

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

June 20, 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, and Tom McLaughlin. 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 agenda with no changes. The motion carried. 2006-207

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.

ADMINISTRATIVE SERVICES

Mr. Dennis McCoy, County Administrator, presented the following items to the Board.

Commissioner Landkamer moved and Commissioner Bruender seconded the motion to approve the June 6, 2006 Board Minutes. The motion carried. 2006-208

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

June 12-16, 2006 totaling \$4,385,473.44

June 19-23, 2006 totaling \$2,831,973.59

The motion carried. 2006-209

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

Employment of June Miller, 911 Dispatcher (part time) (B23) with a starting salary of \$14.72 per hour effective June 22, 2006. This is a position previously held by Claire Dalal. Board authorized replacement on January 3, 2006. (Sheriff)

Retirement of Antonia Valadez, Family Health Nutrition Educator (C41) effective June 30, 2006. (Human Service)

Resignation of Isabelle Lewis-Behm, .50 FTE Assistant County Attorney (C52) effective June 8, 2006. (County Attorney)

Authorization to initiate recruitment for a .50 FTE Assistant County Attorney (C52). (County Attorney)

Resignation of Jessica Green, Library Clerk (part time) (A12) effective June 26, 2006. (Library)

Promotion of Heather Muir, from Library Clerk (part time) (A12) to Clerical Specialist I (B21) with a salary adjustment from \$10.84 to \$12.70 per hour effective June 26, 2006. This is a position previously held by Rita Oliver. Board authorized replacement on April 25, 2006. (Extension)

Authorization to initiate recruitment for two Library Clerks (part time) (A12). (Library)

Employment of Jamie Thiesse, Custody Officer (B23) with a starting salary of \$14.72 per hour effective June 21, 2006. This is a position previously held by Jesse Aitchison. Board authorized replacement on January 31, 2006. (Sheriff)

The motion carried. 2006-210 (Adjust Budgets Accordingly)

Commissioner Bruender moved and Commissioner McLaughlin seconded the motion to approve the Technology Appropriate Use Policy.

The motion carried. 2006-211

PLANNING AND ZONING

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

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

RESOLUTION APPROVING THE PRELIMINARY AND FINAL PLAT OF LAKE EDGE ESTATES SECTION 28, JAMESTOWN TOWNSHIP

WHEREAS, John P. Hager and Verna M. Hager, owners of the following described property to wit:

That part of Government Lot 5 in Section 28 Township 109 North Range 25 West, Blue Earth County, Minnesota described as:

Commencing at the northeast corner of Government Lot 5 in said Section 28; thence South 00 degrees 01 minutes 21 seconds West (assumed bearing) along the east line of said Government Lot 5, a distance of 65.88 feet to the point of intersection with the southerly right of way line of 235 Street, (Blue Earth County Road No. 187 according to Document No. 310CR727); said point being the point of beginning; thence South 89 degrees 33 minutes 21 seconds West, along said southerly line, 781.06 feet to the northeast corner of the 5.00 acre parcel recorded as Document No. 462CR573; thence South 00 degrees 26 minutes 39 seconds East, along the easterly line of said property; 264.00 feet; thence South 39 degrees 00 minutes 00 seconds West, along the southeasterly line of said property, 70.00 feet; thence South 02 degrees 23 minutes 24 seconds East, 210.00 feet; thence South 52 degrees 37 minutes 44 seconds West, 145.00 feet; thence South 02 degrees 41 minutes 48 seconds East, 630.00 feet to a point on the south line of Government Lot 5 in said Section 28; thence North 89 degrees 46 minutes 03 seconds East, along said south line, 305.00 feet to the point of intersection with the westerly right of way line of Jacks Drive, according to the plat of Hager's Lake Ballantyne Subdivision, on file and of record with the Blue Earth County Recorder, said point being on a circular curve which center of radius bears South 65 degrees 46 minutes 50 seconds East; thence northeasterly and easterly along the northwesterly and northerly right of way line of said Jacks Drive, along a 60.00 foot radius curve, central angle = 99 degrees 35 minutes 50 seconds, an arc distance of 104.30 feet to the northwesterly corner of Lot 8, Block One, of said Hager's Lake Ballantyne Subdivision; thence North 33 degrees 48 minutes 59 seconds East, along the northwesterly line of said Lot 8, a distance of 220.00 feet to the most northerly corner of said Lot 8; thence South 57 degrees 41 minutes 01 seconds East, along the northeasterly line of said Lot 8, a distance of 300 feet more or less to the northwesterly

water's edge of Ballantyne Lake; thence northeasterly along said northwesterly water's edge, 160 feet more or less to the point of intersection with the east line of Government Lot 5 in said Section 28; thence North 00 degrees 01 minutes 21 seconds East, along said east line, 1100 feet, more or less to the point of beginning, Containing 23.4 acres, more or less.

And Ryan Evanson have submitted a Preliminary and Final Plat of Lake Edge Estates for approval; and

WHEREAS, the Preliminary and Final Plat of Lake Edge Estates meets the requirements of the Blue Earth County Subdivision Ordinance; and

WHEREAS, the Planning Agency of the County has completed a review of the application and made a report pertaining to said request (PC 10-06), a copy of said report has been presented to the County Board; and

WHEREAS, the Planning Commission of the County on the 7th day of June, 2006, following proper notice, held a public hearing regarding the request and, following the hearing, adopted a recommendation that the request for Preliminary and Final Plat Approval be granted; and

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

1. The proposed subdivision meets the minimum standards of the County Zoning Ordinance and Subdivision Ordinance.
2. The proposed subdivision will not be injurious to other property in the immediate vicinity.
3. The proposed subdivision will not adversely affect the water quality of the County
4. That the density of the proposed development is not greater than the density of the surrounding area and not greater than the density allowed in the Rural Townsite District.
5. The proposed subdivision will not impede the normal and orderly development and improvement of surrounding and 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 for Preliminary and Final Plat of Lake Edge Estates is granted contingent upon the following conditions:

1. That the vegetation on all lots and outlets must be left in its natural condition and may only be altered in accordance with Sec. 14-113. Shore land alterations of the County Code.
2. That the Final Plat must be recorded by June 20, 2007.

3. That construction may not commence for any structures until the final plat has been recorded and until construction permits have been issued.
4. That the developer must pay the required parkland dedication fee prior to the recording of the Final Plat.
5. That Jack's Drive and the storm water basin must be constructed in accordance with Sec. 20-193 (Street design standards of the County Code) prior to the recording of the Final Plat.

Or

A performance bond guaranteeing installation of all required infrastructure may be furnished by the developer to facilitate recording of the final plat in lieu of completion of infrastructure. Said performance bond if chosen, shall be equal to the cost of required infrastructure and shall be based on an engineer's cost estimate of expenses.

6. That all grading, road construction, and erosion control measures must follow the Construction Plans dated May 24, 2006 submitted by Bolton and Menk.
7. That an MPCA Storm Water Permit must be obtained prior to any construction taking place. A copy of said permit must also be submitted to the Environmental Services Department.
8. That signage identifying Jack's Drive must be installed prior to the Final Plat being recorded. Said signage must meet the standards of the County Code.
9. That if fill is placed on Lot One, the locations for both the primary and secondary drain field locations must be protected with erosion control measures prior to any grading or filling taking place on the site. Said measures must remain in place until all construction is completed and until permanent vegetation is established.
10. That the dilapidated structure on Outlet A and all solid waste must be removed from the property and legally disposed of prior to the granting of any construction permits for the subdivision.

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

The motion carried. 2006-212

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

**RESOLUTION GRANTING A CONDITIONAL USE PERMIT
TO CONSTRUCT THREE TOTAL CONFINEMENT SWINE BARN
CREATING A NEW FEEDLOT OF 1200 ANIMAL UNITS LOCATED IN THE
NORTHEAST QUARTER OF NORTHEAST QUARTER OF SECTION 27,
MAPLETON TOWNSHIP**

WHEREAS, Gwendolyn McGregor and Family Trust (owner) and Rob McGregor prospective buyer and operator) of the following real estate in the County of Blue Earth, Minnesota, to wit:

An undivided one-half interest (½) in the following parcels:

The Northeast Quarter; and the East half of the Northeast Quarter of the Northwest Quarter of Section Twenty-seven (27) in Township One Hundred Five (105) North, Range Twenty-six (26) West.

And also the Southeast Quarter of the Northwest Quarter of Section Thirty-six (36) in Township One Hundred Five, Range Twenty-six (26) have applied for a Conditional Use Permit to construct three total confinement swine barns creating a new 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 (PC20-06), a copy of said report has been presented to the County Board; and

WHEREAS, the Planning Commission of the County on the 7th day of June, 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 barn 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 barn 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 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 build three total confinement swine barn in an Agriculture Zoning District, is granted with the following conditions:

1. That the total confinement barns conform with the site plan attached to this report (PC 20-06).
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 barns.
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 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.*

6. That management of the manure produced from the site be in accordance with the manure management plan submitted to the MPCA. Any changes in manure management from the site shall be reflected in the manure management plan on file at the feedlot. 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.
7. That the disposal of dead animals be consistent with the Minnesota Board of Animal Health regulations.
8. 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.
9. 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.
10. That the proposed manure storage structure 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.
11. That the applicant will furnish a final construction report to Environmental Services verifying that the concrete manure storage structures were constructed per approved engineered design plans. 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.
12. That the applicant complies with the storm-water control requirements established by the MPCA.
13. That if a shower, restroom or laundry facility is included with the proposed barns, that a waste water treatment system is reviewed and constructed according to County Environmental Health Department standards.

This Conditional Use Permit shall become effective immediately upon its passage and without publication. The motion carried. 2006-213

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

**RESOLUTION APPROVING
A CONDITIONAL USE PERMIT
FOR A WIRELESS COMMUNICATION TOWER
SE 1/4 OF SECTION 5, MAPLETON TOWNSHIP**

WHEREAS, Marvin Gartner, owner of the following described property to wit:

East Half of the Southeast Quarter of Section 5, Mapleton Township, Township 105 N Range 26 W;

and Midwest Wireless Communications have submitted a Conditional Use Permit to construct and operate a 199-foot tall self supported wireless communication tower and accessory building; and

WHEREAS, the Planning Agency of the County has completed a review of the application and made a report pertaining to said request (PC 21-06), a copy of said report has been presented to the County Board; and

WHEREAS, the Planning Commission of the County on the 7th day of June, 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 with proper management the proposed use will not degrade the water quality of the County.
3. That with proper management, the proposed use will not adversely increase the quantity of water run-off.
4. That with proper erosion control measures; the soil conditions are adequate to accommodate the proposed use.
5. That the proposed use does not create a potential pollution hazard.
6. That adequate utilities, access roads, drainage and other necessary facilities have been or are being provided.

7. That adequate measures have been or will be taken to provide sufficient off-street parking and loading space to serve the proposed land use.
8. That facilities are provided to eliminate any traffic congestion or traffic hazard which may result from the proposed use.
9. 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.
10. That the establishment of the Conditional Use will not impede the normal and orderly development and improvement of surrounding vacant property for the predominant uses in the area.
11. 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 neighbors will result.

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 199-foot tall self supported wireless communication tower and accessory building be granted contingent upon the following conditions:

1. That the FAA Obstruction Evaluation Study indicating that the tower is not hazardous to air navigation must be submitted to Environmental Services prior to the issuance of a Construction Permit.
2. That the accessory building or buildings must only be used to house equipment necessary for the functioning of the communication tower.
3. That the tower, accessory building be fenced to prevent unauthorized access to the tower.
4. That the site be maintained in a weed free and nuisance free manner.
5. Signs, other than warning signs, equipment labels, or emergency information are prohibited on the tower, antennae, or accessory building.
6. That the communication tower shall be a single, neutral color unless alternative colors are required by the FAA.
7. The communication tower must meet all requirements of the FAA and FCC.
8. The parking surface and access drives must be maintained with an all weather surface.

9. That a cost estimate from a registered engineer which documents the costs for the removal of all concrete footings, foundations and supporting equipment to a depth of 4 feet below the ground surface be submitted to the County prior to the issuance of a Construction Permit.
10. A bond or other financial assurance acceptable to the County must be established prior to the issuance of a Construction Permit and must be kept in place to ensure removal of all concrete footings, foundations and supporting equipment to a depth of 4 feet below the ground surface in the event that the tower is abandoned. Abandoned or unused facilities shall be removed within twelve months of the conclusion of operations at the site.
11. The communications tower shall be designed, structurally, electrically and in all respects, to accommodate the applicant's antenna and comparable antennae from at least three additional users. The tower must be designed to allow for future rearrangement of antennae upon the tower and to accept antennae mounted at varying heights.
12. Any change in operation or use of the facility 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.
13. 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.
14. That the applicant agrees to grant the County a first refusal right to use antennae space on the tower and equipment space within the accessory building(s). Such space to be for governmental use including, but not limited to; communications service antennae and related equipment to accommodate Cellular Telephone Service, Personal Communication Services (PCS), and Cellular Digital Packet Data (CPDA) Service, to the extent the tower can accommodate such use. If space is not available within the accessory building, the owner of the tower shall allow the County to construct additional accessory building(s) as required to house County equipment. Owner of the tower shall make the space available at the prevailing market rate.

If the County reserves space for governmental use, the County will ensure that any equipment installed by the County on the tower, or in the accessory building, will not interfere with the operation of the applicants or other tenants equipment. Correction of any interference caused by installation of County equipment shall be the County's responsibility. Interference caused by any other tenant's equipment installed after the County's equipment, shall be the responsibility of the third party.

All utility costs, and costs connected with installation and maintenance of County equipment shall be borne by the County.

The County will provide appropriate proof of insurance and / or release of liability to the tower owner. Such insurance / release of liability shall apply equally to equipment owned or controlled by the County and / or actions taken by County employees and / or agent(s).

15. The Conditional Use Permit shall be effective for a period of five years following County Board approval until June 20, 2011, whereupon it may be reviewed by the Board.

Mr. Chuck Beisner, Midwest Wireless, spoke on behalf of the applicant.

This Conditional Use Permit shall become effective immediately upon its passage and without publication.

The motion carried. 2006-214

ADMINISTRATIVE SERVICES

Commissioner moved and Commissioner Landkamer seconded the motion to approve the following tax abatements:

Brian & Holly Weichert, Mankato Township, R01-09-18-327-006
James & Carol Volk, Jamestown Township, R37-05-20-126-004
James & Carol Volk, Jamestown Township, R37-05-20-200-001
ISJ, Mankato Township, R01-09-20-426-001

The motion carried. 2006-215

Chairperson Wortel vacated the Chair to Vice Chairperson Bruender and recused herself from the meeting.

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

David & Kathleen Wortel, Mankato Township, R43-09-20-203-003

The motion carried. 2006-216

Vice-Chairperson Bruender relinquished the Chair to Commissioner Wortel.

Commissioner Landkamer moved and Commissioner Bruender seconded the motion to approve an Application to Conduct Excluded Bingo for St. Matthew Catholic Church. The motion carried. 2006-217

Commissioner Bruender moved and Commissioner Landkamer seconded the motion to approve a Drainage Inspectors report on County Ditch 15.

The motion carried. 2006-218

HUMAN SERVICES

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

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

Minnesota Department of Health-Public Health Preparedness

An amendment to the grant agreement with the Minnesota Department of Health for funding of local public health preparedness planning to be utilized by August 31, 2006.

Maple River School

An agreement with Maple River School District allowing public health to use two of their buildings in the case of a public health emergency requiring mass distribution of medications or vaccine effective June 1, 2006.

Adult Foster Care

Renewal of contracts for providers of adult foster care services effective July 1, 2006, through June 30, 2007.

- Barbara Lindemann
- Lori Zeik

Home- and Community-Based Waiver Program Contracts

Renewal of contracts for providers of home- and community-based services funded by Medical Assistance waived service programs (including AC, EW, CAC, CADI, TBI/W, MR/RC) effective July 1, 2006, through June 30, 2007.

- Alliance Health Care
- Health Works Home Medical, Inc.

- Madelia Hospital Home Care
- Mankato Lutheran Home Care
- VINE
- Nutrition Services, Inc.
- Natural Surroundings
- Espelund Van Services
- AMV-Americare Mobility Van
- International Quality Home Care Corp.
- Mankato Lutheran Home Adult Day Services
- Autumn Grace Senior Services, Inc.
- ISJ-Mayo Health Systems Home Health Services
- Sisters of Notre Dame
- DGT Eagles Assisted Living, LLC

Lifeline

Renewal of an agreement with Mayo Health Systems Auxiliary Lifeline Program for services funded by Medical Assistance waived service programs effective July 1, 2006, through June 30, 2007.

The motion carried. 2006-219

Commissioner Landkamer moved and Commissioner Bruender seconded the motion to recess the meeting at 10:50 a.m. The motion carried. 2006-220

Commissioner Landkamer moved and Commissioner McLaughlin seconded the motion to adjourn the meeting at 12:23 PM. The motion carried. 2006-221

Katy Wortel, Board Chairperson

Dennis McCoy, County Administrator