

**OFFICIAL PROCEEDINGS OF THE
BOARD OF COMMISSIONERS
BLUE EARTH COUNTY, MINNESOTA**

July 25, 2006

The County Board of Commissioners met in the Commissioners' Room at 9:00 AM. Present were Chairperson Katy Wortel, Commissioners Kip Bruender, Colleen Landkamer, Tom McLaughlin, and Will Purvis. Also present were County Administrator Dennis McCoy and County Attorney Ross Arneson.

AGENDA REVIEW

Commissioner Landkamer moved and Commissioner Bruender seconded the motion to approve the amended agenda to include appointment of Commissioner Purvis to committees and re-appointment of D.D. Gremel, M.D. as the County Coroner. The motion carried. 2006-258

PLEDGE OF ALLEGIANCE

All present said the Pledge of Allegiance to the Flag.

COMMITTEE REPORTS

The Commissioners reported on the committees they attended since the last Board Meeting.

HUMAN SERVICES

Mr. Bob Meyer, Human Services Director, presented the following items to the Board.

Commissioner Landkamer moved and Commissioner Bruender seconded the motion to approve the following Human Services items:

AmericInn of Mankato

An agreement with AmericInn of Mankato to be a quarantine site in the event of a public health emergency.

Hearth Connections

An agreement with Hearth Connections outlining Blue Earth County Human Services' responsibilities as the primary provider for the six counties in the new Regional Supportive Housing Project. This agreement covers the period from June 1, 2006, through June 30, 2007.

Fee Policy

Revision of the department fee policy which outlines the fees charged for services provided by the agency. State statute requires the department to provide services without fee to families with income at or below the federal poverty level and requires fees to be reduced based on family size and income.

The motion carried. 2006-259

ADMINISTRATIVE SERVICES

Commissioner Landkamer moved and Commissioner McLaughlin seconded the motion to approve the July 11, 2006 Board Minutes. The motion carried. 2006-260

Commissioner Bruender moved and Commissioner McLaughlin seconded the motion to approve the following bills:

For the week of July 17-21, 2006 totaling \$7,862,356.13

For the week of July 24-28, 2006 totaling \$4,606,600.14

The motion carried. 2006-261

Commissioner Landkamer moved and Commissioner Bruender seconded the motion to approve the following personnel items:

Resignation of Karen Holcomb, Senior Account Clerk (B23) effective July 13, 2006. (Finance)

Authorization to initiate recruitment for a Senior Account Clerk (B23). (Finance)

Resignation of Alexis Kohler, Library Clerk (part time) (A12) effective July 31, 2006. (Library)

Authorization to initiate recruitment for a Library Clerk (part time) (A12). (Library)

Authorization to initiate recruitment for a .50 FTE Clerical Specialist II (B22). (Human Service)

Resignation of Cheryl Fitterer, Financial Assistance Specialist (B31) effective August 1, 2006. (Human Services)

Authorization to initiate recruitment for a Financial Assistance Specialist (B31). (Human Service)

Employment of Erin Johnson, Library Clerk (part time) (A12) with a starting salary of \$10.84 per hour effective July 27, 2006. This is a position previously held by Jessica Green. Board authorized replacement on June 20, 2006. (Library)

Employment of Dana Hedberg, as an Assistant County Administrator (D63) with a starting salary of \$31.43 per hour effective August 21, 2006. This is a position previously held by Katie Nerem Roth. Board authorized replacement on April 11, 2006. (Administration)

Employment of Brooke McGuire, Library Clerk (part time) (A12) with a starting salary of \$10.54 per hour effective July 26, 2006. This is a position previously held by Heather Muir. Board authorized replacement on June 20, 2006. (Library)

Employment of Alyssa Inniger, Library Clerk (part time) (A12) with a starting salary of \$10.54 per hour effective August 1, 2006. This is a position previously held by Alexis Kohler. Board authorized replacement on July 25, 2006. (Library)

The motion carried. 2006-262 (Adjust Budgets Accordingly)

PLANNING AND ZONING

Mr. Veryl Morrell, Land Use Administrator, and Mr. George Leary, Land Use Specialist, and Mr. Scott Salisbury, Land Use/Natural Resource Planner, presented the following items to the Board.

Commissioner Landkamer moved and Commissioner McLaughlin seconded the motion to approve the following resolution:

**RESOLUTION APPROVING
A CONDITIONAL USE PERMIT
FOR A LIME STORAGE FACILITY
SE 1/4 OF SE 1/4
SECTION 16, SOUTH BEND TOWNSHIP**

WHEREAS, Evan Goodrich, owner of the following described property to wit:

and Bruce Goodrich dba R & E Enterprises have submitted an application for a Conditional Use Permit to construct and operate a lime storage facility; and

WHEREAS, the Planning Agency of the County has completed a review of the application and made a report pertaining to said request (PC 13-06), a copy of said report has been presented to the County Board; and

WHEREAS, the Planning Commission of the County on the 5th day of July, 2006, following proper notice, held a public hearing regarding the request and, following the hearing, adopted a recommendation that the request for Conditional Use Permit be granted; and

WHEREAS, the Blue Earth County Board of Commissioners finds that:

1. That the proposed use conforms with the county land use plan.
2. That there is a demonstrated need for the proposed use.
3. That the proposed use will not degrade the water quality of the county.
4. That the proposed use will not adversely increase the quantity of water runoff.
5. That soil conditions are adequate to accommodate the proposed use.
6. That the proposed use does not create a potential pollution hazard.
7. That adequate utilities, access roads, drainage and other necessary facilities have been or are being provided.
8. That adequate measures have been or will be taken to provide sufficient off-street parking and loading space to serve the proposed use.
9. That facilities are provided to eliminate any traffic congestion or traffic hazard which may result from the proposed use.
10. That the conditional use will not be injurious to the use and enjoyment of other property in the immediate vicinity for the purposes already permitted.
11. That the establishment of the conditional use will not impede the normal and orderly development and improvement of surrounding vacant property for predominant uses in the area.

12. That adequate measures have been or will be taken to prevent or control offensive odor, fumes, dust, noise and vibration, so that none of these will constitute a nuisance, and to control lighted signs and other lights in such a manner that no disturbance to neighboring properties will result.
13. That the intensity of proposed commercial or industrial development is not greater than the intensity of the surrounding uses or not greater than the intensity characteristic of the applicable zoning district.
14. That site specific conditions and such other conditions are established as required for the protection of the public's health, safety, morals and general welfare.

NOW THEREFORE BE IT RESOLVED, by the Blue Earth County Board of Commissioners, that the request for Conditional Use Permit to construct and operate a lime storage facility is granted contingent upon the following conditions:

1. That the building be constructed in accordance with plans submitted by I&S Engineers.
2. That the building's roof must be maintained to prevent precipitation from entering the storage area.
3. That surface water must be diverted away from the proposed storage area.
4. That lime may not be stored on the applicants property until the building is completed and covered.
5. That all trucks hauling lime from the site must have a tarp or other cover to prevent lime from blowing or spilling in transit.
6. That all trucks hauling lime to the site must be loaded in a manner to prevent lime from blowing or spilling in transit and covered with a tarp if necessary.
7. That the all lime delivered to the site must be stored entirely within the building.
8. That the applicants manage the lime stored in the building to prevent lime from being tracked out of the building by trucks or any other means.
9. That prior to the issuance of a construction permit, the applicant submit plans for storm water which are acceptable to the Environmental Health Division to ensure that the septic system drain field for the R&E Enterprises office can continue to maintain a 3-foot

separation from groundwater at all times.

10. That the applicant contact Magellan Pipeline Company to arrange and conduct water tests of one of the existing shallow, monitoring wells which is down gradient from the storage building. Said water tests shall include radium and heavy metals determined by the Environmental Health Division and shall be conducted prior to storing lime on the site, two years later, and at future intervals determined by the Environmental Health Division. Results of the tests must be submitted to the Environmental Services for review.
11. That the applicant conduct a soil sample down gradient of the storage building and conduct tests for radium and heavy metals determined by the Environmental Health Division. Said sample shall be conducted prior to storing lime on the site, two years later, and at future intervals determined by the Environmental Health Division. Results of the tests must be submitted to the Environmental Services for review.
12. That the management of the site must comply with all County, State and Federal regulations.
13. Any change in operation or use shall require review of the Conditional Use Permit. The applicant shall apply for a review of the Conditional Use Permit prior to any operational or construction changes involved with the proposed use.
14. Violations of any of the above conditions may lead to a review of the Conditional Use Permit by the Planning Commission and County Board of Commissioners.
15. The Conditional Use Permit shall be effective for a period of five years following County Board approval, until July 25, 2011. The applicant shall make application for review of the permit prior to June 10, 2011.

This resolution shall become effective immediately upon its passage and without publication.

The motion carried. 2006-263

Commissioner Bruender moved and Commissioner McLaughlin seconded the motion to approve the following resolution:

**RESOLUTION GRANTING A CONDITIONAL USE PERMIT TO OPERATE AN
AUTOMOBILE AND BOAT UPHOLSTERY REPAIR BUSINESS AS A LEVEL II
HOME OCCUPATION LOCATED IN THE AGRICULTURAL ZONED DISTRICTS IN
THE NORTHWEST QUARTER OF THE NORTHEAST QUARTER OF SECTION 12,
GARDEN CITY TOWNSHIP**

WHEREAS, Todd Wolters, owner of the following real estate in the County of Blue Earth, Minnesota, to wit:

A tract of land commencing at a point in the center of Trunk Highway No. 169 where intersected by the North Section line of Section 12, Township 107 North, Range 28 West; thence South along the center line of said Trunk Highway No. 169 a distance of 780 feet; thence due East a distance of 350.00 feet; thence at right angles to said North section line of said Section 12; thence West on said section line to the point of beginning; subject to highway easements of record.

EXCEPT: that part of Tract A described below:

TRACT A: That part of the North Half of the Northeast Quarter of Section 12, Township 107 North, Range 28 West, described as follows: Beginning at the point of intersection of the north line of said Section 12 with the centerline of Trunk Highway No. 169 as now located and established; thence run southerly along said centerline for 780 feet; thence due east 350 feet; thence run northerly at an angle of 90 degrees 00 minutes 00 seconds to an inter-section with the north line of said Section 12; thence westerly along said section line to the point of beginning; excepting therefrom the right of way of Trunk Highway No. 169 as not located and established; which lies westerly of Line 1 described below:

LINE 1: Commencing at a stone monument located at the east quarter corner of said Section 12; thence run westerly on an azimuth of 270 degrees 38 minutes 09 seconds, along a line which intersects a stone monument located at the center of said Section 12, for 1612.22 feet to the point of beginning of Line 1 to be described; thence on an azimuth of 01 degrees 48 minutes 56 seconds for 2700.00 feet and there terminating.

Together with all right of access, being the right of ingress to and egress from that part of Tract A hereinbefore described not acquired herein to Trunk Highway No. 169; except that the abutting owner shall retain the right of access between points distant 678.72 feet and 738.72 feet southerly of the point of termination of Line 1 described above (both distances measured along said Line 1).

has applied for a Conditional Use Permit to operate a automobile and boat upholstery business in an accessory building as a Level II Home Occupation in an A, Agricultural Zoning District; and

WHEREAS, the Planning Agency of the County has completed a review of the application and made a report pertaining to said request (PC19-06), a copy of said report has been presented to the County Board; and

WHEREAS, the Planning Commission of the County on the 5th day of July, 2006, following proper notice, held a public hearing regarding the request and, following the hearing, adopted a recommendation that the request for a Conditional Use Permit be granted; and

WHEREAS, the Blue Earth County Board of Commissioners finds that:

1. That the proposed use conforms with the County Land Use Plan.
2. That there is a demonstrated need for the proposed use.
3. That the proposed use will not degrade the water quality of the County.
4. That the proposed use will not adversely increase the quantity of water runoff.
5. That soil conditions are adequate to accommodate the proposed use.
6. That the proposed use does not create a potential pollution hazard.
7. That adequate utilities, access roads, drainage and other necessary facilities have been or are being provided.
8. That adequate measures have been or will be taken to provide sufficient off-street parking and loading space to serve the proposed use.
9. That facilities are provided to eliminate any traffic congestion or traffic hazard which may result from the proposed use.
10. That the Conditional Use will not be injurious to the use and enjoyment of other property in the immediate vicinity for the purposes already permitted.
11. That the establishment of the Conditional Use will not impede the normal and orderly development and improvement of surrounding vacant property for predominant uses in the area.
12. That the density of proposed development is not greater than the density of the surrounding neighborhood or the density allowed in the Agricultural or Conservation Zoned Districts.

NOW THEREFORE BE IT RESOLVED, by the Blue Earth County Board of Commissioners, that the request for a Conditional Use Permit to operate an automobile and boat upholstery business in an accessory building as a Level II Home Occupation in an A, Agricultural Zoning District, is granted with the following conditions:

1. That upholstery business shall be conducted entirely within the accessory building and shall be carried on by the inhabitants of the home. Up to six employees are allowed other than the inhabitants of the home.

2. That the business shall be clearly incidental and secondary to the use of the property for residential purposes. Total maximum floor use area shall be 5,000 square feet.
3. That signage be limited to a 32-square foot non-illuminated sign on the property.
4. There shall be no indication of offensive noise, vibration, smoke, dust, odors, heat or glare beyond the property line.
5. That the operation of the home occupation shall begin no earlier than 8:00 a.m. and end no later than 5:00 p.m. This shall include the receiving and pickup of customer vehicles. Provided there is no offensive noise or lighting, the applicant may work on business projects after normal working hours.
6. Materials and equipment shall be stored in an enclosed building or screened area.
7. If the business requires the use of a commercial truck, tractor, van, pickup or any vehicle whatsoever required to be registered as Y type vehicle or any trailer or other machinery capable of being trailed behind, such vehicle shall be parked off-street and upon the lot of the owner from where such home occupation is conducted. Parking is allowed only on a hard surfaced or gravel parking area. All drives accessing a hard-surfaced road shall be bituminous or concrete.
8. Any change in operation or use of the home occupation shall require review of the Conditional Use Permit. The applicant shall apply for a review of the Conditional Use Permit prior to any operational or construction changes involved with the proposed use.
9. A list of all hazardous materials along with a floor plan of the workshop must be submitted to the Lake Crystal Fire Chief. Said information shall be resubmitted as needed.
10. Violations of any of the above conditions may lead to a review of the Conditional Use Permit by the Planning Commission and County Board of Commissioners.
11. The Conditional Use Permit shall be effective for a period of five years following County Board approval, until July 25, 2010. The applicant shall make application for review of the permit prior to June 1, 2010. This condition may be waived at the discretion of Planning and Zoning Staff provided the business is operating according to the conditions of the permit.

Approved this 25th day of July 2006.

The motion carried. 2006-264

Commissioner Bruender moved and Commissioner Landkamer seconded the motion to approve the following resolution:

**RESOLUTION GRANTING A CONDITIONAL USE PERMIT
TO REMODEL ONE TOTAL CONFINEMENT CATTLE BARN TO HOUSE SWINE
EXPANDING AN EXISTING FEEDLOT FROM 1,230 A.U. TO 1,500 A.U. LOCATED IN
THE SOUTHEAST QUARTER OF THE NORTHEAST QUARTER OF
SECTION 20, LE RAY TOWNSHIP**

WHEREAS, Darrell Anderegg, owner of the following real estate in the County of Blue Earth, Minnesota, to wit:

The Southeast Quarter of the Northeast Quarter, Section 20, T. 108 N. - R. 25 W.

has applied for a Conditional Use Permit to remodel a total confinement cattle barn to house swine expanding an existing feedlot in an A, Agriculture Zoning District; and

WHEREAS, the Planning Agency of the County has completed a review of the application and made a report pertaining to said request (PC-23-06), a copy of said report has been presented to the County Board; and

WHEREAS, the Planning Commission of the County on the 5th day of July, 2006, following proper notice, held a public hearing regarding the request and, following the hearing, adopted a recommendation that the request for a Conditional Use Permit be granted; and

WHEREAS, the Blue Earth County Board of Commissioners finds that:

1. That with proper management of the proposed expansion and with proper manure application, the Conditional Use should not be injurious to the use and enjoyment of other property in the immediate vicinity designated for agricultural uses.
2. That with proper management of the proposed expansion and with proper manure application, this facility should not constitute a pollution problem.
3. That the predominant use in the area is agriculture. The Conditional Use should not impede the normal and orderly development and improvement of surrounding vacant property for agricultural uses.
4. Adequate utilities, access roads, drainage and other necessary facilities have been or will be provided.
5. Adequate measures will be taken to provide sufficient off-road parking and loading space to serve the existing and proposed use.
6. Soil conditions are adequate to accommodate the proposed request.

7. Proper facilities will be provided which will eliminate any traffic congestion or traffic hazard which may result from the proposed use.
8. The feedlot is not greater than the feedlot standards allowed in the A, Agricultural Zoning District.
9. The proposed use is consistent with the County Land Use Plan.
10. That the proposed use does not include residential development.
11. That the proposed use does not include industrial development.

NOW THEREFORE BE IT RESOLVED, by the Blue Earth County Board of Commissioners, that the request for a Conditional Use Permit, to remodel one total confinement cattle barn to house swine in an Agriculture Zoning District, is granted with the following conditions:

1. That the expansion, conforms with the site plan attached to this report PC 23-06.
2. That the feedlot, including all buildings be located on a single, legally described parcel consisting of a minimum of forty contiguous acres. The parcel shall be a parcel of record, properly recorded in the Blue Earth County Land Records Office.
3. That the applicant must obtain an updated Blue Earth County Feedlot Permit before any animals are placed in the barn.
4. That the applicant obtain a Blue Earth County Construction Permit before building begins and within one year from the date the County Board of Commissioners approves the Conditional Use Permit. The permit shall be rendered invalid if application for a Construction Permit is not made within this one year period. Time extensions for Conditional Use Permits must be obtained from the County Board of Commissioners subsequent to a public hearing conducted by the Planning Commission.
5. That application of manure be on the land documented in the aerial photos included in the State of Minnesota Application for Construction and Operation of an animal feedlot. The application of manure shall comply with standards set forth by the M.P.C.A. A manure management plan meeting the M.P.C.A. requirements must be submitted for review prior to stocking the remodeled barn. This plan must be reviewed by the operator each year and adjusted for any changes in the amount of manure production, manure nutrient test results, fields available for receiving manure, crop rotation, or other practices which affect the available nutrients amounts or crop nutrients needs on fields receiving manure as required by the M.P.C.A. Manure application setback standards for the fields on which the manure is applied shall be followed as provided in Attachment A-3.

6. That the disposal of dead animals be consistent with the Minnesota Board of Animal Health regulations.
7. If rendering is the method of choice for mortality disposal, the applicant shall provide an enclosed location for the pick up of dead animals before any animals are placed in the remodeled barn.
8. That adequate measures be taken to minimize or control offensive odor, fumes, dust, noise, or vibrations so that none of these will constitute a nuisance.
9. That all manure storage structures must be designed by a registered engineer. A copy of the designed plans must be submitted to Blue Earth County Environmental Services prior to the issuance of a construction permit
10. That the outside manure storage collection system and lagoon be properly abandon according to M.P.C.A. rules and removed by the end of the construction season of 2007.

This resolution shall become effective immediately upon its passage and without publication.

The motion carried. 2006-265

The following individuals spoke regarding the Dave Pongratz application (PC24-06):

- Bob Winzenburg, Mankato, representing Doug and Gail Culter
- Dave Pongratz, 54264 192nd Street, Mankato, MN
- Gail Cutler, 54237 192nd, Mankato, MN
- Doug Culter, 54237 192nd Street, Mankato, MN

Commissioner Landkamer moved and Commissioner Bruender seconded the motion to deny the following resolution:

**A REQUEST FOR A CONDITIONAL USE PERMIT TO EXPAND AN EXISTING
FEEDLOT OF 497 ANIMAL UNITS TO 572 ANIMAL UNITS LOCATED IN THE
SOUTHWEST QUARTER OF THE NORTHWEST QUARTER SECTION 5, RAPIDAN
TOWNSHIP**

WHEREAS, Dave Pongratz, owner of the following real estate in the County of Blue Earth, Minnesota, to wit:

The Southwest Quarter of the Northwest Quarter Section 05, Rapidan Township, T. 107 N.-R. 27 W.

has applied for a Conditional Use Permit to construct one total confinement swine barn at an existing feedlot in an A, Agriculture Zoning District; and

WHEREAS, the Board of Adjustment of the County on the 5th day of July 2006, following proper notice, held a public hearing regarding the applicant's request for a variance, and following the hearing, voted to deny the applicant's request to reduce the required feedlot to dwelling setback requirements from 1,000 feet to 480 feet and from 1,500 feet to 740 feet to permit the addition of one total confinement swine nursery facility; and,

WHEREAS, the Planning Agency of the County has completed a review of the application and made a report pertaining to said request (PC24-06), a copy of said report has been presented to the County Board; and

WHEREAS, the Planning Commission of the County on the 5th day of July, 2006, following proper notice, held a public hearing regarding the request and, following the hearing, adopted a recommendation that the request for a Conditional Use Permit be denied; and

WHEREAS, the Blue Earth County Board of Commissioners finds that:

1. The proposed use does not conform with the County's Land Use Plan.
2. The proposed feedlot expansion does not meet the setback requirements of the County Code of Ordinances of 1,000 feet or 1,500 feet to a neighboring residence based upon the prevailing wind direction.

NOW, THEREFORE, BE IT RESOLVED; by the Blue Earth County Board of Commissioners, that the request to construct one total confinement swine nursery barn at an existing feedlot located in the A- Agricultural Zoned District with non-conforming feedlot to dwelling setbacks is hereby:

Granted with the following conditions:

Denied (and the following conditions are inapplicable):

1. That the total confinement barn, conform to the site plan attached to this report (PC 24-06).
2. That the proposed barn be located on a single, legally described parcel consisting of a minimum of ten contiguous acres or combined with the home site to create a single, legally described parcel consisting of a minimum of ten contiguous acres. The parcel shall be a parcel of record, properly recorded in the Blue Earth County Land Records Office.
3. That the applicant must obtain an updated Blue Earth County Feedlot Permit before any animals are placed in the new barn.

4. That the applicant obtain a Blue Earth County Construction Permit before building begins and within one year from the date the County Board of Commissioners approves the Conditional Use Permit. The permit shall be rendered invalid if application for a Construction Permit is not made within this one year period. Time extensions for Conditional Use Permits must be obtained from the County Board of Commissioners subsequent to a public hearing conducted by the Planning Commission.
5. If required by the Minnesota Department of Natural Resources, that the applicant obtain a Department of Natural Resources, "Water Appropriations Permit" before any animals are placed in the proposed barn.
6. That a perimeter footing drain tile be located at or below the bottom of the pit footings. The footing tile shall include one inspection pipe for each concrete pit. The native materials must be excavated and walls back filled with granular material (pit run gravel or equivalent). *Exceptions to this may only include specific design standards submitted by the design engineer of the manure storage structure.*
7. That application of manure be on the land documented in the aerial photos included in the State of Minnesota Application for Construction and Operation of an animal feedlot. The application of manure shall comply with standards set forth by the MPCA. A manure management plan meeting MPCA requirements must be submitted for review prior to stocking the new barn. This plan must be reviewed by the operator each year and adjusted for any changes in the amount of manure production, manure nutrient test results, fields available for receiving manure, crop rotations, or other practices which affect the available nutrient amounts or crop nutrient needs on fields receiving manure as required by the MPCA. Manure application setback standards for the fields on which the manure is applied shall be followed as provided in attachment A3
8. That the disposal of dead animals be consistent with the Minnesota Board of Animal Health regulations.
9. If rendering is the method of choice for mortality disposal, the applicant shall provide an enclosed location for the pick up of dead animals before any animals are placed in the proposed barn.
10. That adequate measures be taken to minimize or control offensive odor, fumes, dust, noise, or vibrations so that none of these will constitute a nuisance.
11. That all manure storage structures must be designed by a registered engineer. A copy of the designed plans must be submitted to Blue Earth County Environmental Services prior to the issuance of a construction permit.
12. That the applicant will furnish a final construction report to Environmental Services verifying that the concrete manure storage structure was constructed per approved engineered design plan. Said construction report shall be signed by a professional engineer registered in the State of Minnesota and will include the following:

photographic documentation of reinforcing steel placement, collection of three sample concrete cylinders to be retained by the engineer / landowner for concrete compressive strength testing, and three batch tickets documenting the concrete design.

13. That the applicant comply with the storm-water control requirements established by the MPCA.
14. That all exposed earthen surfaces be seeded into grass or utilized as crop acreage.

The motion carried. 2006-266 Commissioner Purvis Abstained.

Commissioner Landkamer moved and Commissioner McLaughlin seconded the motion to approve the following resolution:

RESOLUTION GRANTING APPROVAL OF A PRELIMINARY AND CONTINUANCE OF CONSIDERATION OF A FINAL PLAT FOR A FOUR LOT, ONE OUTLOT RESIDENTIAL SUBDIVISION TO BE KNOWN AND RECORDED AS SHADY TREE ESTATES SUBDIVISION. SAID PROPERTY IS LOCATED IN THE NE 1/4 OF THE NE 1/4, SECTION 19, JAMESTOWN TOWNSHIP IN THE RURAL RESIDENTIAL AND SHORELAND ZONED DISTRICTS OF LAKE WASHINGTON, A LAKE CLASSIFIED AS A RESIDENTIAL DEVELOPMENT LAKE.

WHEREAS, Kyle Smith, owner of the following real estate in the County of Blue Earth to wit:

As defined on the Final Plat of the Shady Tree Estates Subdivision;

is requesting preliminary and final plat approval for the Shady Tree Estates Subdivision; and,

WHEREAS, the Planning Agency of the County has completed a review of the application and made a report pertaining to said request (PC 25-06), a copy of said report has been presented to the County Board; and,

WHEREAS; the Plat of Shady Tree Estates Subdivision does not conflict with the Land Use Plan; and,

WHEREAS; the Planning Commission of the County on the 5th Day of July, 2006, following proper notice held a public hearing regarding the request, and following due consideration of presented testimony and information, voted unanimously to forward the matter to the County Board with a recommendation for approval subject to conditions contained in staff report No. PC 25-06, and,

WHEREAS, the Blue Earth County Board of Commissioners finds:

1. The proposed subdivision conforms with the Land Use Plan.
2. The soil conditions are adequate to support the proposed use.
3. Adequate utilities, access roads, parking, drainage, and other necessary facilities have been or are being provided.
4. The proposed subdivision will not degrade the water quality of the County.
5. The proposed subdivision will not be injurious to the use and enjoyment of other property in the immediate vicinity for purposes already permitted.
6. The proposed subdivision will not impede the normal and orderly development and improvement of surrounding vacant property for the predominant uses in the area.

NOW THEREFORE BE IT RESOLVED, by the Blue Earth County Board of Commissioners, that the request to approve the Final Plat of Shady Tree Estates Subdivision is hereby **granted** contingent upon the following:

1. If a common well is being proposed to service these lots a well and necessary sewer easements shall be indicated on the on the final plat.
2. All required infrastructure and roadways must be installed and accepted prior to recordation of the final plat **OR** as an alternative an engineer's cost estimate may be submitted for review and financial assurances adequate to cover the cost of such infrastructure may be submitted to permit recordation of the final plat.
3. It is intended by the developer that the access road serving this subdivision be a private roadway. It is understood by the developer that this roadway does not meet the minimum width to be accepted for maintenance by Jamestown Township and that Jamestown Township will not take over the maintenance of this road.
4. The final plat must be recorded within one year of approval by the Blue Earth County Board of Commissioners.
5. A final grading/erosion control plan and sewer plan for the subdivision shall be approved by the Environmental Health Division prior to recordation of the final plat.
6. Covenants (if proposed) and an access easement providing access to the lake via Outlot A for Lot #9, Hillside addition, shall be recorded with the final plat.
7. The developer shall pay the Parkland Dedication Fee as spelled out in the Blue Earth County Subdivision Regulations for Lots 1, 2, and 3.

8. Construction permits will be obtained prior to commencement of construction activities.

This Final Plat approval shall become effective immediately upon its passage and without publication.

The motion carried. 2006-267

JOBZ PUBLIC HEARING

Mr. Roger Guenette, Advanced Resources, and Mr. Ken Wilmes, Industrial Fabrication Services, presented information to the Board regarding a JOBZ application.

Chairperson Wortel opened the public comment portion of the public hearing.

There being no comments, the public comment portion of the hearing was closed.

Commissioner Landkamer moved and Commissioner Purvis seconded the motion to approve the following JOBZ designation:

**BLUE EARTH COUNTY RESOLUTION
APPROVING JOB OPPORTUNITY BUILDING ZONE (JOBZ) TAX EXEMPTIONS
FOR INDUSTRIAL FABRICATION SERVICES, INC. PROJECT**

WHEREAS, Blue Earth County, Minnesota (the "County"), as part of the Positively Southern Minnesota Corridor Job Zone, has received designation as a Job Opportunity Building Zone (JOBZ) Subzone (the "Subzone") from the Minnesota Department of Employment and Economic Development; and

WHEREAS, pursuant to M.S. § 116J.993 - 116J.995 (the "Business Subsidy Statute") the County has agreed to provide all tax exemptions listed in M.S. § 469.315 to every qualified business, individual that invests in a qualified business, and property located in the Subzone during the Subzone term; and

WHEREAS, the County has received a proposal to grant JOBZ Business Subsidies from Industrial Fabrication Services, Inc. (the "Qualified Business") within the Subzone under the provisions of the Business Subsidy Statute; and

WHEREAS, the County has drafted a Subsidy Agreement under the provisions of the Business Subsidy Statute; and

WHEREAS, the County has received and considered the comments of the City of Lake Crystal with regard to the JOBZ Business Subsidies for the Qualified Business; and

WHEREAS, the County on July 25, 2006, after having published notice of public hearing in the official newspaper, conducted a public hearing on the JOBZ Business Subsidies and received public comments on the same; now therefore

THE BLUE EARTH COUNTY BOARD OF COMMISSIONERS RESOLVES:

Sec. 1. That the Qualified Business will locate within the Subzone on property with tax identification number R.09.07.32.353.001 and R.09.07.32.353.002, which is comprised of land with an existing production facility thereon.

Sec. 2. That the Qualified Business is approved by the County to be a new business start-up within in the Subzone.

Sec. 3. That the public purposes for the JOBZ Business Subsidy include enhancement of economic diversity, creation of high quality job growth, stabilization of the community and enhancement of the tax base.

Sec. 4. That the County Board authorizes the County Administrator to execute the Subsidy Agreement with the Qualified Business.

Sec. 5. That the Job Zone Term shall be effective upon execution of the Subsidy Agreement until December 31, 2015.

Sec. 6. That the County Administrator is hereby directed to file a copy of this resolution and the Subsidy Agreement with the Department Employment and Economic Development and the Blue Earth County Assessor.

Approve this 25th day of July, 2006.

The motion carried. 2006-268

Commissioner Purvis moved and Commissioner Bruender seconded the motion to approve a business subsidy policy between Blue Earth County and Industrial Fabrication Services, Inc. The motion carried. 2006-269

TAX ABATEMENT PUBLIC HEARING

Mr. Roger Guenette, Advanced Resources, presented information on the Northeast Service District Tax Abatement public hearing.

Commissioner Bruender moved and Commissioner Landkamer seconded the following resolution:

RESOLUTION APPROVING PROPERTY TAX ABATEMENTS FOR THE MANKATO NORTH EAST SERVICE DISTRICT AND VICTORY DRIVE EXTENSION PROJECT

BE IT RESOLVED by the County Board (the "Board") of the Blue Earth County, Minnesota (the "County"), as follows:

1. Recitals.

(a) In order to promote commercial, industrial and residential development within the Mankato North East Service District, the Board is establishing a Property Tax Abatement program (the "Abatement"). The identification of the specific parcels (the "Property"), the duration and estimated amount of the Abatement is stipulated as follows:

Parcels Proposed for Inclusion

Years/Abatement Estimated Abatement

<u>Parcel Number</u>	<u>Occupant/Use</u>	<u>Duration</u> Jan. 1, 2009 -	<u>Proceeds/Year</u>
1. R01-09-10-200-004			
2. R01-09-10-200-015			
3. R01-09-10-200-017			
4. R01-09-10-100-008	(Distribution Center)	Dec. 31, 2028 inclusive	\$286,600

Existing Parcels Previously Included

<u>Parcel Number</u>	<u>Occupant/Use</u>	<u>Years/Abatement</u> <u>Duration</u>	<u>Estimated Abatement</u> <u>Proceeds/Year*</u>
5. R01-09-10-103-009	(Atlantis Plastics)	Jan. 1, 2000 - Dec. 31, 2019 inclusive	\$12,200
6. R01-09-10-101-004	(Agstar Farm Credit)	Jan. 1, 2000 - Dec. 31, 2019 inclusive	\$17,800
7. R01-09-10-104-006 R01-09-10-104-007 R01-09-10-104-008	(Mankato Lodging TGI Fridays)	Jan. 1, 2000 - Dec. 31, 2019 inclusive	\$50,200
8. R01-09-10-101-003	(Firepond)	Jan. 1, 2001 - Dec. 31, 2019 inclusive	\$38,600
9. R01-09-09-426-037	(River Hills Mall)	Jan. 1, 2003- Dec. 31, 2019 inclusive	\$173,500 (2006) and \$225,300 (2007-2019)

*Based on 2006 estimates

(b) On the date hereof, the County Board held a public hearing on the question of the Abatement, and said hearing was preceded by at least 10 days but not more than 30 days prior published notice hereof.

(c) The Abatement is authorized under Minnesota Statutes, Sections 469.1812 through 469.1815 (the "Abatement Law").

2. Findings for the Abatement. The County Board hereby makes the following findings:
(a) The County Board expects the benefits to the County of the Abatement to at least equal the costs thereof.

(b) Granting the Abatement is in the public interest because it will fund land acquisition and essential infrastructure improvements, increase or preserve the tax base of the

County, help retain and expand commercial, industrial and residential development in the County, and provide employment opportunities in the County.

(c) The County Board expects the public benefits described in 2(b) above to be derived from the Abatement.

(d) For the term of the Abatement, the Property will not be located in a tax increment financing district.

(e) In any year, the total amount of property taxes abated by the County by this and other resolutions does not exceed the greater of five percent (10%) of the current levy or \$200,000.

3. Terms of Abatement. The abatement is hereby approved. The terms of the abatement are as follows:

(a) The Abatement duration for each affected tax parcel shall not exceed twenty (20) years and shall apply to the taxes payable in the years identified and set forth in 1(a) herein.

(b) The Abatement shall be for 100% of the County's share of the ad valorem property taxes generated by the Property which are attributable to the Project.

(c) The Abatement may not be modified or changed during the term set forth in 3(a) above, except with the prior written consent of the County.

(d) The Abatement shall be subject to all the terms and limitations of the Abatement Law, including the requirement that taxes attributable to land value are not subject to abatement.

The motion carried. 2006-270

ADMINISTRATIVE SERVICES

The June 30, 2006 financial status report was presented as an informational item.

Commissioner Landkamer moved and Commissioner Bruender seconded the motion to accept the April 1, 2006-June 30, 2006 donations. The motion carried. 2006-271

Commissioner Landkamer moved and Commissioner McLaughlin seconded the motion to approve Commissioner Purvis to the following committees: Association of Minnesota Counties (AMC) District 7, AMC Voting Members, Community Corrections Advisory Board, Blue Earth County Department Heads, Ditch Advisory Committee, Ditch Inspector, Enterprise

Facilitation Program (RCEF) (Alternate), Extension Committee, Lake Crystal Housing Services Task Force, Library Board/TDS, Mayors and Clerks, Minnesota Drainage Inspector Association, Minnesota River Board (Alternate), Planning and Zoning Board (Alternate), Rural Minnesota Energy Board (Alternate), Service Bureau Joint Powers Board, South Central EMS JPB (Alternate), SWCD, Township Officers. The motion carried. 2006-272

Commissioner Landkamer moved and Commissioner McLaughlin seconded the motion to re-appoint D.D. Gremel, M.D. as the County Coroner. The motion carried. 2006-273

DRAINAGE

Mr. Craig Austinson, Ditch Manager, and Mr. Chuck Brandel, I&S Engineers, presented information on the bids received for the CD 77 project.

Commissioner Bruender moved and Commissioner Purvis seconded the motion to accept the low bid of \$58,302.04 from JL Trucking, Excavating, and Grading, LLC, Staples, MN for the CD 77 project. The motion carried. 2006-274

Commissioner Bruender moved and Commissioner Purvis seconded the motion to approve the following resolution relating to financing on CD 77:

RESOLUTION RELATING TO FINANCING OF CERTAIN PROPOSED PROJECTS TO BE UNDERTAKEN BY THE COUNTY; ESTABLISHING COMPLIANCE WITH REIMBURSEMENT BOND REGULATIONS UNDER THE INTERNAL REVENUE CODE

BE IT RESOLVED by the Board of County Commissioners (the “Board”) of Blue Earth County, Minnesota (the “County”), as follows:

- 1. Recitals.**
 - (a)** The Internal Revenue Service has issued Section 1.150-2 of the Income Tax Regulations (the “Regulations”) dealing with the issuance of bonds, all or a portion of the proceeds of which are to be used to reimburse the County for project expenditures made by the County prior to the date of issuance.

- (b) The Regulations generally require that the County make a declaration of its official intent to reimburse itself for such prior expenditures out of the proceeds of a subsequently issued series of bonds within 60 days after payment of the expenditures, that the bonds be issued and the reimbursement allocation be made from the proceeds of such bonds within the reimbursement period (as defined in the Regulations), and that the expenditures reimbursed be capital expenditures or costs of issuance of the bonds.
- (c) The County desires to comply with requirements of the Regulations with respect to certain projects hereinafter identified.

2. Official Intent Declaration.

- (a) The County proposes to undertake the following project or projects and to make original expenditures with respect thereto prior to the issuance of reimbursement bonds, and reasonably expects to issue reimbursement bonds for such project or projects in the maximum principal amounts shown below:

<u>Project</u>	<u>Maximum Amount of Bonds Expected to be Issued for Project</u>
CD 77 improvement	\$106,529.91

Revised from April 19, 2005 Resolution

- (b) Other than (i) de minimis amounts permitted to be reimbursed pursuant to Section 1.150-2(f)(1) of the Regulations or (ii) expenditures constituting preliminary expenditures as defined in Section 1.150-2(f)(2) of the Regulations, the County will not seek reimbursement for any original expenditures with respect to the foregoing projects paid more than 60 days prior to the date of adoption of this resolution. All original expenditures for which reimbursement is sought will be capital expenditures or costs of issuance of the reimbursement bonds.

3. Budgetary Matters.

As of the date hereof, there are no County funds reserved, pledged, allocated on a long term basis or otherwise set aside (or reasonably expected to be reserved, pledged, allocated on a long term basis or otherwise set aside) to provide permanent financing for the original expenditures related to the projects, other than pursuant to the issuance of the reimbursement bonds. Consequently, it is not

expected that the issuance of the reimbursement bonds will result in the creation of any replacement proceeds.

4. Reimbursement Allocations.

The County's Financial officer shall be responsible for making the "reimbursement allocations" described in the Regulations, being generally the transfer of the appropriate amount of proceeds of the reimbursement bonds to reimburse the source of temporary financing used by the County to make payment of the original expenditures relating to the projects. Each reimbursement allocation shall be made within 30 days of the date of issuance of the reimbursement bonds, shall be evidenced by an entry on the official books and records of the county maintained for the reimbursement bonds and shall specifically identify the original expenditures being reimbursed.

The motion carried. 2006-275

Commissioner Bruender moved and Commissioner Purvis seconded the motion to approve the following resolution:

FINDINGS AND ORDER OF THE DRAINAGE AUTHORITY BY THE DRAINAGE AUTHORITY OF BLUE EARTH COUNTY FOR THE APPOINTMENT OF VIEWERS TO RE-DETERMINE THE BENEFITS, OF COUNTY DITCH 1, MCPHERSON AND MEDO TOWNSHIPS

WHEREAS, a petition for Re-Determination of Benefits of Blue Earth County Ditch No. 1 has been filed with the Blue Earth County Land Records Office; and,

WHEREAS, The Blue Earth County Drainage Authority has determined that the original benefits or damages determined in a drainage proceeding do not reflect reasonable present day land values or that the benefited or damaged areas have changed,

NOW, THEREFORE, the Blue Earth County Drainage Authority orders the Re-Determination of Benefits of Blue Earth County Ditch 1 McPherson and Medo Townships and appoints the follow; three disinterested residents of the state as viewers for the Redetermination of Benefits.

Ron Ringquist, Lance Roberts and Jerry Rollings, also Brad Henrichsen as an alternate viewer.

The motion carried. 2006-276

Commissioner Bruender moved and Commissioner Purvis seconded the motion to approve the following resolution:

FINDINGS AND ORDER OF THE DRAINAGE AUTHORITY BY THE DRAINAGE AUTHORITY OF BLUE EARTH COUNTY FOR THE APPOINTMENT OF VIEWERS TO RE-DETERMINE THE BENEFITS, OF JUDICIAL DITCH 33, MCPHERSON TOWNSHIP

WHEREAS, a petition for Re-Determination of Benefits of Blue Earth County Ditch No. 1 has been filed with the Blue Earth County Land Records Office; and,

WHEREAS, Blue Earth County Judicial Ditch 33 is immediately adjacent to Blue Earth County Ditch 1 affecting many of the same parcels,

WHEREAS, The Blue Earth County Drainage Authority has determined that the original benefits or damages determined in a drainage proceeding do not reflect reasonable present day land values or that the benefited or damaged areas have changed,

NOW, THEREFORE, the Blue Earth County Drainage Authority orders the Re-Determination of Benefits of Blue Earth County judicial Ditch 33 McPherson Township and appoints the follow; three disinterested residents of the state as viewers for the Redetermination of Benefits.

Ron Ringquist, Lance Roberts and Jerry Rollings, also Brad Henrichsen as an alternate viewer.

The motion carried. 2006-277

MICA

Ms. Claudia Brewington, Mr. Keith Carlson, Mr. John Tuma, and Mr. Bob Vanasek from MICA presented information regarding results of the 2006 legislative session.

Commissioner Landkamer moved and Commissioner McLaughlin seconded the motion to recess the meeting at 12:17 PM. The motion carried. 2006-278

Commissioner Landkamer moved and Commissioner McLaughlin seconded the motion to adjourn the meeting at 1:36 PM. The motion carried. 2006-279