3 acres. It was also brought up about wells; someone had a well that went dry. We have no idea if it was hog barn that caused this. It could have been in the same water vein that Blooming Prairie is and Blooming Prairie took the water. Mr. Wolf stated that he feels for someone that has to drill another well they are not cheap. Also as far as cancer goes we don't want that on anybody. We cannot say what is causing cancer. Doctors can't even predict what is causing cancer. The other thing that he had heard was that they would not be able to take manure into Ripley Township. We are talking with Nick Masching which is in Westfield Township. If he is going to transfer the manure and it is going to Ripley Township then it is up to them to figure that out. Not us to try to figure out.

Walter Wytttenbach stated he wanted to speak to what Rhonda Toquam asked; is there any problem with other barns that have been built? Is there a record of them after it was built?

Melissa DeVetter inquired if he was asking about Conditional Use Permit or 7020? The county administers the MPCA 7020 feedlot rules and as a result of that we inspect 10% of our feedlots every year, at a minimum. We inspect them for compliance of those rules. There are also inspections going on at the time of construction to make sure they are constructed correctly. There are inspections for the Conditional Use Permits requirements. The County will go out to inspect to make sure the conditions are met that were put on permit. As we have always interpreted it in the last 19 years the conditions were listed to be satisfied and they were not supposed to be applied up front. The major of the conditions are satisfied prior to the county issuing the Construction Short Form Permit and the Zoning Permit unless it's the bio-filters. The ground has to settle for a year after the construction otherwise the ground will move and the bio-filters will not work. We have had issue on bio-filters if they are not maintained they will not work. Not every one of our 227 feedlots has bio-filters.

Walter Wytttenbach inquired about odor mitigation.

Melissa DeVetter inquired if he was talking about an odor standard.

Walter Wytttenbach indicated yes.

Melissa DeVetter stated that it never went anywhere. As far as this operation stands we talked about 95% this one is 98% without bio-filters so it would exceeds that was discussrd, but it has not be adopted. We do not have a standard for bio-filters or for OFFSET of 95% in our ordinance. When we did have discussion about it 95% was the threshold. The different in the model between 98% and 99% is approximately 8 hours per month. They predict between the months of April through October that 15 hours you will be impacted by annoying odor. At 99% they are saying 7 hours per month. The model is also assuming that the person is home and that they are awake and the wind is blowing in their direction. It's based on science, but it's a model. It's a tool that we have.

Darren Durst stated that he would like to address the statement that was made that "this is a livestock board". Yes, it may look like that and there are two positions available or soon will be. If there is anyone that would like to be on this board you sure can. There are not many people to do this job and they try to do the best job that they can. As far as fast tracking Mr. Durst stated that he was at the previous meeting for Mr. Masching and according to the minute Mr. Trom was late and could not speak. What are we supposed to do?

Sonja Trom Eayrs interrupted the meeting stating you want to know why he was late he was attend her mother because her mother was in a nursing home.

Darren Durst stated than there was no one else here from the Trom family.

Sonja Trom Eayrs interrupted the meeting again and stated "you are preying on a couple of people in their 80's". You're picking on senior citizens. Ms. Trom Eayrs stated that she felt sorry for people in this county that has to go through this abuse.

Richard Wolf told Ms. Trom Eayrs that was enough. We do not want arguing back and forth.

Sonja Trom Eayrs interrupted the meeting again and stated that the county is cause it.

Richard Wolf told Ms. Trom Eayrs that the sheriff will be called if she does not stop talking. Mr. Wolf stated that he agrees that this is not a livestock board. We do not just vote on livestock buildings. There are more people that come in for house than livestock barns. They have to get a Conditional Use Permit to putting a house on 3 acres. One other thing that was brought up was that in 10 years there was no denial for pig barns. That is not true, because they did deny a pig barn because of the location of it. He did reapply for a permit and he put it in a different location. At that point it was passed and he put it on his own building site. Where it was proposed was too close to a residence. There has been a lot of thing that has been said that is not true.

Richard Wolf stated that another thing a lot that was brought up was about tankers on roads. It's getting to be more and more that a lot of this manure is being put on by drag lines. So the roads are not taking a beating like they were. Also Brad Trom was talking about picking up trash in the ditches. Mr. Wolf stated that he feels for him and being a farmer himself there is a large amount of trash put in ditches. It's nothing to have to go down the road and pick up 4 - 5 tires that someone thrown in the ditch.

Walter Wyttenbach stated that as far as the property values goes hog buildings in that area have been there for a few years. It looks like they are taking old building sites and fixing them up. The buildings in that area are just beautiful along with the land. Where Mr. Wyttenbach lives he has 200 acres but they are in 3 – 4 fields. The people have invested in houses and are maintaining beautiful farmstead. So he just

doesn't see this argument about land values are going down because of livestock. Mr. Wytttenbach stated that where he lives Milton Township has the 2nd biggest animal unit township. He is between the two of the largest dairy's and one of the largest hog facilities in Mantorville Township which is within 7/10 of a mile from his farmstead. Like Troms he used to be a dairy operation, but he is not anymore, but do I get odors, yes I do. I get lazy air in the summer. Mr. Wytttenbach stated that he does have a registered feedlot, but he does not have the amount of livestock like you think he might. Mr. Wytttenbach stated that he does have sympathy with Mr. Trom to that point because it's there and you will get odors from time to time. Mr. Wytttenbach stated that he is not here to rubber stamp feedlots.

Motion by Harlan Buck, seconded by Darren Durst to add the letters into the minutes (Ryan DeCook, Jeff Tank Dodge County Corn and Soybean Growers, Patricia Derby, James Peters dated 11-16-14, Sonja Trom Eayrs dated 12-1-2014, Melissa DeVetter in reply to Ms. Trom Eayrs, Adeline Thompson). Motion passed unanimously.

Motion by Darren Durst, seconded by Walter Wytttenbach, to add to the minutes the binder submitted by Sonja Trom Eayrs and the letter from Jim Peters dated December 9, 2014. Motion passed unanimously.

Walter Wytttenbach stated that he would like to see at least a tree line as a wind break added as part of the conditions.

Richard Wolf stated that it could be added to the recommendations.

Walter Wytttenbach inquired about the recommendations that are listed; are they not already meet.

Melissa DeVetter stated that as a condition of the permit they are recommending that all the recommendation from the Feedlot Advisory Board be completed. Ms. DeVetter read through the condition from the Feedlot Advisory Report.

Melissa DeVetter reminded the Planning Commission that if they are recommending trees built to NRCS spec that there would not be room on the east side. NRCS would want them to be at least 100' away from the building.

Walter Wytttenbach stated that the property line is at 88'.

Melissa DeVetter stated yes, that is correct; so if you want them between the building and Mr. Troms that will not be accomplished according to NRCS spec.

Walter Wytttenbach stated that he didn't think that if trees were planted closer to the building since it's a tunnel ventilated build that it would not interfere with it.

Melissa DeVetter stated that from her understanding they are not designed for odor mitigation, but as wind break to have a snow drop. They have to be a certain distance from the barn to prevent snow from accumulating on the barn.

Walter Wyttenbach inquired how many pit fans are on this barn.

Nick Masching stated that there are two pit fans on the barn.

Walter Wyttenbach stated that he was glad to see that the barn was orientated in a north/south position.

Motion by Harlan Buck to recommend approve of the Findings of Facts and Recommendations of the agenda report and the conditions. Motion died for a lack of a second.

Joshua Toquam stated that he will be abstaining from voting since his father owned the land that was sold to Mr. Masching even though he has not gained any monetary value from the sale.

Walter Wyttenbach stated that he wanted to see bio-filters added as a condition.

Motion by Harlan Buck, seconded by Walter Wyttenbach, to recommend approval of the Findings of Facts and Recommendations of the agenda report and the following conditions with adding condition #4 for bio-filters (The permittee is put on notice that the violation of any of the conditions of the CUP may result in termination of the permit.)

1. A Dodge County Zoning Permit shall be obtained before construction of the building and any accessory structures.
2. The Dodge County animal feedlot registration shall be updated prior to occupation of the barn.
3. All recommendations of the Feedlot Advisory Report dated 11/26/14 completed.
4. Bio-filters for the purpose of odor reduction shall be installed on each minimum ventilation fan in accordance with the second paragraph of recommendation #7 of the Feedlot Advisory Report Dated 11/26/2014.

Motion passed with 5 ayes (Walter Wyttenbach, Harlan Buck, Darren Durst, Richard Wolf and Jon Balzum), and Joshua Toquam abstained.

Other Business

Melissa DeVetter stated that there will not be a Planning Commission meeting in January however, there will be one in February.

Adjourn

Motion by Walter Wyttenbach, seconded by Darren Durst, to adjourn. Motion passed unanimously. The meeting was adjourned at 3:04 P.M.