

FARIBAULT COUNTY  
BOARD OF COMMISSIONERS  
OFFICIAL PROCEEDINGS  
SEPTEMBER 20, 2016

The Faribault County Board of Commissioners met pursuant to the recess of September 6, 2016 at the Courthouse in the City of Blue Earth at 9:00 a.m. on September 20, 2016. The following members were present: Bill Groskreutz, Tom Loveall, John Roper, Tom Warmka, and Greg Young Commissioners. County Auditor/Treasurer/Coordinator John Thompson and County Attorney Troy Timmerman were also present.

The meeting was called to order by Chair Warmka.

The pledge of allegiance was recited.

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Young/Roper motion carried unanimously to approve the synopsis and official proceedings of the September 6, 2016 regular meeting; September 12, 2016 drainage authority hearings on CD 10 partial abandonment, CD 10 redetermination of benefits, CD 16 redetermination of benefits, CD 20 redetermination of benefits, and CD 89 redetermination of benefits.

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Groskreutz/Loveall motion carried unanimously to approve the agenda of September 20, 2016.

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The calendar was updated. No member of the public appeared during public comment.

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Public Works Director Mark Daly met regarding public works business. A construction update was given.

An update on a grant for installation of a well at Woods Lake Park was given. The Minnesota Department of Health has added requirements to the original grant.

Young/Loveall motion carried unanimously to call the question.

Roper/Loveall motion carried to approve well installation at Woods Lake Park at an updated cost of \$19,765.13 if additional funding from the Minnesota Department of Health is approved making the total cost to the county of approximately \$10,335.00. Commissioner Groskreutz voted no.

The road tour was set for 8:00 a.m. on October 31, 2016.

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Tax Clerk Lorrie Bosma met regarding SSTS business.

Young/Roper motion carried unanimously to approve an SSTS grant of \$3,000 to David Anderson on Parcel No. 02.029.0300 and to Dorothy Stensland on Parcel No. 10.020.0201.

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Central Services Director Dawn Fellows met regarding office business. Personnel business was discussed and a construction update was given.

Roper/Loveall motion carried unanimously to approve hiring Jenna Schmidtke as Secretary and Ryan Bromeland as Assistant Veteran Services Officer in the Veteran Services office.

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Committee reports were given. Loveall reported on CD 62 tour of bioreactor, CD redetermination hearing, planning and zoning hearing, Region Nine, and AMC committee meetings; Young reported on AMC transportation policy committee; Roper reported on airport committee, Workforce Center and AMC policy committee; Groskreutz reported ditch hearing, MRCI, conditional use permit meeting in district, Community Health, AMC policy meetings, and MVAC meeting; Warmka reported on AMC policy meetings, local corrections meeting.

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Soil and Water Program Administrator Michele Stindtman met regarding planning and zoning business.

Stindtman presented a conditional use permit for Darren Anderson, dba Anderson Trucks. Darren Anderson also attended.

Loveall/Groskreutz motion carried unanimously to approve Resolution 16-PZ09-24 granting a conditional use permit to Darren Anderson DBA Anderson Trucks to allow for the operation of a farm/commercial truck resale business in Seely Township, Section 26-101-25. Commissioners Groskreutz, Loveall, Roper, Warmka, and Young voted yes.

**RESOLUTION**

Darren Anderson DBA Anderson Trucks  
Seely Township, Section 26-101-25  
#08-16-44

**WHEREAS,** according to the Faribault County Zoning Ordinance, Darren Anderson, DBA Anderson Trucks, has requested a conditional use permit to allow for the operation of a farm/commercial truck resale business.

The proposed project is located in the A-2 General Agriculture District located at:

Tract A: A tract of land in the Southwest Quarter of the Southwest Quarter (SW ¼ SW ¼) of Section Twenty-six (26) in Township One Hundred One (101) North, Range

Twenty-five (25) West of the Fifth Principal Meridian in the County of Faribault and State of Minnesota described as follows:

Commencing at the Southwest Corner of the Southwest Quarter (SW  $\frac{1}{4}$ ) of said Section Twenty-six (26); thence North 0 degrees 00 minutes 00 seconds East (assumed bearing) along the West line of the Southwest Quarter (SW  $\frac{1}{4}$ ) a distance of 1327.86 feet to the Northwest Corner of the Southwest Quarter of the Southwest Quarter (SW  $\frac{1}{4}$  SW  $\frac{1}{4}$ ) of Section Twenty-six (26); thence South 89 Degrees 57 minutes 37 seconds East along the North line of the Southwest Quarter of the Southwest Quarter (SW  $\frac{1}{4}$  SW  $\frac{1}{4}$ ) a distance of 298.52 feet to the point of beginning; thence continuing South 89 degrees 57 minutes 37 seconds East along the North line of the Southwest Quarter of the Southwest Quarter (SW  $\frac{1}{4}$  SW  $\frac{1}{4}$ ) a distance of 489.08 feet; thence South 0 degrees 00 minutes 00 seconds West a distance of 312.00 feet; thence North 89 degrees 57 minutes 37 seconds West a distance of 489.08 feet; thence North 0 degrees 00 minutes 00 seconds East a distance of 312.00 feet to the point of beginning. Said tract contains 3.503 acres.

Tract B: A tract of land in the Northwest Quarter of the Southwest Quarter (NW  $\frac{1}{4}$  SW  $\frac{1}{4}$ ) of Section Twenty-six (26) in Township One Hundred One (101) North, Range Twenty-five (25) West of the Fifth Principal Meridian in the County of Faribault and State of Minnesota described as follows:

Commencing at the Southwest Corner of the Southwest Quarter (SW  $\frac{1}{4}$ ) of said Section Twenty-six (26); thence North 0 degrees 00 minutes 00 seconds East (assumed bearing) along the West line of the Southwest Quarter (SW  $\frac{1}{4}$ ) a distance of 1327.86 feet to the Northwest Corner of the Southwest Quarter of the Southwest Quarter (SW  $\frac{1}{4}$  SW  $\frac{1}{4}$ ) of Section Twenty-six (26) and the point of beginning; thence South 89 degrees 57 minutes 37 seconds East along the North line of the Southwest Quarter of the Southwest Quarter (SW  $\frac{1}{4}$  SW  $\frac{1}{4}$ ) a distance 787.60 feet; thence North 0 degrees 00 minutes 00 seconds East a distance of 51.00 feet; thence North 89 degrees 57 minutes 37 seconds West a distance of 787.60 feet to the West line of the Southwest Quarter (SW  $\frac{1}{4}$ ); thence South 0 degrees 00 minutes 00 seconds West along the West line of the Southwest Quarter (SW  $\frac{1}{4}$ ) a distance of 51.00 feet to the point of beginning. Said tract contains 0.922 acres including easement for public roadway right-of-way along the West line of the Southwest (SW  $\frac{1}{4}$ ).

Easement C: a 6-foot wide easement for ingress, egress and utility service over, under and along the North 6.00 feet of the West 298.52 feet of the Southwest Quarter of the Southwest Quarter (SW  $\frac{1}{4}$  SW  $\frac{1}{4}$ ) of Section Twenty-six (26) in Township One Hundred One (101) North, Range Twenty-five (25) West of the Fifth Principal Meridian in the County of Faribault and State of Minnesota.

Easement D: A 6-foot wide easement for ingress, egress and utility service over, under an along the South 6.00 feet of the West 298.52 feet of the Northwest Quarter of the Southwest Quarter (NW  $\frac{1}{4}$  SW  $\frac{1}{4}$ ) of Section Twenty-six (26) in Township One Hundred

One (101) North, Range Twenty-five (25) West of the Fifth Principal Meridian in the County of Faribault and State of Minnesota.

Together with a 12.00 foot wide easement for ingress and egress and utility service over, under and along a strip of land located in the West Half of the Southwest Quarter (W ½ SW ¼) of said Section Twenty-six (26) and lying 6.00 feet (measured at right angles) on both sides of the following described Line A: Commencing at the Southwest Corner of the Southwest Quarter of Section 26, Township 101 North, Range 25 West in Faribault County, Minnesota; thence North 0 degrees 00 minutes 00 seconds East (assumed bearing) along the West line of the Southwest Quarter a distance of 1327.86 feet to the Northwest Corner of the Southwest Quarter of the Southwest Quarter of Section 26; thence South 89 degrees 57 minutes 37 seconds East along the North line of the Southwest Quarter of the Southwest Quarter a distance of 298.52 feet to the point of beginning; thence continuing South 89 degrees 57 minutes 37 seconds East along the North line of the Southwest Quarter of the Southwest Quarter a distance of 117.65 feet; thence South 69 degrees 48 minutes 24 seconds East a distance of 103.83 feet; thence North 77 degrees 13 minutes 21 seconds East a distance of 228.88 feet; thence North 2 degrees 13 minutes 21 seconds East a distance of 36.03 feet to the North line of the previously described Tract B and there terminating.

Together with all hereditaments and appurtenances belonging thereto, subject to the following exceptions: Existing roadways, easements and agreements of record.

**WHEREAS,** according to the Faribault County Zoning Ordinance, Section 16 – Subdivisions (4-6), the Planning Commission has made its recommendation based on findings with respect thereto and all facts in connection therewith, and has designated conditions deemed necessary for the protection of public interest.

**WHEREAS,** the Planning Commission finds that the proposed use of the property:

1. Will not be injurious to the use and enjoyment of other properties for purposes already permitted in the surrounding neighborhood.
2. Meets the standards of the Faribault County Zoning Ordinance and is allowed with a conditional use permit in the A-2 General Agriculture District as outlined in Section 7.
3. Will not have an adverse impact on or additional measures are being proposed in regard to access road, traffic conditions, traffic congestion, or traffic hazard.
4. Has adequate measures in place or being proposed through the conditions attached in regard to necessary public utilities (including water, electricity, and sewer), lighting, public services, site drainage, and off street parking.
5. If requiring storage of materials, adequate disposal measures are in place.
6. Will not have an adverse effect on the environment including impacts on groundwater, surface water, soils, or air quality.
7. Will not be injurious to the use and enjoyment of other property in the immediate vicinity for the purposes already permitted, nor substantially diminish and impair

property values within the immediate vicinity, and is compatible with the existing neighborhood.

8. Will not hinder the normal and orderly development and improvement of properties in the surrounding neighborhood for the uses predominate to the area.
9. Will have adequate measures in place to prevent or control the following in regard to nuisance issues: offensive odors, fumes, dust, noise, and vibration.
10. If requiring additional necessary facilities that they are identified in the permit.
11. Will not have an adverse impact on the health, safety, and general welfare of residents.

**NOW THEREFORE BE IT RESOLVED**, that the Faribault County Board of Commissioners approve a conditional use permit for Darren Anderson, DBA Anderson Trucks to allow for a farm/commercial truck resale business in the A-2 General Agriculture District with the following conditions:

1. This conditional use permit only authorizes the use as specifically described in the submitted application to allow for the sale of farm and commercial trucks.
2. Any signage for the business to be erected shall be in compliance with Section 15, B – Sign Regulations of the Faribault County Zoning Ordinance and any county road restrictions.
3. New and used farm and commercial trucks for sale will be displayed on the site, and will not be allowed to be displayed within the right-of-way of County Road 23, or on land that is not owned by the applicant.
4. Copy of recent Minnesota State Dealership license shall be submitted and on file at the Planning and Zoning Department.
5. Any proposed changes, additions, or modifications to the site, or to the services proposed, shall be submitted to the Zoning Administrator and brought back before the Planning Commission and County Board for review, if necessary.
6. No more than ten (10) trucks shall be allowed to be for sale at any time.
7. An SSTS Abandonment form must be submitted to the Planning and Zoning office by October 1, 2016.
8. Applicant shall obtain and maintain a compliant septic system or alternately provide portable restroom facilities (commonly referred to as “porta potty”) and regularly maintain/empty such facilities.
9. A maintenance fee of \$50.00 every two years shall be paid as long as the conditional use is in effect starting September 20, 2018.

Stindtman presented a conditional use permit for R&R Hogs, LLC. Josh Raimann, Darrel Raimann, and Al Larson attended. Stindtman and Loveall reviewed the public meeting.

Josh Evan, Chelsey Evan, Donna Weckworth, Bradley Bruegger, Richard Raimann, and Darrel Raimann spoke during public comment.

Groskreutz/Young motion failed to add well testing for nitrates and e-coli as a part of the applicant’s duty on all wells with one mile. Commissioners Groskreutz and Young voted yes. Commissioners Loveall, Roper, and Warmka voted no.

Young motion withdrawn to require air filters with the latest technology.

Loveall/Roper motion carried to approve Resolution 16-PZ10-25 granting a conditional use permit to R&R Hogs, LLC to allow for the construction and operation of a feedlot with more than 1,000 animal units. Commissioners Loveall, Roper, and Warmka voted yes. Commissioners Groskreutz and Young voted no.

## **RESOLUTION**

R&R Hogs, LLC

Dunbar Township, Section 4-104-24

#07-16-43

**WHEREAS,** according to the Faribault County Zoning Ordinance, Section 16, R&R Hogs, LLC (Josh Raimann) has requested a conditional use permit to allow for the construction and operation of a feedlot with more than 1,000 animal units.

The proposed project is located in the A-2 General Agriculture District located at:

The North 10 acres of the following described tract:

The West Half (W ½) of the Northwest Quarter (NW ¼) of the Southwest Quarter (SW ¼) of Section 4, Township 104 North, Range 24 West, Dunbar Township, Faribault County, Minnesota, described as follows:

Commencing at the northwest corner of the Southwest Quarter of said Section 4; thence North 89 degrees 48' 33" East a distance of 661.12 feet, on the north line of said SW ¼, to the northeast corner of said W ½ NW ¼ SW ¼; thence South 01 degrees 10' 12" West a distance of 1319.19 feet, on the east line of said W ½ NW ¼ SW ¼, to the southeast corner of said W ½ NW ¼ SW ¼; thence South 89 degrees 44' 48" West a distance of 659.55 feet, on the South line of said W ½ NW ¼ SW ¼, to the Southwest corner of said W ½ NW ¼ SW ¼; thence North 01 degrees 06' 05" East a distance of 1319.88 feet, on the west line of said SW ¼, to the point of beginning; subject to highway easement on the west side thereof.

**WHEREAS,** the applicant has received from the Minnesota Pollution Control Agency an approved Findings of Fact, Conclusions of Law, and Order for a Negative Declaration on the need for an Environmental Impact Statement;

**WHEREAS,** this document concludes that this project does not have the potential for significant environmental effects.

**WHEREAS,** when the applicant receives this document, the next step is to apply for a conditional use permit from Faribault County;

**WHEREAS,** according to the Faribault County Zoning Ordinance, Section 16 – Subdivisions (4–6), the Planning Commission has made its recommendation based on findings with respect thereto and all facts in connection therewith, and has designated conditions deemed necessary for the protection of public interest.

**WHEREAS,** the Planning Commission finds that the proposed use of the property:

1. Will not be injurious to the use and enjoyment of other properties for purposes already permitted in the surrounding neighborhood.
2. Meets the standards of the Faribault County Zoning Ordinance and is allowed with a conditional use permit in the A-2 General Agriculture District as outlined in Section 7.
3. Will not have an adverse impact on or additional measures are being proposed in regard to access roads, traffic conditions, traffic congestion, or traffic hazard.
4. Has adequate public or private facilities and services in place or being proposed to support the proposed use in regard to necessary public utilities (including water, electricity, and sewer), lighting, public services, site drainage, and off street parking.
5. If requiring storage of materials, adequate disposal measures are in place.
6. Will not have an adverse effect on the environment including impacts on groundwater, surface water, soils, or air quality.
7. Will not be injurious to the use and enjoyment of other property in the immediate vicinity for the purposes already permitted, nor substantially diminish and impair property values within the immediate vicinity, and is compatible with the existing neighborhood.
8. Will not hinder the normal and orderly development and improvement of properties in the surrounding neighborhood for the uses predominate to the area.
9. Will have adequate measures in place to prevent or control the following in regard to nuisance issues: offensive odors, fumes, dust, noise, and vibration.
10. If requiring additional necessary facilities that they are identified in the permit.
11. Will not have an adverse impact on the health, safety, and general welfare of residents.

**NOW THEREFORE BE IT RESOLVED,** that the Faribault County Board of Commissioners approve a conditional use permit for R&R Hogs, LLC to allow for the construction and operation of a feedlot with more than 1,000 animal units in the A-2 General Agriculture District with the following conditions:

1. This conditional use permit only allows for the operation of a new feedlot with more than 1,000 animal units as required by the Faribault County zoning ordinance.
2. This conditional use permit only allows for the construction of the facilities outlined in the permit submitted on July 25, 2016 and include:
  - a. two total confinement swine finishing barns (102'x160')
  - b. office
  - c. animal compost facility.

3. Any additional modifications or expansions to the site, in addition to the facilities listed in condition 2, must be submitted to the Zoning Administrator and may require amendments to the conditional use permit.
4. Applicant shall not violate any state, federal, or local statute, rules, ordinances, or regulations enforced or imposed by any entity.
5. A compliant SSTS system application permit must be obtained prior to the issuance of any building permit.
6. In order to mitigate potential noise and air quality potential, applicant is required to install a windbreak, with established trees, around the north, west, and east side of the proposed facility within 1 year of building construction. Trees must be planted in accordance to the Faribault County Zoning Ordinance.
7. Applicant must work with Faribault County Public Works department to received appropriate permits and approval for any and all potential driveways.
8. A maintenance fee of \$50.00 every two years shall be paid as long as the conditional use is in effect starting September 20, 2018.

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Loveall/Young motion carried unanimously to approve Resolution 16-CB-26 setting for payable 2017 the proposed budget at \$23,050,743 for revenues and \$23,042,996 for expenditures and the proposed gross levy be set at \$10,841,497 and the levy after program aid reductions be set at \$10,556,171. Commissioners Groskreutz, Loveall, Roper, Warmka, and Young voted yes.

### R E S O L U T I O N

**BE IT RESOLVED**, that the Faribault County Board of Commissioners has reviewed the proposed budget and levy for taxes payable in 2017, and

**BE IT FURTHER RESOLVED**, that the proposed budget for payable 2017 be set at \$23,050,743 for revenues and \$23,042,996 for expenditures and the proposed gross levy be set at \$10,841,497 and the levy after program aid reductions be set at \$10,556,171.

**BE IT FURTHER RESOLVED**, that a copy of the proposed budget be on file with the County Auditor.

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Groskreutz/Young motion carried unanimously to approve requests from J. Garlick, K. Smith, and E. Langford to attend a 3-day Jail Academy at Camp Ripley; G. Paschke to attend a 1-day MN Income Property Case Study Exam workshop in Plymouth; C. Vereide to attend a 1-day personnel data workshop in St. Paul.

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Groskreutz/Roper motion carried unanimously to approve the following quotes for demolition of forfeited tax projects contingent upon the cities approval: #1603 in Elmore - quote from Beemer Companies for \$15,625, one other quote received from Erosion Control Plus Inc. of \$15,999; #1601 in Bricelyn - quote from Beemer Companies for \$32,030, one other quote received from Erosion Control Plus Inc. of

\$33,200; #1602 in Kiester - quote from Beemer Companies for \$31,140, one other quote received from Erosion Control Plus Inc. of \$45,750.

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Young/Loveall motion carried unanimously to pay bills totaling \$ 572,627.78 as follows:

GENERAL REVENUE FUND	\$ 100,396.66
PUBLIC WORKS FUND	40,363.34
NON REV/DISB A	4,829.75
HUMAN SERVICES FUND	183,895.00
DITCH FUND	<u>243,143.03</u>
	\$ 572,627.78

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The meeting was adjourned for September 2016.

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Tom Warmka, Chair

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John Thompson, Auditor/Treasurer/Coordinator