

TUESDAY, MARCH 14, 2006

**APPROVED MINUTES OF THE
COUNTY BOARD OF COMMISSIONERS MEETING HELD**

**STATE OF MINNESOTA)
COUNTY OF DODGE)**

**COUNTY ADMINISTRATION OFFICE
MANTORVILLE, MN**

2006-06

The Dodge County Board of Commissioners met in regular session March 14, 2006, in the Commissioner's Room at the Courthouse Annex, Mantorville, MN, at 9:30 a.m. CST. David Erickson, Chair called the County Board of Commissioners meeting to order at 9:30 a.m. CST. Meeting Convened

The Chair acknowledged those present and established that there was a quorum: Those Present

Members present:	Klaus Alberts	District #1
	Lyle Tjosaas	District #2
	David Erickson	District #3
	Don Gray	District #4
	David Hanson	District #5
Members absent:	None	
Also present:	David McKnight	County Administrator
	Becky Lubahn	Deputy County Clerk
	Paul Kiltinen	County Attorney

Motion by Gray seconded by Hanson to approve and adopt the agenda as amended to add a corrected work session date to the County Administrator's agenda items. *Motion adopted unanimously.* Agenda Approved

County Administrator David McKnight reviewed with the Board a Petition and Waiver Agreement between Dodge County and the City of Kasson for the Fifth Avenue project. Petition and Waiver Agreement Between Dodge County and City of Kasson for Fifth Avenue Project

The agreement spells out the rights and responsibilities of both the city and the county for this project. The county is involved in this project because it is an adjoining property owner to the project. The highlights of the agreement are as follows: Approved

1. By entering into this agreement the county waives the notice of hearing and right to appeal the special assessments.
2. The special assessment shall be payable over such period as determined by the city, but not less than one year. If it is more than one year interest shall accrue at a rate determined by the city but not more than 9% per annum.
3. The street will be constructed at 45' width, Dodge County will be assessed at a 37' rate.

4. A bike trail will be installed at city expense on the west side of Fifth Avenue.
5. A sidewalk will eventually be constructed on the east side at developer's expense.
6. An eight foot high chain link fence will be installed at the right of way line for the entire north-south length of the property.
7. 28 evergreen trees will be placed by the city in the boulevard as a property adornment.
8. The county's share of the project cost will be \$219,382.78, minus a \$4,900 credit for the approximately one acre of land used for this project on the east side of the fairgrounds. This brings our share to \$214,482.78.

Petition and Waiver
Agreement Between
Dodge County and
City of Kasson for
Fifth Avenue Project
Approved -
Continued

A copy of the project cost and breakdown were reviewed.

The Board discussed the Fair Board's desire to have a fence installed similar to what is already being used on the south end of the race track.

City of Kasson Planner Mike Martin was available to comment.

Commissioner Alberts voiced his opinion that a row of trees would be more beneficial than a fence.

Commissioner Erickson reported that the Fair Board wants the same fencing that is currently in place on the south end of the property.

Mr. Martin stated that his documentation does not specify which type of fence is preferred, he made the decision to install a chain link fence.

The County Administrator asked the Kasson City Planner to confirm that any upgrades to the fence would be at the county's expense. Mr. Martin reported that upgrading the fence could be an additional charge to the county.

Commissioners Alberts stated that he did not believe that 28 trees would be nearly enough trees to cover the area in question.

The Kasson City Planning reported that they asked their consultant and it was their suggestion that the city allow 40 feet between trees and that is how it was determined that they would need 28 trees.

It was Commissioner Alberts' belief that a sound barrier and wind barrier is not achieved with 40 feet between trees.

Commissioners discussed options for trees, size and spacing.

Commissioner Gray suggested that White Cedar trees be planted. It was Mr. Gray's opinion that planting White Cedars would provide them with a solid row of trees that would fence off the property.

Petition and Waiver Agreement Between Dodge County and City of Kasson for Fifth Avenue Project Approved - Continued

Mr. Martin clarified that he will recommend to the City of Kasson that they research the cost of adding a metal fence on the east property line that matches the current fencing on the south. The Kasson City Planner will also be researching the cost of installing a row of White Cedars inside the fence at professionally recommended levels.

The County Administrator wanted to know if the cost would go up with the changes. Mr. Martin stated no. He did note that the dollar figure may come up because the agreement did not address the fence issue.

Motion by Tjosaas seconded by Alberts to approve and authorize the Chairman of the Board and County Administrator to sign the Petition and Waiver Agreement by and between the City of Kasson and Dodge County for the Fifth Avenue project with the following changes:

1. matching metal fence
2. row of White Cedar trees at professionally recommended distance

Motion adopted unanimously.

Mr. McKnight discussed with the Board the proposed corrected work session date. Motion by Hanson seconded by Gray to reschedule the County Board work session for Tuesday, March 21, 2006 in Dodge Center after the Fairview Nursing Home Board meeting. *Motion adopted unanimously.*

County Board Work Session Rescheduled

Comptroller Lisa Kramer reviewed bills with the Board. Motion by Alberts seconded by Hanson to approve the bills as discussed in the following amounts from the appropriate funds as determined by Finance:

Bills Approved

01	Revenue Fund	\$ 94,389.27
11	Human Services Fund	\$ 73.00
13	Road and Bridge Fund	\$ 29,694.71
16	Environmental Quality	<u>\$ 38,227.62</u>
	Total	\$162,384.60

Motion adopted unanimously.

Employee Relations Director Lisa Hager presented the Personnel Agenda for the Board's review. Motion by Gray seconded by Tjosaas to approve the following personnel actions:

Personnel Actions Approved

A. Sheriff's Department

- A.1 Approval of recommended changes in Band and Grade assignment. Band and Grade review completed by Dale Ignatius.

	<u>From</u>	<u>To</u>
Operations Captain	C51	C52
Effective Date:	3/14/06	

- A.2 Christina Wolcott – 911 Dispatcher
Step increase from B22 step 3 \$14.48 to B22 step 4 \$14.92.
Effective Date: 8/19/05

- A.3 Bruce Frondal – 911 Dispatcher
Step increase from B22 step 6 \$15.83 to B22 step 7 \$16.30.
Effective Date: 3/1/06
- A.4 Bryan Mickelson – Deputy Sheriff
Step increase from C41 36 month step \$20.31 to C41 60 month step \$21.73.
Effective Date: 2/13/06
- A.5 Robert Hovland – Deputy Sheriff
Step increase from C41 24 month step \$18.98 to C41 36 month step \$20.31.
Effective Date: 3/11/06
- A.6 Ryer Anderson – Deputy Sheriff
Step increase from C41 24 month step \$18.98 to C41 36 month step \$20.31.
Effective Date: 3/16/06
- B. Environmental Quality**
- B.1 Mark Brannan – SW Facility Operator
Step increase from B22 step 3 \$16.05 to B22 step 2 \$16.54.
Effective Date: 3/1/06
- B.2 Al Faulhaber – SW Facility Operator
Step increase from B22 step 2 \$16.54 to B22 step 1 \$17.03.
Effective Date: 3/1/06
- C. Highway Department**
- C.1 Scott Bennett – Engineering Technician II
Resignation.
Effective Date: 3/15/06
- D. Administration**
- D.1 Angela Preuss – Administrative Assistant – Extension .5 FTE
Employment termination.
Effective Date: 3/7/06
- D.2 Administrative Assistant – Extension .5 FTE
Authorization to post and fill vacancy.
Effective Date: 3/14/06
- E. Human Services**
- E.1 Nancy Reuvers – Social Services Child/Family Supervisor
Annual review.
Effective Date: 3/16/06
- E.2 Child Support Officer
Authorization to change one FT Support Enforcement Aide (B21) position to a FT Child Support Officer (B23) position.
Effective Date: 5/1/06
- F. Public Health**
- F.1 Deborah Harlow – Public Health Nurse I - .75 FTE
Annual review.
Effective Date: 3/23/06

Personnel Actions
Approved -
Continued

- F.2 Ashley Olson – Health Educator
Step increase from C41 step 8 \$16.83 to C41 step 7 \$17.46.
Effective Date: 3/21/06
- F.3 Public Health Nurse I – 1.0 FTE
Authorization to post and fill position created by SCHA program.
Effective Date: 3/14/06
- F.4 Amy Evans – Health Educator
Authorization to change status from FT to On-Call.
Effective Date: 3/31/06
- F.5 Health Educator/Public Health Nurse – 1.0 FTE
Request authorization to post and fill vacancy created by status change.
Effective Date: 3/14/06

Motion adopted unanimously.

Personnel Actions
Approved -
Continued

County Attorney Paul Kiltinen provided the Board with a legal update. The Board took the information under advisement.

Legal Update

Planning Director Duane Johnson met with the Board to discuss Planning Commission Recommendations from the March 1, 2006 meeting. Motion by Hanson seconded by Alberts to approve the following action of the Planning and Zoning Commission as reviewed on March 1, 2006 with the reasons, recommendations and conditions as found in the individual permit:

Planning
Commissioner
Recommendation V
#06-01 Approved

Doug Page – V #06-01 (Continued)

The request for a variance of the three acre minimum lot size of the Dodge Center East Industrial Park. This variance will allow the further development of the Industrial Park according to the Dodge Center city lot requirements. The property is 38 acres located in the NE ¼ of the SE ¼ of Section 35 of Wasioja Township. Doug Page is the applicant and property owner.

The Planning Commission recommends approval for a variance from the three acre minimum lot size and allows lot splits for Lot 2 Blk 1 and Lot 1 Blk 2 of the Dodge Center East Industrial Park.

Motion adopted unanimously.

Motion by Gray seconded by Tjosaas to approve the following action of the Planning and Zoning Commission as reviewed on March 1, 2006 with the reasons, recommendations and conditions as found in the individual permit:

Planning
Commissioner
Recommendation
CUP #06-04
Approved

Terry Trom - CUP #06-04

The request for a Conditional Use Permit to establish a home occupation out of accessory structures in the Ag District. The business would conduct motorcycle sales, parts and repair. Currently the applicant operates a school bus service from this site. The property is 26.85 acres located in the SE ¼ of Section 9 of Westfield Township. Terry Trom is the applicant and property owner.

The Planning Commission recommends approval with the following conditions:

- 1. The Ag Covenant shall be signed and recorded.
- 2. Home Occupation Agreement be signed and recorded with C.U.P.

Motion adopted unanimously.

Planning
Commissioner
Recommendation
CUP #06-04
Approved -
Continued

Motion by Gray seconded by Alberts to approve the following action of the Planning and Zoning Commission as reviewed on March 1, 2006 with the reasons, recommendations and conditions as found in the individual permit:

Planning
Commissioner
Recommendation
CUP #06-05
Approved

Brayton Johnson –CUP #06-05

The request to establish a non-farm dwelling in the Ag District. The property is seven acres located in the NE ¼ of the NW ¼ of Section 31 of Westfield Township. Brayton Johnson is the applicant and Kyle Johnson is the property owner.

The Planning Commission recommends approval with the following conditions:

- 1. The Ag Covenant shall be signed and recorded.
- 2. The septic system must meet the County’s septic ordinance.

Motion adopted unanimously.

Motion by Tjosaas seconded by Hanson to approve the following action of the Planning and Zoning Commission as reviewed on March 1, 2006 with the reasons, recommendations and conditions as found in the individual permit:

Planning
Commissioner
Recommendation
CUP #06-06
Approved

John Bruns – CUP #06-06

The request for a Conditional Use Permit to establish a non-farm dwelling in the Ag District. The property is three acres located in the SW ¼ of the SE ¼ of Section 31 of Westfield Township. John Bruns is the applicant and Jeff Zwiener is the property owner.

The Planning Commission recommends approval with the following conditions:

- 1. The Ag Covenant shall be signed and recorded.
- 2. The septic system must meet the County’s septic ordinance.
- 3. The closest feedlot be abandoned.

Motion adopted unanimously.

Motion by Alberts seconded by Hanson to approve the following action of the Planning and Zoning Commission as reviewed on March 1, 2006 with the reasons, recommendations and conditions as found in the individual permit:

Planning
Commissioner
Recommendation
CUP #06-07
Approved

Sam & Barbara Brewington – CUP #06-07

The request for a Conditional Use Permit for a home occupation out of accessory structures in the Ag District. The business would conduct wedding ceremonies and to operate a small garden center and gift shop. The property is 3.5 acres located in the NW ¼ of the SW ¼ of Section 19 of Westfield Township. Sam and Barb Brewington are the applicants and property owners.

Planning
Commissioner
Recommendation
CUP #06-07
Approved -
Continued

The Planning Commission recommends approval with the following conditions:

1. The Home Occupation Agreement is signed and recorded with the CUP.
2. The permit will be reviewed by the Planning Commission before any expansion of outside activity area or any new accessory buildings outside.
3. Ag Covenant be signed and recorded.

Motion adopted unanimously.

Motion by Gray seconded by Tjosaas to approve the following action of the Planning and Zoning Commission as reviewed on March 1, 2006 with the reasons, recommendations and conditions as found in the individual permit:

Planning
Commissioner
Recommendation
CUP #06-08
Approved

Paul Moe – CUP #06-08

The request for a Conditional Use Permit to establish a non-farm dwelling on 45.5 acres. The building site will be located in the SE ¼ of the NW ¼ of Section 6 of Milton Township. Paul Moe is the applicant and property owner.

The Planning Commission recommends approval with the following conditions:

1. The Ag Covenant shall be signed and recorded.
2. The septic system must meet the county's septic ordinance.
3. The home shall not be built on slopes 12% or greater or within 300 feet of a sinkhole.

Motion adopted unanimously.

The Board discussed with the Planning Director the following Planning and Zoning Commission item as reviewed on March 1, 2006 with the reasons, recommendations and conditions as found in the individual permit:

Planning
Commissioner
Recommendation
CUP #06-09
Discussion

Kevin & William Rohwer –CUP #06-09

The request for a Conditional Use Permit to establish a feedlot of 960 animal units (2,400 hogs) in the Ag District. The animals will be confined to a building approximately 51 x 388 feet with a beneath barn concrete pit for manure storage. The property is located in the SW ¼ of the SW ¼ of Section 16 of Wasioja Township. Kevin & William Rohwer are the applicants and Kenneth Rohwer is the property owner.

The Planning Commission recommends approval with the following conditions:

1. Compliance with the conditions provided in the Feedlot Advisory Report dated January 31, 2006.
2. An additional wind break of trees on the east side of the applicant's property.

Planning
Commissioner
Recommendation
CUP #06-09
Discussion -
Continued

The Planning Director informed the Board that there has been considerable concern expressed by the neighbors on the Conditional Use Permit request and that the Planning office has done some additional research on this issue as requested by the Board.

Mr. Johnson shared the following Feedlot Advisory Report information with the Board:

Applicant: Will Rohwer

Date of Inspection: 1/31/06

Inspected by: The Feedlot Advisory Committee members met with Kevin and Will Rohwer and viewed the proposed feedlot site.

Request: To establish a new feedlot of 960 animal units for finishing swine.

Location: SW 1/4 of the SW 1/4 of Section 16 of Wasioja Township, Dodge County, MN

Findings: The proposal is for a 2400 head swine finishing site. The proposed barn will have slat flooring and concrete pits underneath for manure storage. The barn will be located on the north side of 610th Street approximately 1 1/4 mile east of Highway 56. The site is presently being farmed with nearly flat topography sloping to the north. The site is tiled with drainage to the north. Depth to bedrock is estimated at 50-100 feet. Two well logs in the area show depth to bed rock at 103 feet and 125 feet respectively. A new well will be drilled.

Will Rohwer has future plans to build a house and establish his residence at the site. The applicant has over 1,700 acres available for manure application.

Recommendation: Approval with the following conditions:

Conditions:

1. Soil borings shall be taken at the building site location. These will assist in calculating soil loads for designing the concrete basin and building support.
2. Dedicated drain tile with a dedicated inspection tee shall be placed around the foundation of the barn. Existing field tile needs to be cut and separately routed around the barn so they do not interfere with the dedicated perimeter tile.
3. A windbreak shall be planted at the building site on the north and west sides that meets NRCS/SWCD approval. The windbreak shall be designed to allow for the future house and residence.
4. Accurate Manure Application Plans be established and maintained that meet the MPCA 7020.2225 requirements.
5. Sufficient acres be maintained for agronomic rate nutrient plans.
6. Manure should be injected at agronomic rates and application records kept. MPCA 7020.2225 will be followed for land application of manure. If weather or soil conditions do not allow for injection, then the Dodge County feedlot officer shall be notified and MPCA 7020.2225 followed for surface application setbacks and rates.
7. A secured area shall be provided for dead animal storage and disposal that meets Minnesota Board of Animal Health requirements. If rendering is not used, a separate carcass -compost shed or incinerator meeting the Minnesota Board of Animal Health requirements shall be provided for dead animal disposal.
8. Odor reduction with the use of bio-filters built to University of Minnesota specifications. Offset without bio-filters indicates a 94% annoyance free setback distance of 1061 feet. The bio-filters need to be installed and operational by September 30, 2007 to allow backfill settling and final grading to occur before installation.
9. All MPCA permits in place and MPCA 7020.2100 followed for concrete construction.
10. Pre construction meeting to include owner, concrete contractor, professional engineer and Dodge County Officials.
11. A photographic record needs to be submitted through the design engineer documenting the excavation and construction steps. The photographic record shall meet the MPCA Photographic Inspection of Concrete Manure Storage Pits fact sheet.

Planning
Commissioner
Recommendation
CUP #06-09
Discussion -
Continued

Environmental Quality Director Mark Gamm and Environmental Technician Educator Dean Schrandt were available to comment.

Planning
Commissioner
Recommendation
CUP #06-09
Discussion -
Continued

Commissioner Erickson informed members of the audience that everything that will be talked about relating to this subject will be displayed on the monitors.

Mr. Gamm reviewed with the Board the staff report regarding potential water quality impacts.

County staff has reviewed the surface and subsurface data available for the proposed site and neighboring property. The data includes well logs, soil borings, soil survey, DNR maps, and research literature. Staff has also consulted various state employees that specialize in water quality issues. The Environmental Quality Director provided the following summary of their findings:

Drinking Water: Wells located within a mile of the site are finished in limestone bedrock (or lower bedrock formations), generally more than 80 feet below the surface. The soils and parent material near the feedlot contain beds of silts and clays that slow-down vertical leaching of contamination should it occur.

Staff does not recommend requiring additional data, monitoring, or permit conditions to reduce risks to drinking water.

Perched Water Table: There is evidence of a perched water table located 5 to 10 feet below the ground surface. The outwash modified till in the area contains stratified layers of sand and gravel but the layers are likely to be discontinuous and therefore limit the horizontal movement of contaminants in the perched water table. On manured fields, fecal bacteria are believed to be effectively treated in the first three feet of unsaturated soil. Nitrogen loss below the root zone is generally the same concentration whether manure or chemical fertilizer is used on row crops. Phosphorous generally attaches to the soil particles and does not readily leach.

Staff does not recommend requiring additional data, monitoring, or permit conditions to reduce risks to the water table.

It was the Environmental Quality Director's opinion that the perched water does not flow horizontally due to the fact that there are different layers of soil that would block it from moving in this manner.

Mr. Gamm discussed with the Board where courser soils were located in relation to the proposed site and where any leaks would likely appear.

The Environmental Quality Director reported that his staff believes the chance of contamination in the perched water area is low.

Mr. Gamm stated that there is less chance of fecal movement when manure is injected into the ground versus top applied.

Planning
Commissioner
Recommendation
CUP #06-09
Discussion -
Continued

Surface Water: Manure that is injected at the time of application significantly reduces the risk for runoff containing fecal coliform bacteria. Rivers and ponds can be further protected by buffers of permanent vegetation. Staff has noticed that manure injection is recommended but not required. Staff has also noticed areas for buffer improvement.

Staff believes that additional requirements would further protect nearby surface water including:

- a) Require that manure is injected at the time of application.
- b) Require 50' vegetative buffers around all protected waters (rivers and streams) on fields receiving manure and all land owned by the Rohwer family (a 50' buffer is actually a current standard in our Shoreland Overlay District - all landowners along protected waters are required to have a 50' buffer).
- c) Require a 50' wide permanent vegetative buffer in the northeast corner of the cultivated area on the feedlot property. The length of the buffer should extend a minimum of 200 feet, or enough to filter stormwater leaving the field in this area.

The Environmental Quality Director reviewed with the Board a map of the proposed feedlot site and potential manure acres and drainage patterns.

Mr. Gamm reported that if manure is incorporated it is less likely to move.

The Environmental Quality Director discussed shoreland buffers.

Commissioner Gray wanted to know what constitutes a buffer.

Mr. Gamm reported that 50 feet of grass constitutes a buffer.

The Planning Director shared with the Board staff comments on potential odor impacts from the proposed feedlot.

Mr. Johnson reported that county staff has concerns over potential odor issues resulting from the use of a curtain barn at the proposed site for the Will Rohwer Conditional Use Permit of 2,400 hundred hogs. Staff had the following comments regarding the use of curtain barns and potential odor from these buildings.

1. A mechanically ventilated building with the use of bio-filters provide for the most effective odor control for this type of hog confinement.

2. Curtain buildings are more difficult to control odor because the curtains can be lowered and fans can be shut off.
3. The county uses OFFSET (Odor From Feedlots Setback Estimation Tool) to quantify or measure an odor source. OFFSET was developed by the University of Minnesota and is now available to counties as a software program to run or predict odor from livestock proposals. OFFSET was developed for hog buildings based on measuring non-curtained or mechanically ventilated buildings. Bio-filters are most effective in controlling odor from these buildings.
4. Bio-filters are being used on curtain barns in Dodge County. We do not have the findings to state with certainty that odor reduction is effective on these barns because the research is not finished on curtain barns.
5. The Rohwer barn site is approximately 1,500 to 2,000 feet to the SW of a group of homes. In the summer months prevailing winds are from the south-southwest; a mechanically ventilated building with bio-filters on all pit fans will have the most significant impact of odor reduction and at the distance of 1,500 feet to the nearest residence would afford an OFFSET number of 97% annoyance free odor.

Planning
Commissioner
Recommendation
CUP #06-09
Discussion -
Continued

Assistant Feedlot Officer/Zoning Administrator Ken Folie reviewed odor units per square foot and odor emission factors with and without bio-filers.

Mr. Johnson shared with the Board how tunnel ventilated buildings operate.

Commissioner Erickson discussed the difference in fan sizes between a tunnel ventilated system and a bio-filter system and noted there is a significant difference in electrical cost.

The Board thanked the Environmental Quality and Planning staff for the information.

The proposers were invited to make their presentation regarding the proposed feedlot and were reminded that this was not a public hearing.

Conditional Use Permit applicant Will Rohwer and legal counsel Jack Perry of Briggs and Morgan Law Firm commented on the conditional use permit request.

Mr. Perry noted that the only change in the request has already been addressed in the Advisory Report with bio-filers.

Planning
Commissioner
Recommendation
CUP #06-09
Discussion -
Continued

Mr. Perry wanted to comment on three different issues that were raised. Responses are as follows:

1. Bio-filers will be installed.
2. Buffers are not an issue, the details of the buffers will be worked out with the Planning Office and Soil & Water Conservation District.
3. Curtain versus tunnel ventilated.
 - they will do either one
 - expense is not the issue
 - will work with the tunnel ventilated systems

Commissioner Erickson reiterated that studies are still being done on curtain systems and that the information is not available on all of the available systems. Mr. Erickson also noted that they still do not have results from the studies being conducted in Iowa.

The Assistant Feedlot Officer/Zoning Administrator confirmed that studies are still being conducted on the curtain system.

Commissioner Erickson expressed concerns with under-power on curtain systems.

Mr. Folie commented that it is harder to control the air movement with a curtain system.

Commissioner Tjosaas stated that he was glad to get clarification on the two different barns and noted that he would not feel comfortable with the curtain barn.

Mr. Perry clarified for the Board that the tunnel ventilation system is what they are proposing.

Commissioner Alberts stated that he has heard concerns about the location of the building and wondered if the site location has been reviewed and if they could not come up with a better neighbor friendly location. Mr. Alberts felt that there is a better site location than what is proposed.

Mr. Perry stated that the site is convenient for the applicant and that is why it was chosen. The uproar regarding the proposed site came after the application was already made and Mr. Perry felt it was better to finish the process and then negotiate the location after the permit was in hand.

Commissioner Gray expressed the same concern over location that Commissioner Alberts mentioned.

Commissioner Erickson commented that he has not heard of this process before where you would obtain your permit and then negotiated another location.

Mr. Perry stated again that they wanted to finish the application process.

Commissioner Tjosaas noted that the applicant intends to place a house on the property in the future and clarified that they would need 53 acres in order to place a home on the property.

Planning
Commissioner
Recommendation
CUP #06-09
Discussion -
Continued

Mr. Perry thanked the Board for the heads up on the acreage requirement.

Chuck Johnson representing concerned citizens in the area of the proposed feedlot approached the Board.

Mr. Chuck Johnson reported that a petition had been filed on behalf of twelve neighbors that were against the proposed feedlot and that the petition was not brought up at the Planning Commission meeting.

Mr. Chuck Johnson informed the Board that he was allergic to pigs and questioned if the Board was aware that there has been another outbreak of salmonella in an area dairy farm half a mile away from the proposed site.

Mr. Chuck Johnson further noted that there is no request in the application for a house and stated that the grandfather of the applicant has three to four other parcels of land that may be better suited for a feedlot.

Mr. Chuck Johnson reported that several studies have been done in Iowa which show homes within a one half mile radius decreased in value by 40%, those in one mile radius decreased by 30%, and those within two miles decreased by 10%. These are documented facts. One of the county requirements for a conditional use permit is the land should not unduly restrict enjoyment or diminish property value for nearby property owners.

Mr. Chuck Johnson further discussed what he believes would happen to the property value of neighboring homes and property value history in homes near feedlots.

Mr. Chuck Johnson noted that there is a pond which adjoins this land and noted that it is not a regular farm pond. It is a pond used for fishing, swimming, snorkeling, and boating as well as a park and picnic area. Mr. Johnson addressed surface water runoff concerns and quality of life concerns. Also discussed was the slope of the site and air flow concerns.

Mr. Chuck Johnson stated that he feels that mistakes and missteps have taken place in this process.

It was Mr. Chuck Johnson's opinion that all of the neighbors in the surrounding area should have been notified of the proposal to build a feedlot.

Mr. Chuck Johnson indicated that Kevin and Will Rohwer were asked to go around and talk to all of the neighbors within a half mile of the location.

It was Mr. Chuck Johnson's opinion that the Board has three options. They could deny the request, table the request for further information or approve the conditional use permit. Mr. Chuck Johnson informed the Board that if the permit was approved that they would be filing an appeal.

Planning
Commissioner
Recommendation
CUP #06-09
Discussion -
Continued

Commissioner Erickson thanked Mr. Chuck Johnson for his comments.

Commissioner Tjosaas wanted to know what kind of hog barns were studied in Iowa that Mr. Chuck Johnson referred to.

Mr. Chuck Johnson did not know.

Commissioner Gray stated that he would like to address a change in location concern. Mr. Gray did not have a problem with approving the request in another location. Commissioner Gray believes the placement of the feedlot is wrong due to its close proximity to Mr. Chuck Johnson's pond.

The Planning Director informed the Board that the decision of the feedlot location is ultimately the applicant's decision. Mr. Johnson indicated that he feels there are three good site locations available. It is the applicant's belief that this site is the best location for the feedlot.

Commissioner Gray voiced his opinion that the less obnoxious we can be with the neighbors, the better.

Commissioner Erickson noted that the Commissioners have a verbal agreement from the applicant for the tunnel ventilation system and wanted to know if they needed to have some written agreement.

County Attorney Paul Kiltinen and the applicant's attorney both agreed that language can be added to the agreement specifying that a tunnel ventilation system will be used.

Commissioner Hanson addressed concerns with the applicant not living on the property and the need to add three additional acres in order for the applicant to build a house on the property in the future.

Commissioner Alberts stated that this site is not in a sad enough location to vote against the permit, but he would prefer that Will Rohwer take a look at a more neighbor friendly site.

Motion by Alberts seconded by Gray to table further discussion on the Kevin & William Rohwer Conditional Use Permit request #06-09 to establish a feedlot of 960 animal units (2,400 hogs) in the Ag District. The reason for tabling this item was to allow Will Rohwer the opportunity to look at other sites for the proposed feedlot. Duane Johnson noted that the 60 day clock is still okay at this time. This conditional use permit request will be discussed again at the Board's March 28, 2006 meeting. *Motion adopted unanimously.*

Commissioner Erickson stated that he was concerned with setting precedence with the permit.

Planning
Commissioner
Recommendation
CUP #06-09
Discussion -
Continued

Commissioner Hanson wanted to address his concerns again with the quarter mile issue and the addition of three acres. Mr. Hanson would like to see Mr. Rohwer research the possibility of another site and the addition of three more acres to the proposal so the construction of a home in the future is not an issue.

Mr. Hanson recognized staff and commended them for providing such scientific information.

The County Attorney stated that the capacity of buildings issue should also be addressed.

Ken Folie clarified animal unit counts and reported that there would be 720 animal units in the barn.

Duane Johnson asked that Mr. Rohwer provide a schematic regarding the animal unit size at the next meeting.

Commissioner Tjosaas presented a summary of the Human Services Committee report and action items.

Human Services
Committee Report

Motion by Tjosaas seconded by Hanson to approve Human Services Action Item 1.1, payment of the bills as found on the bill payment list pursuant to resolution #95-10, to approve all Financial Assistance case actions as presented, all Social Services case actions with the reasons and actions as found in the individual case files, and to approve the destruction of the closed case files as found on the monthly closed case destruction list. *Motion adopted unanimously.*

Human Services
Action Item 1.1

Commissioner Alberts presented a summary of the Public Health Committee report.

Public Health
Committee Report

Commissioner Erickson presented a summary of the Administration Committee report and action items.

Administration
Committee Report

Motion by Tjosaas seconded by Hanson to approve and authorize the February 23, 2006 Septic Ordinance Public Hearing meeting minutes as presented. *Motion adopted unanimously.*

02/23/06 Septic
Ordinance Public
Hearing Meeting
Minutes Approved

Motion by Gray seconded by Tjosaas to approve and authorize the February 28, 2006 Committee of the Whole meeting minutes as presented. *Motion adopted unanimously.*

02/28/06 Committee
of the Whole Meeting
Minutes Approved

Motion by Hanson seconded by Gray to approve and authorize the February 28, 2006 meeting minutes as presented. *Motion adopted unanimously.*

02/28/06 Meeting
Minutes Approved

Motion by Gray seconded by Hanson to approve and authorize the February 28, 2006 Work Session meeting minutes as presented. *Motion adopted unanimously.*

02/28/06 Work
Session Meeting
Minutes Approved

The Board discussed a request to approve a 3.2 Malt Liquor License. The Dodge County Speedway is requesting a 3.2 Malt Liquor License effective April 1, 2006 through December 31, 2006. They will be using the license for the Dodge County Speedway Racing Season. These events will be held at the Dodge County Fair Grounds, located in Kasson, MN 55944.

3.2 Malt Liquor
License Approved for
Dodge County
Speedway

Motion by Alberts seconded by Gray to approve the 3.2 Malt liquor license for the Dodge County Speedway effective April 1, 2006 thru December 31, 2006 pending the approval of the County Attorney and County Sheriff, license payment and the submission of all required insurance documentation. *Motion adopted unanimously.*

The County Administrator reviewed with the Board a request for Dodge County Drug Court to enter into a Crime Victims Conference Contract with the State of Minnesota. The Minnesota Department of Public Safety, Office of Justice Programs is holding their annual conference on crime victims. This conference is held May 31, 2006 through June 2, 2006 at Cragun's Conference Center in Brainerd, Minnesota.

Drug Court Annual
Plan Agreement and
Conference
Attendance Approved

The Office of Justice Program would like Dodge County Drug Court to conduct a presentation on Drug Courts' collaboration with Victim Services. This presentation would be held on May 31st from 3:30 p.m. until 5:00 p.m. The Office of Justice Program would reimburse Drug Court for lodging, meals, and mileage.

Dodge County Drug Court received an annual plan agreement regarding services that would be provided at the conference. This contract states that Dodge County agrees to provide a 90 minute workshop titled "Drug Courts and Victim Services". This contract includes travel and lodging costs not to exceed \$400. Other items that are addressed in this agreement are as follows: conditions of payment, cancellation, amendments, liability, state audit, and government data practices act.

Motion by Hanson seconded by Alberts to approve and authorize the Chairman of the Board to sign an Annual Plan Agreement with the State of Minnesota as presented and authorize the Drug Court employees to attend the Drug Courts and Victim Services conference May 31, 2006 through June 2, 2006 at Cragun's Conference Center in Brainerd, Minnesota. *Motion adopted unanimously.*

The County Attorney left the meeting at 11:39 a.m. CST.

County Attorney Left
Meeting

Commissioners provided their agency reports. Commissioner Hanson attended a Work Force Development meeting. Commissioner Alberts did not have any meetings to report. Commissioner Gray did not have any meetings to report. Commissioner Erickson attended a work session with MCIT on county/township planning and zoning, a tour, a Dodge County Planning and Zoning meeting, attended a picture session for Dodge County Child Care Providers, a Regional Flood Reduction Committee meeting, and a Dodge County EDA/HRA meeting. Commissioner Tjosaas attended a Planning and Zoning meeting.

Agency Reports

Motion by Hanson seconded by Alberts to adjourn the meeting at 11:47 a.m. CST. *Motion adopted unanimously.*

Meeting Adjourned

The next meeting of the Dodge County Board of Commissioners will be held on March 28, 2006 at 9:30 a.m. CST.

Next Regular Meeting

ATTEST:

DAVID ERICKSON
CHAIR, COUNTY BOARD

BECKY LUBAHN
DEPUTY CLERK

DATED: