

**LE SUEUR COUNTY BOARD OF COMMISSIONERS  
MEETING AGENDA  
COMMISSIONERS ROOM  
March 25, 2014**

1.       **8:30am Reclassification Committee Meeting - Sue Rynda, Kari Sowieja, Cindy Westerhouse, Darrell Pettis, Joe Connolly, and Steve Rohlfling**
  
2.       **9:00am Agenda and Consent Agenda**  
Approve Minutes and Summary Minutes from March 18, 2014
  
3.       **9:05am Kathy Brockway - Environmental and P& Z Director**  
Conditional Use Permits  
Blight
  
4.       **9:10am Cindy Westerhouse - Human Resources Director**  
3 Probations  
Resignation  
Request to Hire  
Hire
  
5.       **9:25am Elysian Citizens/ Le Sueur County Museum Contact**
  
6.       **9:40am Chad Washa - Fair Board**  
Present Budget
  
7.       **9:50am Amy Beatty - Environmental Specialist**  
2014-2015 County Feedlot Work Plan review  
2013 County Feedlot Program review.
  
8.       **10:05am Darrell Pettis - Administrator/Engineer**  
Wenck Contract

Set Bid Date for Kilkenny Twp Bridge

9. **Future Meetings**

10. **Workshop : German Jefferson Sewer District**

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# **Le Sueur County, MN**

**Tuesday, March 25, 2014**

**Board Meeting**

## **Item 1**

**8:30am Reclassification Committee Meeting - Sue Rynda, Kari Sowieja, Cindy Westerhouse, Darrell Pettis, Joe Connolly, and Steve Rohlfig**

**Staff Contact:**

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# Le Sueur County, MN

Tuesday, March 25, 2014

## Board Meeting

### Item 2

#### 9:00am Agenda and Consent Agenda

*Approve Minutes and Summary Minutes from March 18, 2014*

Staff Contact:



## Minutes of Le Sueur County Board of Commissioners Meeting March 18, 2014

The Le Sueur County Board of Commissioners met in regular session on Tuesday, March 18, 2014 at 9:00 a.m. in the Courthouse at Le Center, Minnesota. Those members present were: Steve Rohlfling, Lance Wetzel, Dave Gliszinski, John King and Joe Connolly. Also present were Darrell Pettis and Brent Christian. .

On motion by Connolly, seconded by Wetzel and unanimously approved, the Board approved the agenda for the business of the day.

On motion by King, seconded by Gliszinski and unanimously approved, the Board approved the consent agenda:

- Approved the amended March 4, 2014 County Board Minutes and Summary Minutes.
- Approved a Consumption and Display Permit for Caribou Gun Club Inc.
- Approved the February Transfers:

#1555	Transfer 200.79 from Human Services to Revenue
#1556	Transfer 2,120.13 from Human Services to Revenue
#1557	Transfer 4,504.00 from Human Services to Revenue
#1558	Transfer 5,148.81 from Revenue to Road & Bridge
#1559	Transfer 2,564.00 from Agency to Revenue

Sue Rynda, Human Services Director, appeared before the Board to give the monthly Human Services Report. This presentation covered Finance, Income Maintenance, Child Support, Family Services, and Mental Health.

Beth Kallestad, Cannon River Watershed came before the Board to discuss the One Watershed, One Plan proposal. The Board took no formal action on the proposal.

Scott Gerr, Informational Technology came before the Board with two items for consideration and approval.

On motion by Gliszinski, seconded by Connolly and unanimously approved, the Board authorized the renewal of MIMIX RecoverNow for IBM i5.1 in the amount of \$1,432.20.

On motion by King, seconded by Wetzel and unanimously approved, the Board authorized the expenditure of \$10,860 with Revize to upgrade the Le Sueur County Website.

Cindy Westerhouse Human Resource Director came before the Board with several items for approval.

On motion by King, seconded by Gliszinski and unanimously approved, the Board granted regular status to Leanne Gieseke, full time Eligibility Worker in Human Services, effective March 3, 2014.

On motion by Connolly, seconded by Wetzel and unanimously approved, the Board granted regular status to Abby Alonso, full time Eligibility Worker in Human Services, effective March 3, 2014.

On motion by Gliszinski, seconded by King and unanimously approved, the Board granted regular status to DeNell Cesafsky, full time Office Support Specialist in Human Services, effective March 16, 2014.

On motion by Wetzel, seconded by Connolly and unanimously approved, the Board granted regular status to Jay Hanna, full time Help Desk Technician in the Information Technology Department, effective March 4, 2014.

On motion by Gliszinski, seconded by King and unanimously approved, the Board accepted the resignation of John Gramling, part time Jailer/Dispatcher in the Sheriff's Office, effective March 7, 2014.

On motion by Gliszinski, seconded by Connolly and unanimously approved, the Board approved the recommendation to hire a part time Jailer/Dispatcher, in the Sheriff's Office, as a Grade 6, Step 1 at \$16.57 per hour.

On motion by Wetzel, seconded by Connolly and unanimously approved, the Board approved the recommendation to hire Tom Doherty as a part time Deputy Sheriff, in the Sheriff's Office, as Grade 10, Step 1 at \$20.92 per hour, effective March 19, 2014.

On motion by King, seconded by Gliszinski and unanimously approved, the Board approved the resignation from Becky Factor, full time Deputy Auditor-Treasurer I, in the Auditor-Treasurer's Office, effective April 30, 2014.

On motion by Connolly, seconded by Wetzel and unanimously approved, the Board approved the recommendation to post and advertise for a full time Deputy Auditor-Treasurer I, in the Auditor-Treasurer's Office, as a Grade 5, Step 1 at \$15.63 per hour.

Justin Lutterman, GIS, came before the Board to get approval to extend the Aerologix Contract.

On motion by Gliszinski, seconded by Connolly and unanimously approved, the Board extended the Aerologix Contract to December 31, 2014.

Jim McMillen, Building and Grounds Maintenance Director appeared before the Board with one request for action.

On motion by Connolly, seconded by Wetzel and unanimously approved, the Board rejected the quotes received for the Courthouse Retaining Wall project and directed Mr. McMillen to obtain new quotes for the project.

Darrell Pettis Administrator/Engineer came before the Board with several items for consideration and approval.

On motion by King, seconded by Gliszinski and unanimously approved, the Board authorized the Chair to sign the FY 2014 State of Minnesota BWSR Grant Agreement for the German Jefferson Lake Subordinate Service District Community Feasibility Assessment C14-7873.

Administrator Pettis reviewed the request from the City of Waterville for funds at the site of the old County Highway Shop.

On motion by King, seconded by Wetzel and unanimously approved, the Board approved and authorized the Chair to sign the contract for SP 040-090-001, SAP 040-635-004 with Chard Tiling and Excavating Inc.

On motion by King, seconded by Gliszinski and unanimously approved, the Board approved the Professional Service Agreement for the CSAH 35 project with Bolton and Menk Inc.

On motion by Connolly, seconded by Gliszinski and unanimously approved, the Board approved the Professional Service Agreement for the CSAH 23 project with Bolton and Menk Inc.

On motion by Gliszinski, seconded by Connolly and unanimously approved, the Board approved the purchase of a Falls Vee Plow for the Highway Department in the amount of \$10,703.00.

On motion by King, seconded by Wetzel and unanimously approved, the Board approved the following Roberts Rules Resolution:

WHEREAS, the Le Sueur County Board of Commissioners has not previously adopted a system of procedural rules to govern its proceedings; and

WHEREAS, the adoption of specified procedural rules is desirable because it provides consistency in the manner that proceedings are conducted;

NOW THEREFORE BE IT RESOLVED: That the rules contained in the current edition of Robert's Rules of Order Newly Revised shall govern the proceedings of the Le Sueur County Board in all matters to which they could reasonably be deemed applicable and in which they are not inconsistent with the laws of the United State, laws of the State of Minnesota, the ordinances of the County of Le Sueur, or other controlling law.

On motion by Connolly, seconded by Wetzel and unanimously approved, the Board approved the following Resolution:

WHEREAS, Contract No 20102 has in all things been completed, and the County Board being fully advised in the permises, NOW THEN BE IT RESOLVED; that we do hereby accept said completed project for and in behalf of the County of Le Sueur and authorized final payment specified herein.

Other items discussed included:

- Two Le Sueur County HSIP Projects were funded in 2015, lighting and signs.

- Le Sueur County has obtained \$360,000 in funding for the Kilkenny Township Bridge Replacement Project.
- Waterville Wellhead Protection Plan Public Hearing.
- The sale of tax forfeited property to the City of Montgomery.
- The proposed upgrade of County Road 104.
- Township funding for the rural warning sirens.
- Bonding.
- Geldner Sawmill grant extension.
- Le Sueur County Officials meeting on March 27, 2014 in Elysian.

On motion by King, seconded by Gliszinski and unanimously approved, the following cases and claims were approved:

Financial: \$106,095.59  
Soc Serv: \$177,165.99

On motion by Connolly, seconded by Wetzel and unanimously approved, the following claims were approved for payment:

<b>Warrant #</b>	<b>Vendor Name</b>	<b>Amount</b>
30924	All American Pressure Washers	\$ 10,552.69
30937	Bolton & Menk Inc.	\$ 69,240.00
30942	Christian, Keogh, Moran & King	\$ 2,483.56
30946	D-A Lubricants Co. Inc.	\$ 4,780.60
30959	Genesis	\$ 10,427.58
30960	Geo-Comm Corp.	\$ 18,615.00
30974	Kris Engineering Inc.	\$ 11,311.20
30988	Minn St. Admin ITG Telecom	\$ 2,840.00
30998	Paragon Printing & Mailing Inc.	\$ 3,925.22
31013	Selly Excavating Inc.	\$ 17,240.00
31025	Tire Associates Inc.	\$ 5,156.92
31027	Trimin Systems Inc.	\$ 2,340.00
31038	Ziegler Inc.	\$ 4,184.82
<b>102 Claims paid less than \$2,000.00:</b>		<b>\$ 32,828.18</b>
<b>13 Claims paid more than \$2,000.00:</b>		<b>\$163,097.59</b>
<b>115 Total all claims paid:</b>		<b>\$195,925.77</b>

On motion by Connolly, seconded by King and unanimously approved, the Board adjourned until Tuesday March 25, 2014 at 9:00 am.

**ATTEST:**

\_\_\_\_\_  
**Le Sueur County Administrator**

\_\_\_\_\_  
**Le Sueur County Chairman**

**Summary Minutes of Le Sueur County Board of Commissioners Meeting  
Tuesday March 18, 2014**

This is only a summary publication per MN Statutes 375.12 and 331A.01 sub. 10. The complete minutes are on file in the Le Sueur County Administrator's Office at 88 S Park Ave. Le Center, MN and are available at [www.co.le-sueur.mn.us](http://www.co.le-sueur.mn.us).

The Le Sueur County Board of Commissioners met in regular session on Tuesday, March 18, 2014 at 9:00am in the Commissioners Room in Le Center, Minnesota. Those members present were: John King, Dave Gliszinski, Lance Wetzel, and Steve Rohlfing. Joe Connolly was excused. Also present were Darrell Pettis and Brent Christian

- The Board unanimously approved the amended agenda for the business of the day. (Connolly - Wetzel)

- The Board unanimously approved the consent agenda. (King - Gliszinski)

- A. Approved the amended Minutes and Summary Minutes from the March 4, 2014 regular meeting.

- B. Approved the Consumption and Display Permit for Caribou Gun Club Inc.

- C. Approved the February Transfers:

- #1555            Transfer 200.79 from Human Services to Revenue

- #1556            Transfer 2,120.13 from Human Services to Revenue

- #1557            Transfer 4,504.00 from Human Services to Revenue

- #1558            Transfer 5,148.81 from Revenue to Road & Bridge

- #1559            Transfer 2,564.00 from Agency to Revenue

- Sue Rynda, Human Services Director, appeared before the Board to give the monthly Human Services Report.

- Beth Kallestad, Cannon River Watershed came before the Board to discuss the One Watershed, One Plan proposal. The Board took no formal action on the proposal.

- Scott Gerr, Informational Technology came before the Board with two items for consideration and approval.

- The Board authorized the renewal of MIMIX RecoverNow for IBM i5.1 in the amount of \$1,432.20. (Gliszinski – Connolly)

- The Board authorized the expenditure of \$10,860 with Revize to upgrade the Le Sueur County Website. (King – Wetzel)

- Cindy Westerhouse Human Resource Director came before the Board with several items for approval.

- The Board granted regular status to Leanne Gieseke, full time Eligibility Worker in Human Services. (King – Gliszinski)

- The Board granted regular status to Abby Alonso, full time Eligibility Worker in Human Services. (Connolly – Wetzel)

- The Board granted regular status to DeNell Cesafsky, full time Office Support Specialist in Human Services. (Gliszinski – King)

- The Board granted regular status to Jay Hanna, full time Help Desk Technician in the Information Technology Department. (Wetzel – Connolly)

- The Board accepted the resignation of John Gramling, part time Jailer/Dispatcher in the Sheriff's Office. (Gliszinski – King)

- The Board approved the recommendation to hire a part time Jailer/Dispatcher, in the Sheriff's Office, as a Grade 6, Step 1 at \$16.57 per hour. (Gliszinski – Connolly)

- The Board approved the recommendation to hire Tom Doherty as a part time Deputy Sheriff, in the Sheriff's Office, as Grade 10, Step 1 at \$20.92 per hour. (Wetzel – Connolly)
- The Board approved the resignation from Becky Factor, full time Deputy Auditor-Treasurer I, in the Auditor-Treasurer's Office. (King – Gliszinski)
- The Board approved the recommendation to post and advertise for a full time Deputy Auditor-Treasurer I, in the Auditor-Treasurer's Office, as a Grade 5, Step 1 at \$15.63 per hour. (Connolly – Wetzel)
- Justin Lutterman, GIS, came before the Board to get approval to extend the Aerologix Contract.
- The Board extended the Aerologix Contract to December 31, 2014. (Gliszinski – Connolly)
- Jim McMillen, Building and Grounds Maintenance Director appeared before the Board with one request for action.
- The Board rejected the quotes received for the Courthouse Retaining Wall project and directed Mr. McMillen to obtain new quotes for the project. (Connolly – Wetzel)
- Darrell Pettis Administrator/Engineer came before the Board with several items for consideration and approval.
- The Board authorized the Chair to sign the FY 2014 State of Minnesota BWSR Grant Agreement for the German Jefferson Lake Subordinate Service District Community Feasibility Assessment C14-7873. (King – Gliszinski)
- Administrator Pettis reviewed the request from the City of Waterville for funds at the site of the old County Highway Shop.
- The Board approved and authorized the Chair to sign the contract for SP 040-090-001, SAP 040-635-004 with Chard Tiling and Excavating Inc. (King – Wetzel)
- The Board approved the Professional Service Agreement for the CSAH 35 project with Bolton and Menk Inc. (King – Gliszinski)
- The Board approved the Professional Service Agreement for the CSAH 23 project with Bolton and Menk Inc. (Connolly – Gliszinski)
- The Board approved the purchase of a Falls Vee Plow for the Highway Department in the amount of \$10,703.00. (Gliszinski – Connolly)
- The Board approved the Roberts Rules Resolution. (King – Wetzel)
- The Board approved the Resolution that Contract No 20102 is completed and authorized the final payment. (Connolly – Wetzel)
- Other items discussed included:
  - Two Le Sueur County HSIP Projects were funded in 2015, lighting and signs.
  - Le Sueur County has obtained \$360,000 in funding for the Kilkenny Township Bridge Replacement Project.
  - Waterville Wellhead Protection Plan Public Hearing.
  - The sale of tax forfeited property to the City of Montgomery.
  - The proposed upgrade of County Road 104.
  - Township funding for the rural warning sirens.
  - Bonding.
  - Geldner Sawmill Grant Extension.
  - Le Sueur County Officials Meeting on March 27, 2014 in Elysian.
- The following cases and claims were approved: (King – Gliszinski)
  - Financial: \$106,095.59
  - Soc Serv: \$177,165.99
- The following claims were approved for payment: (Connolly – Wetzel)

<b>102 Claims paid less than \$2,000.00:</b>	<b>\$ 32,828.18</b>
<b>13 Claims paid more than \$2,000.00:</b>	<b>\$163,097.59</b>
<b>115 Total all claims paid:</b>	<b>\$195,925.77</b>

- The Board adjourned until Tuesday March 25, 2014 at 9:00 am. (Connolly - King)

**ATTEST:    Le Sueur County Administrator                      Le Sueur County Chairman**

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# Le Sueur County, MN

Tuesday, March 25, 2014

Board Meeting

## Item 3

**9:05am Kathy Brockway - Environmental and P& Z Director**

*Conditional Use Permits*

*Blight*

Staff Contact:



**LE SUEUR COUNTY PLANNING AND ZONING COMMISSION**  
**March 25, 2014**

**TO: LE SUEUR COUNTY BOARD OF COMMISSIONERS**  
**FROM: LE SUEUR COUNTY PLANNING AND ZONING COMMISSION**  
**SUBJECT: "REQUEST FOR ACTION"**

The Planning Commission recommends your action on the following items:

**ITEM #1: KERRY & JESSE LINDSAY, CLEVELAND, MN, (APPLICANT/OWNER):** Request that the County grant an After-The-Fact (ATF) Conditional Use Permit to allow grading and filling in the shore impact zone of 155 ATF cubic yards with an additional proposed 106 cubic yards of material; In the bluff impact zone 100 ATF cubic yards with an additional proposed 90 cubic yards of material; In the bluff 155 ATF cubic yards with an additional proposed 106 cubic yards of material; (ATF 255 cubic yards & proposed 196 cubic yards) for a total of 451 cubic yards of material movement in a Recreational Residential "RR" District. Property is located at Lot 4, Block 2, Jefferson Shores, Section 1, Cleveland Township.

*Based on the information submitted by the applicant, as required by the Le Sueur County Zoning Ordinance, the Planning Commission developed the following findings for this request:*

- The proposed use will not adversely increase the quantity of water runoff.
- The proposed use will not create a potential pollution hazard.
- The Conditional Use will not be injurious to the use and enjoyment of other property in the immediate vicinity for the purposes already permitted.
- The establishment of the Conditional Use Permit will not impede the normal and orderly development and improvement of surrounding vacant property for predominant uses in the area.

*Therefore, the Planning Commission recommends approval of the application as written.*

**ITEM #2: LEGACY FAMILY FARMS, KILKENNY, MN, (APPLICANT); PATRICIA GIBBS, KILKENNY, MN (OWNER):** Request that the County grant a Conditional Use Permit to allow the applicant to establish a new 900 animal unit feedlot in an Agriculture "A" District. Property is located in the SW 1/4 SE 1/4, Section 32, Montgomery Township.

*Based on the information submitted by the applicant, as required by the Le Sueur County Zoning Ordinance, the Planning Commission developed the following findings for this request:*

- The proposed use will not adversely increase the quantity of water runoff.
- The proposed use will not create a potential pollution hazard.
- The Conditional Use will not be injurious to the use and enjoyment of other property in the immediate vicinity for the purposes already permitted.
- The establishment of the Conditional Use Permit will not impede the normal and orderly development and improvement of surrounding vacant property for predominant uses in the area.

*Therefore, the Planning Commission recommends approval of the application as written.*

**ITEM #3: WATONWAN FARM SERVICE CO. (WFS), TRUMAN MN (APPLICANT); STEVE & THOMAS SCHOLTZ, (OWNER) KASOTA MN:** Request that the County rezone 20 acres from Agriculture (A) District to General Industrial (I) District to allow the applicant to establish a containerized bulk fertilizer facility. Property is located in the in the S1/2 SW1/4, Section 13, Kasota Township.

*Based on the information submitted by the applicant, as required by the Le Sueur County Zoning Ordinance, the Planning Commission developed the following findings for this request:*

1. The proposal is not consistent with the goals and policies of the Le Sueur County Land Use Plan.
2. The proposal is not compatible with the overall character of existing development in the immediate vicinity of the affected property. Consideration shall be made if there are similar land uses nearby or if the proposed use would be isolated.
3. The proposal will have an adverse effect on the value of adjacent properties.

*Therefore, the Planning Commission recommends denial of the application as written.*

ACTION: ITEM #1: \_\_\_\_\_

ITEM #2: \_\_\_\_\_

ITEM #3: \_\_\_\_\_

DATE: \_\_\_\_\_

COUNTY ADMINISTRATOR'S SIGNATURE: \_\_\_\_\_

## FINDINGS OF FACT

**WHEREAS, Kerry & Jesse Lindsay** has applied for a Conditional Use Permit to allow grading and filling in the shore impact zone of 155 ATF cubic yards with an additional proposed 106 cubic yards of material; In the bluff impact zone 100 ATF cubic yards with an additional proposed 90 cubic yards of material; In the bluff 155 ATF cubic yards with an additional proposed 106 cubic yards of material; (ATF 255 cubic yards & proposed 196 cubic yards) for a total of 451 cubic yards of material movement in a Recreational Residential “RR” District.

Property is located at Lot 4, Block 2, Jefferson Shores, Section 1, Cleveland Township

**WHEREAS,** the Le Sueur County Planning and Zoning Commission held on public hearing on **March 13, 2014**, in order to hear public testimony from the applicants as well as interested parties pertaining to and as provided by the Zoning Ordinance of Le Sueur County.

**WHEREAS,** the Le Sueur County Planning and Zoning Commission, acting as an advisory board to the Le Sueur County Board of Commissioners recommends approval of the application due to the following findings:

- 1. The conditional use will not be injurious to the use and enjoyment of other property in the immediate vicinity for the purposes already permitted, nor substantially diminishes and impairs property values within the immediate vicinity.*
- 2. The establishment of the conditional use will not impede the normal and orderly development and improvement of surrounding vacant property for uses predominant in the area.*
- 3. Adequate utilities, access roads, drainage and other facilities have been or are being provided.*
- 4. Adequate measures have been or will be taken to provide sufficient off-street parking and loading space to serve the proposed use.*
- 5. Adequate measures have been or will be taken to prevent and 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.*

**WHEREAS,** On March 25, 2014, at their regularly scheduled meeting, the Le Sueur County Board of Commissioners **ACTION** the Conditional Use Permit application as requested by Kerry & Jesse Lindsay

**WHEREAS,** the reasons for **ACTION** were **REASONS:**

**NOW, THEREFORE, IT IS HEREBY RESOLVED,** the following Findings of Fact were adopted at the March 25, 2014, Le Sueur County Board meeting in order to protect the public health, safety and general welfare of the citizens of Le Sueur County.

- 1. The conditional use will not be injurious to the use and enjoyment of other property in the immediate vicinity for the purposes already permitted, nor substantially diminishes and impairs property values within the immediate vicinity.*
- 2. The establishment of the conditional use will not impede the normal and orderly development and improvement of surrounding vacant property for uses predominant in the area.*
- 3. Adequate utilities, access roads, drainage and other facilities have been or are being provided.*

4. *Adequate measures have been or will be taken to provide sufficient off-street parking and loading space to serve the proposed use.*
5. *Adequate measures have been or will be taken to prevent and 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.*

**BE IT FURTHER RESOLVED**, by the Le Sueur County Board of Commissioners that based on the above Findings of Fact, a Conditional Use Permit to allow grading and filling in the shore impact zone of 155 ATF cubic yards with an additional proposed 106 cubic yards of material; In the bluff impact zone 100 ATF cubic yards with an additional proposed 90 cubic yards of material; In the bluff 155 ATF cubic yards with an additional proposed 106 cubic yards of material; (ATF 255 cubic yards & proposed 196 cubic yards) for a total of 451 cubic yards of material movement in a Recreational Residential “RR” District. Property is located at Lot 4, Block 2, Jefferson Shores, Section 1, Cleveland Township **is ACTION**

ATTEST:

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Steve Rohlfling, Chairman, Le Sueur County Board of Commissioners.

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Darrell Pettis, Le Sueur County Administrator

DATE: \_\_\_\_\_

## FINDINGS OF FACT

**WHEREAS, LEGACY FAMILY FARMS, KILKENNY, MN, (APPLICANT); PATRICIA GIBBS, KILKENNY, MN (OWNER):** Request that the County grant a Conditional Use Permit to allow the applicant to establish a new 900 animal unit feedlot in an Agriculture “A” District.

Property is located in the SW 1/4 SE 1/4, Section 32, Montgomery Township.

**WHEREAS,** the Le Sueur County Planning and Zoning Commission held on public hearing on **March 13, 2014**, in order to hear public testimony from the applicants as well as interested parties pertaining to and as provided by the Zoning Ordinance of Le Sueur County.

**WHEREAS,** the Le Sueur County Planning and Zoning Commission, acting as an advisory board to the Le Sueur County Board of Commissioners recommends approval of the application due to the following findings:

- 1. The conditional use will not be injurious to the use and enjoyment of other property in the immediate vicinity for the purposes already permitted, nor substantially diminishes and impairs property values within the immediate vicinity.*
- 2. The establishment of the conditional use will not impede the normal and orderly development and improvement of surrounding vacant property for uses predominant in the area.*
- 3. Adequate utilities, access roads, drainage and other facilities have been or are being provided.*
- 4. Adequate measures have been or will be taken to provide sufficient off-street parking and loading space to serve the proposed use.*
- 5. Adequate measures have been or will be taken to prevent and 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.*

**WHEREAS,** On March 25, 2014, at their regularly scheduled meeting, the Le Sueur County Board of Commissioners **ACTION** the Conditional Use Permit application as requested by Kerry & Jesse Lindsay.

**WHEREAS,** the reasons for **ACTION** were **REASONS:**

**NOW, THEREFORE, IT IS HEREBY RESOLVED,** the following Findings of Fact were adopted at the March 25, 2014, Le Sueur County Board meeting in order to protect the public health, safety and general welfare of the citizens of Le Sueur County.

- 1. The conditional use will not be injurious to the use and enjoyment of other property in the immediate vicinity for the purposes already permitted, nor substantially diminishes and impairs property values within the immediate vicinity.*
- 2. The establishment of the conditional use will not impede the normal and orderly development and improvement of surrounding vacant property for uses predominant in the area.*
- 3. Adequate utilities, access roads, drainage and other facilities have been or are being provided.*
- 4. Adequate measures have been or will be taken to provide sufficient off-street parking and*

*loading space to serve the proposed use.*

5. *Adequate measures have been or will be taken to prevent and 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.*

**BE IT FURTHER RESOLVED**, by the Le Sueur County Board of Commissioners that based on the above Findings of Fact, a Conditional Use Permit to allow the applicant to establish a new 900 animal unit feedlot in an Agriculture "A" District. Property is located in the SW 1/4 SE 1/4, Section 32, Montgomery Township.  
is ACTION

ATTEST:

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Steve Rohlfig, Chairman, Le Sueur County Board of Commissioners.

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Darrell Pettis, Le Sueur County Administrator

DATE: \_\_\_\_\_

## FINDINGS OF FACT

**WHEREAS, WATONWAN FARM SERVICE CO. (WFS), TRUMAN MN (APPLICANT); STEVE & THOMAS SCHOLTZ, (OWNER) KASOTA MN:** Request that the County rezone 20 acres from Agriculture (A) District to General Industrial (I) District to allow the applicant to establish a containerized bulk fertilizer facility.

Property is located in the in the S1/2 SW1/4, Section 13, Kasota Township.

**WHEREAS,** the Le Sueur County Planning and Zoning Commission held on public hearing on **March 18, 2014**, in order to hear public testimony from the applicants as well as interested parties pertaining to and as provided by the Zoning Ordinance of Le Sueur County.

**WHEREAS,** the Le Sueur County Planning and Zoning Commission, acting as an advisory board to the Le Sueur County Board of Commissioners recommends denial of the application due to the following findings:

1. The proposal is not consistent with the goals and polices of the Le Sueur County Land Use Plan.
2. The proposal is not compatible with the overall character of existing development in the immediate vicinity of the affected property. Consideration shall be made if there are similar land uses nearby or if the proposed use would be isolated.
3. The proposal will have an adverse effect on the value of adjacent properties.

**WHEREAS,** On March 25, 2014, at their regularly scheduled meeting, the Le Sueur County Board of Commissioners **ACTION** the Rezone application as requested by **WATONWAN FARM SERVICE CO. (WFS), TRUMAN MN (APPLICANT); STEVE & THOMAS SCHOLTZ, (OWNER) KASOTA MN:**

**WHEREAS,** the reasons for **ACTION** were:

1. *The proposal is not consistent with the goals and polices of the Le Sueur County Land Use Plan.*
2. *The proposal is not compatible with the overall character of existing development in the immediate vicinity of the affected property. Consideration shall be made if there are similar land uses nearby or if the proposed use would be isolated.*
3. *he proposal will have an adverse effect on the value of adjacent properties.*

**NOW, THEREFORE, IT IS HEREBY RESOLVED,** the following Findings of Fact were adopted at the March 25, 2014, Le Sueur County Board meeting in order to protect the public health, safety and general welfare of the citizens of Le Sueur County.

**BE IT FURTHER RESOLVED,** by the Le Sueur County Board of Commissioners that based on the above Findings of Fact, the REZONE request to allow the applicant to rezone 20 acres from an Agricultural District to an Industrial District is **ACTION**

ATTEST:

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Steve Rohlffing, Chairman, Le Sueur County Board of Commissioners.

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Darrell Pettis, Le Sueur County Administrator

DATE: \_\_\_\_\_

# STAFF REPORT

**APPLICANT/OWNER:** Kerry Lindsay

**911 ADDRESS:** 46223 Jefferson Shores, Cleveland MN 56017

**PROJECT DESCRIPTION:** Request that the County grant an After-The-Fact (ATF) Conditional Use Permit to allow grading and filling in the shore impact zone of 155 ATF cubic yards with an additional proposed 106 cubic yards of material; In the bluff impact zone 100 ATF cubic yards with an additional proposed 90 cubic yards of material; In the bluff 155 ATF cubic yards with an additional proposed 106 cubic yards of material; (ATF 255 cubic yards & proposed 196 cubic yards) for a total of 451 cubic yards of material movement in a Recreational Residential "RR" District. Property is located at Lot 4, Block 2, Jefferson Shores, Section 1, Cleveland Township.

**ZONING ORDINANCE SECTIONS:** Section 13, Subd. 5 (pages 13-13, 13-14, 13-16, 13-17, 13-18, 13-20) Sections 13, Subd. 13.2 (page 13-38 thru 13-51), Section 18, Subd 3 (pages 18-3 thru 18-6)

## GOALS AND POLICY

**Goal 2:** Le Sueur County should adopt and enforce land use goals and policies that conserve and restore its natural resources, bring protections to the ecological systems of the natural environment, and prevent the premature development of natural resource areas.

**Policy:** Utilize shorelands on Recreational Development Lakes (RD) for housing, but with a focus on development design that protects the resource.

**LOCATION:** LOT 4, BLOCK 2, JEFFERSON SHORES, SECTION 1, CLEVELAND TWP.

**ZONING:** Recreational Residential

The intent of the **Recreational Residential (RR) District** is to preserve areas which have natural characteristics suitable for both passive and active recreational usage. Also, it is the intent of this district to manage areas suitable for residential development of varying types, including permanent and seasonal housing. Some non-residential uses with minimal impacts on residential uses are allowed if properly managed under conditional use procedures.

## GENERAL SITE

**DESCRIPTION:** Shoreland, Residential

**ACCESS:** Existing access from Jefferson Shore Drive

## EXISTING LAND USE WITHIN ¼ MILE:

North: Residential/Ag	South: Residential
East: Lake Jefferson	West: Residential

Mr. Lindsay was issued a zoning permit for the construction of a single family dwelling on his property in June of 2013. Late fall the Department received an inquiry with concerns as to excavation activity going on at the Lindsay property within the bluff. The Department issued a Cease and Desist Order to Mr. Lindsay stating that there were shoreland and bluff violations on his property and that erosion control measures needed to be put into place immediately. Mr. Lindsay was advised to contact the Department as soon as possible. Mr. Lindsay abided by the request immediately and hired representatives from I & S Engineering to assist him with plans for corrective measures on his proposed project.

Therefore, at this time Mr. Lindsay is applying for an After-The-Fact (ATF) Conditional Use Permit (CUP) for grading and filling within the bluff, bluff impact zone, and the shore impact zones in order to construct a path in order to gain access to the lake. He is also applying for a CUP for grading, filling and excavating within the bluff, bluff impact zone and shore impact zone in order to complete his project. The amount of material movement for the ATF permit is 255 cubic yards, an additional 196 cubic yards of material movement is necessary to complete the project for a total of 451 cubic yards of material movement on site.

Mr. Lindsay was granted a variance on February 25, 2014 to allow a shoreland alterations project to have a finished slope of 51%. The Ordinance requires the finished grade not to exceed 30%; however the grade on this property exceeded 30% prior to Mr. Lindsay's project.



## TOWNSHIP BOARD NOTIFICATION

Mr. Lindsay contacted the Cleveland Township Board by letter on December 4, 2013.

## NATURAL RESOURCES INFORMATION

**SHORELAND:** The proposal is located within the Shoreland District.

**WETLANDS:** According to the National Wetlands Inventory, No wetlands located in the quarter-quarter section where the project is proposed.

## SITE PLAN



## LAND USE APPLICATION PERFORMANCE STANDARDS

- Name and Address of Applicant and Landowner: Kerry Lindsay
- Legal Description- Attached

## PERFORMANCE STANDARDS

Path must not exceed 4' in width;  
Placement of Rip Rap, per LSC Ordinance and DNR regulations;  
Submittal of As-Built upon completion of project by a Surveyor or Engineer;  
Erosion Control Measures.

## ATTACHMENTS

Narrative, site plan, survey, letter from Lauren Klement (LSC Resources Specialist) Aerial Photo

## FINAL FINDINGS

**BURDEN OF PUBLIC FACILITIES:** none

**COMPATIBLE WITH SURROUNDING USES:** Residential, have access to lakeshore

**APPEARANCE :** Single Family Dwellings

**ZONING DISTRICT PURPOSES:** The intent of the **Recreational Residential (RR) District** is to preserve areas which have natural characteristics suitable for both passive and active recreational usage. Also, it is the intent of this district to manage areas suitable for residential development of varying types, including permanent and seasonal housing. Some non-residential uses with minimal impacts on residential uses are allowed if properly managed under conditional use procedures.

**TRAFFIC, ACCESS, PARKING:** Existing Access

**SEWER & WATER:** Existing Septic/Well

## PLANNING AND OTHER COMMISSION CONSIDERATIONS

The Planning Commission and staff shall consider possible adverse effects of the proposed conditional use and what additional requirements may be necessary to reduce such adverse effects. Its judgment shall be based upon the following factors to include, but not limited to:

1. Relationship to County plans.
2. The geographical area involved.
3. Whether such use will negatively affect surrounding properties in the area in which it is proposed.
4. The character of the surrounding area.
5. The demonstrated need for such use.
6. Whether the proposed use would cause odors, dust, flies, vermin, smoke, gas, noise, or vibration or would impose hazards to life or property in the neighborhood.
7. Whether such use would inherently lead to or encourage disturbing influences in the neighborhood.
8. Whether stored equipment or materials would be screened and whether there would be continuous operation within the visible range of surrounding residences.
9. Abatement of Environmental Hazards as regulated in this Ordinance
10. Other factors impacting the public health, safety and welfare.

## TABLED BY THE PLANNING COMMISSION

Based on the information submitted by the applicant, contained in this report, and as required by the Le Sueur County Zoning Ordinance, the following findings have been developed for this request:

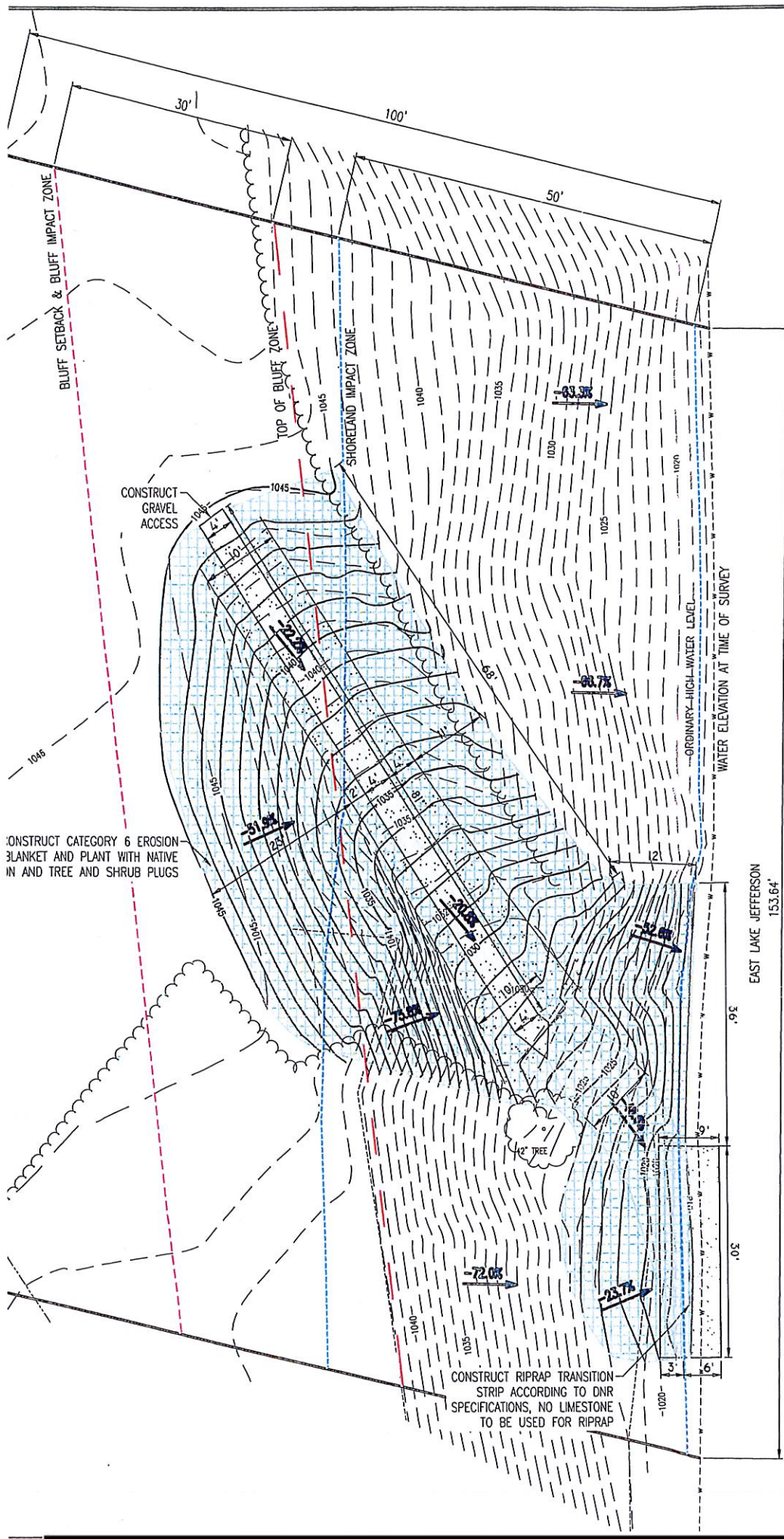
(Please circle one for each item: **Agree**, **Disagree**, **Not Applicable**.)

1. The conditional use will not be injurious to the use and enjoyment of other property in the immediate vicinity for the purposes already permitted, nor substantially diminishes and impairs property values within the immediate vicinity. **A D NA**
2. The establishment of the conditional use will not impede the normal and orderly development and improvement of surrounding vacant property for uses predominant in the area. **A D NA**
3. The adequate utilities, access roads, drainage and other facilities have been or are being provided. **A D NA**
4. The adequate measures have been or will be taken to provide sufficient off-street parking and loading space to serve the proposed use. **A D NA**
5. The adequate measures have been or will be taken to prevent and 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. **A D NA**

## COMMENTS:

**Recommend (circle one) approval / denial / table / of Conditional Use Permit.**





**LE SUEUR COUNTY ENVIRONMENTAL SERVICES**  
**88 SOUTH PARK AVE.**  
**LE CENTER, MINNESOTA 56057-1600**  
Direct Dial (507) 357-8540 (direct line) Fax (507) 357-8541

March 4, 2014

To: Le Sueur County Planning and Zoning Commission; Kathy Brockway, Michelle Mettler

From: Lauren Klement, Environmental Resources Specialist



Re: Kerry and Jesse Lindsay Shoreland

Property: Lot 4, Block 2, Jefferson Shores Subdivision, Section 1, Cleveland Twp

**Request: Conditional Use Permit After the Fact for grading and filling in shoreland and bluff**

The bluff has been altered after-the-fact. I do believe property owners have a right to access their shoreline. The land alteration process should have been followed.

Mr. Lindsay met with Kathy Brockway and me on the restoration plan for the after-the-fact grading and filling done on the Lindsay property. I & S Group created a restoration plan. I reviewed the plan. The plan is a thorough plan that includes a reduced width path, native vegetation and excellent erosion control. Rip rap, which is included in the application as additional grading and filling request, is being added to the shoreline to avoid future erosion as a result of the path.

**Recommendation:**

My recommendation is to accept the grading and filling request for restoration following the plan and design of I&S Group. This request goes hand in hand with the variance for a final grade of 51% slope for a shoreland alteration project.

November 12, 2013

Lauren Klement  
Le Sueur County Environmental Services  
88 South Park Avenue  
Le Center MN 56057-1600

Parcel ID: 01.620 0090  
Property Address: 46223 Jefferson Shores Drive

I would like to address why I decided to do landscaping on my property before I secured the proper permit.

I was unaware I needed a permit to do any type of work on my own property. I was in the process of building a new home, and I thought that since the builder had a permit to build my house then it would be covered. I was not given any county rules when I closed on the lot. I had no idea I needed a permit to make a path to the lake on my own property. I looked at what other residents around the lake had done, and I modeled my idea from what their properties look like. I modeled my ideas after the residents' paths and not stairs. I wanted to have the ability to drive a UTV or golf cart from my home to my dock. I have an elderly grandfather with Diabetes, and he struggles walking. I also have Diabetes, and I was planning for the future. My family and I plan on living here forever. I can walk down stairs today, but in the future I don't know if I will be able as my Diabetes progresses. I know I want to be able to give my Grandfather access to my dock for fishing and boat rides. I know I want to be able to access by dock for fishing and boat rides today and in the future. I never intentionally broke any rules. I am not applying for the conditional use permit after the fact.

Sincerely,

Kerry Lindsay

December 4, 2013

Cleveland Township Board of Supervisors  
c/o Susan Ely  
41862 271<sup>st</sup> Avenue  
Cleveland, MN 56017

Re: Conditional Use Permit Notice  
46223 Jefferson Shore Drive

Board Members:

Please accept this letter as notice that I am submitting a Conditional Use Permit to Le Sueur County for grading operations that have been performed at my future residence at 46223 Jefferson Shore Drive. We anticipate the permit application will be reviewed by the Le Sueur County Planning Commission at their regularly scheduled meeting in January. A full copy of the application and supporting materials is available from the County Environmental Services Department.

If you have any questions, please do not hesitate to contact me.

Sincerely,

Kerry Lindsay  
Property Owner  
46223 Jefferson Shore Drive

pAttachment A

Parcel ID: 01.620 0090

Property Address: 46223 Jefferson Shore Drive

**Site Conditions**Existing Conditions

Construction is currently under way for the future home for Kerry Lindsay. The home is located in the Jefferson Shore subdivision towards the southeast end of the Jefferson Shore Drive Cul-de-Sac on the north side of East Lake Jefferson. The site has 1.35 acres of land with approximately 154 feet of lakeshore. The existing side slopes of the lake shore bluff are approximately 50 to 75 percent with a variety of brush, native grasses, and trees along the bluff. During construction, Mr. Lindsay excavated material to create a traversable access down to the lake shore. The excavation was approximately 10 feet in width and varies in depth. Mr. Lindsay received a halt work order at the home from Ms. Klement stating that there were shoreland and bluff violations and that silt fence was to be put up immediately. Silt fence was installed on site after the request and Mr. Lindsay contacted I&S for direction and assistance in corrective measures. The excavation was done prior to obtaining a Conditional Use Permit (CUP) which is required for grading, excavating, or filling in a shore impact zone and bluff zone therefore the applicant wishes to apply for an after-the-fact CUP.

Restoration Plans

A Restoration Plan is proposed to help restore the ground around the excavated area. Side slopes similar to the existing 50% slope terrain will be graded along the new aggregate path to tie into the existing slope. These will be covered in blanket and will be planted with native vegetation to match the existing ground cover and to help stabilize the slope. An aggregate path will lead down to the lake where it will transition into a stabilized blanket buffer which will lead to a rock riprap areas which will be placed near the waters edge to help stabilize and control erosion. The riprap will provide erosion control for the short and long term.

Restoration Goals

The grading, excavating, and filling as shown in the plan as well as the vegetation measures described in detail below are designed to help accomplish multiple goals. The goals are designed to transform the existing site into a conforming lot that meets all of the county's environmental standards and requirements. We aim to stabilize the hillside to acceptable erosion control standards consistent with the field office technical guides of the Le Sueur County soil and water conservation district and the United States Natural Resource Conservation Service, minimize soil erosion and trap sediment before reaching waters by utilizing guidelines set by the Board of Water and Soil Resources' "Minnesota Construction Site Erosion and Sediment Control Planning Handbook," and alter the topography in a manner that will not adversely affect adjacent or nearby properties.

## **Site Details**

### Temporary and Permanent Erosion and Sediment Control

Temporary sediment control will be maintained with silt fence and hay bale checks. Improved temporary erosion control measures will continue to be used until vegetation is established. The erosion control will be inspected every weekly and after every rain event to ensure the practices are working properly and will be repaired or replaced when they become 1/2 full of sediment.

Permanent erosion control system will be added as well. This will include seeding as well as the use of blankets for establishing and reinforcing vegetation on slopes and shorelines. There are several categories with different service application and specific uses. If any areas have eroded, washed away, blown off, the area will be mulched and seeded. Other vegetation (including trees, shrubs, and plants) will be added into the blanket once the erosion control system is in place to help provide roots and stability on the slope. Sediment and erosion control will also be accomplished with a 20 foot vegetated buffer above the lake as well as placed riprap at the waters edge.

### Blanket Plan

This site will follow MnDOT recommendations for a category 6 with a permanent service application. This includes the use of blankets with Straw/Coconut with netting on two sides, or wood fiber high velocity with netting on both sides. The blankets will have sufficient porosity to shield the underlying soil surface from erosion and promote plant growth. The blanket will be installed according to manufacturer's requirements to maximize effectiveness. The blanket will be maintained after installation which consists of thoroughly watering the blankets immediately after placement, with additional watering performed as necessary.

### RipRap Plan

The riprap will conform to DNR specifications and will extend no more than 6 feet waterward of the ordinary high water (OHW) level which is 1018.5 feet. The DNR states in their riprap specifications that if the DNR conditions are followed (details are included on the plan) that a permit is not required for riprap placement. It will conform to the natural alignment of the shoreline. The riprap will be placed along the bank for a width of approximately 30 feet. A filter in the form of crushed rock or filter fabric material will be placed underneath the riprap. Riprap materials must not include any limestone materials. Vegetation will be placed in the riprap to transition to the existing vegetation. Willow or Dogwood cuttings or plant plugs of native emergent species will be planted in the outer 5 feet of riprap on each side. This provides 20 feet of unvegetated riprap for lake access. Twenty feet is less than 15% of the 150 feet of shoreline for this site which leaves a significant amount of undisturbed shoreline.

### Vegetation Plan

A vegetation plan has been developed to provide stabilization, habitat and visual appeal. A mix of trees, shrubs and grasses will be utilized. All of the vegetation selected is native and will grow in partial shade. Plant substitution may be allowed with approval from the County Environmental Services Department.



#### Tree Removal and Replacement Plan

It is recommended that any trees that were removed are to be replaced at a 1:1 density, this includes any tree with a caliper of 6 inches at 4.5 feet above ground level. This can be accomplished by using one or more of the following types and should have a minimum caliper of 2 inches measured 4.5 feet above ground level.

- Hackberry
- Black Cherry
- Basswood
- Elm which is resistant to Dutch Elm disease.

#### Small Trees/Tall Shrubs

Small trees/tall shrubs will be used as accent plants at a spacing of 5-8 feet on center from other trees and shrubs. Most of the species selected produce fruit and flowers for wildlife and visual appeal. They will grow to approximately 20 to 30 feet tall. Being smaller than most trees they allow the homeowner a view of the lake while the roots provide stabilization.

- Allegheny Serviceberry
- Ironwood
- American Plum
- Pagoda Dogwood
- Pussy Willow
- Nannyberry

#### Medium/Low Shrubs

Shrubs could be used on side slopes to provide root stabilization at a spacing of 5-8 feet on center from other trees and shrubs. This provides a more natural appearance, stabilization and wildlife value. Both low and medium height options are provided. A single species or a mix of species could be used.

- American Hazelnut
- Early Wild Rose
- New Jersey Tea
- Prairie Ninebark
- Black Chokeberry
- Meadowsweet

#### Seeding

It is recommended that the seeding mix to be used is 32-241. This seed is a Native Construction mix that is to be applied at a rate of 38 lbs/acre. The mix has a blend of big bluestem, oats, rye, wheatgrass, and several other blends that will help stabilize and flourish on the sloped hill side.

**LE SUEUR COUNTY ENVIRONMENTAL SERVICES**  
**88 SOUTH PARK AVE.**  
**LE CENTER, MINNESOTA 56057-1620**  
**(507) 357-2251**  
**FAX (507) 357-8541**

**Erosion and Sediment Control Plan**

**Goal:** To control erosion and prevent sediment and other pollutants from entering the lakes, streams, wetlands, and storm drain systems during construction.

**Property Owner:** Kerry Lindsay **PID:** 01.620.0090  
**Mailing Address:** 24298 Geldners Lane, Cleveland, MN 56017  
**Property Address:** 46223 Jefferson Shore Drive, Cleveland, MN 56017  
**Phone:** (507) 386-7800 **Mobile/Cell:** ( )

**Responsible party for Implementation/Inspection:** Kerry Lindsay  
**Address:** 24298 Geldners Lane, Cleveland, MN 56017  
**Phone:** (507) 386-7800 **Mobile/Cell:** ( )

**Erosion & Sediment Control Measures**

1. Maintain existing vegetation whenever possible and minimize the area of disturbance. Retain and protect trees to enhance future landscaping efforts and to reduce raindrop impact. (Vegetation is the best and most cost-effective erosion control practice).
2. Install all erosion and sediment control practices prior to any soil disturbing activities, when applicable.
3. Phase construction activities to minimize the areas disturbed at one time. This will also allow completed areas to be stabilized and re-vegetated before disturbing adjacent sites.
4. Maintain and protect all natural waterways. Retain at least a 20-foot wide strip of natural vegetation along all waterways to filter out sediment and other pollutants.
5. Minimize the use of impermeable surfaces such as roofs, driveways, parking lots and roads. The Environmental Resources staff must approve all storm water runoff plans.
6. Use rock rip-rap at both the outlet and inlet ends of culverts to prevent scour erosion.
7. Limit construction equipment to designated areas to control soil compaction.
8. Install silt fence on the down-slope perimeter of all disturbed areas according to the attached installation instructions. Sensitive areas such as wetlands, drainage swales and shoreland areas should also be protected with silt fence.
9. Install straw bale checks or rock check dams in areas of concentrated flow .
10. Cover any stockpiled topsoil with plastic or other impervious covering. Use stockpiled topsoil as earthen berms to serve as temporary sediment basins.

**LE SUEUR COUNTY PLANNING AND ZONING COMMISSION**  
**88 SOUTH PARK AVE.**  
**LE CENTER, MINNESOTA 56057**  
**March 13, 2014**

**MEMBERS PRESENT:** Jeanne Doheny, Don Rynda, Chuck Retka, Shirley Katzenmeyer, Doug Krenik, Al Gehrke, Pam Tietz

**MEMBERS ABSENT:** Don Reak, Steve Olson, Betty Bruzek

**OTHERS PRESENT:** Kathy Brockway, Amy Beatty, Commissioners Connolly & Rohlfing

The meeting was called to order at 7PM by Chairperson, Jeanne Doheny.

**ITEM #1: KERRY & JESSE LINDSAY, CLEVELAND, MN, (APPLICANT/OWNER):** Request that the County grant an After-The-Fact (ATF) Conditional Use Permit to allow grading and filling in the shore impact zone of 155 ATF cubic yards with an additional proposed 106 cubic yards of material; In the bluff impact zone 100 ATF cubic yards with an additional proposed 90 cubic yards of material; In the bluff 155 ATF cubic yards with an additional proposed 106 cubic yards of material; (ATF 255 cubic yards & proposed 196 cubic yards) for a total of 451 cubic yards of material movement in a Recreational Residential "RR" District. Property is located at Lot 4, Block 2, Jefferson Shores, Section 1, Cleveland Township.

Kathy Brockway explained the application. Matt Brand, Engineer from I & S Engineering and Kerry Lindsay were present for application.

TOWNSHIP: Notification. DNR: No comments

LETTERS: Lauren Klement, LSC Resource Specialist, Kurt Ross (email) see file.

PUBLIC COMMENT: Mike Sieberg, adjoining property owner, questioned the finished slope next to his property line. Engineer stated that there will be no disturbance to the slope next to his property line.

Discussion was held regarding: applicant did not realize he needed a permit to gain access to the lake; grading and excavating coincided with new home construction; remaining 196 cubic yards of material is necessary for the stability of the slope as designed by the engineer; erosion control methods in place; entire area will be revegetated; applicant was granted a variance for a finished grade of more than a 30% slope.

Motion was made by Doug Krenik to approve the application as written. Seconded by Pam Tietz. Motion approved. Motion carried.

**ITEM #2: LEGACY FAMILY FARMS, KILKENNY, MN, (APPLICANT); PATRICIA GIBBS, KILKENNY, MN (OWNER):** Request that the County grant a Conditional Use Permit to allow the applicant to establish a new 900 animal unit feedlot in an Agriculture "A" District. Property is located in the SW 1/4 SE 1/4, Section 32, Montgomery Township.

Kathy Brockway explained the application. Shawn Onken, co-owner Legacy Farms was present for application.

TOWNSHIP: Notified. DNR: N/A. LETTERS: None.

PUBLIC COMMENT: None

Discussion was held regarding: location of wetlands to the west; drainage; state permitting; annual reports; manure management; approximately 2000 acres for manure application, only required to have 300 acres; empty manure pit in the spring and fall; storage of manure for 12 months; inspection process through the state at time construction as well as annually of the facility; if conditional use permit approved a 30-day comment period required through the MPCA; permit issued for 5 years; conditional use permit goes with the land.

Motion was made by Chuck Retka to approve the application as written. Seconded by Al Gehrke. Motion approved. Motion carried.

Minutes: Additions or corrections-None. Motion to approve minutes by Pam Tietz. Seconded by Don Rynda. Motion approved. Motion carried.

Motion to adjourn meeting by Al Gehrke. Seconded by Chuck Retka. Motion approved. Motion carried.

Meeting Adjourned.

Respectfully submitted,  
Shirley Katzenmeyer  
By Kathy Brockway

***Tape of meeting is on file in the  
Le Sueur County Environmental Services Office***

**CONDITIONAL USE PERMITS APPLICATION #14005**

**LE SUEUR COUNTY**

**IN AN AGRICULTURAL ZONING DISTRICT,  
A NEW ANIMAL FEEDLOT CAPABLE OF HOUSING  
900 ANIMAL UNITS (3,000 HEAD OF SWINE FINISHING PIGS  
WEIGHING 55 TO 300 POUNDS)**

**NAME: LEGACY FAMILY FARMS EAST  
JEFF GIBBS AND SHAWN ONKEN**

**Subject:** Conditional Use Permit Application #14005

**Applicant:** LEGACY FAMILY FARMS EAST - JEFF GIBBS AND SHAWN ONKEN

**Property Owner:** PATRICIA GIBBS

**Location:** SW1/4 OF THE SE ¼ OF SECTION 32, MONTGOMERY TOWNSHIP

**Existing Zoning:** A- AGRICULTURAL

**Date of Hearing:** MARCH 13, 2014

**Reported by:** Kathy Brockway-Le Sueur County P & Z Administrator  
Amy Beatty- Le Sueur County Feedlot Officer

**Applicant Received:**

The applicant has received copies of the Le Sueur County Zoning Ordinance Sections 8: Agriculture District, Section 16: Animal Feedlot and Manure Management, and Section 21: Conditional Use Permit.

**Township Notification:**

The applicants contacted Dale Korbel, Montgomery Township Board member on February 17, 2014.

**Zoning District:**

**The Agriculture (A) District** is established for areas where agriculture uses are seen as the best and highest long term use of the land. The land itself needs to be preserved for primarily agricultural activities. These areas should avoid existing cities, residential zones, and subdivisions. They should be large contiguous land areas with mostly prime soils. Rezoning should only be considered on the zone's borders in order to maintain the Zoning integrity of the District. Dwellings that are allowed should be on the edges of the open farmland where possible or utilize existing abandoned farm sites. The total number of Dwellings shall not exceed sixteen (16) per section of land with the exception of Transfer of Development Right and lots of record. Transfer of development rights may be utilized to exceed the permitted housing density of one dwelling per quarter-quarter section (40 acres), provided that the density does not exceed four dwellings per quarter-quarter section in the receiving quarter-quarter section. Lots of Record shall be exempt from density standards.

**Goal 1: Le Sueur County contains some of the most productive agricultural soils in Minnesota and should adopt and enforce land use goals and policies that conserve and protect agricultural resources and uses.**

**Policy:** The County will protect the best of its agricultural land as a resource for long term agricultural use.

**Policy:** An adequate supply of healthy livestock is essential to the well being of Le Sueur County. The location of livestock feedlots and non-feedlot uses too close to one another can cause conflicts. An effort to combine local needs with state feedlot regulations will ensure local involvement in this issue, help provide minimal disruption to existing agricultural businesses, and help provide rules to protect the environment.

**Site Information:**

The proposed new animal feedlot is to be located on a parcel in the SW ¼ of the SE ¼ of Section 32, Montgomery Township. The site is to be located off 400<sup>th</sup> Street or County Road 138.

### **Surrounding Land Uses:**

The predominant use of the surrounding land is agricultural. To the north, south, east, and west, the property is used for agricultural/row crop purposes with Type 3 wetlands.

**Shoreland:** The proposal is not located within the Shoreland District.

**Wetlands:** According to the National Wetlands Inventory, No wetlands located in the quarter-quarter section where the project is proposed.

### **Minnesota Pollution Control Agency (MPCA) Application Submittal Process:**

The applicant is requesting to house 3,000 head of swine finishing pigs weighing 55 to 300 pounds. A site that is capable of housing 2,500 head or more of swine finishing pigs is required to apply for a National Pollutant Discharge Elimination System Permit (NPDES)/State Disposal System Permit (SDS). This permit is a federal permit that the Minnesota Pollution Control Agency (MPCA) is delegated to issue.

The proposed animal feedlot's NPDES/SDS permit application is comprised of:

1. Permit Application
2. Air Emissions and Odor Management Plan
3. Animal Mortality Plan
4. Emergency Response Plan
5. Operation and Maintenance Plan
6. Manure Management Plan
7. Soils Investigation and Liquid Manure Storage Structure Plans prepared and signed by a design engineer.
8. Public notification, as required by Minnesota State Statutes 116.07 and Minnesota Rules, Chapter 7020.2000, subpart 4. Notification was published in the *Le Center Leader's* March 5, 2014 edition.

MPCA staff will

1. Review the application, and a staff engineer will review the liquid manure storage structure plans.
2. Issue a permit notice for thirty (30) days that will be posted on its website in which the public will have an opportunity to comment.

### **County Requirements**

The proposed animal feedlot is located in the Agricultural Zoning District, which allows animal feedlots up to 3,000 animal units through the Conditional Use Permit process.

The minimum lot size is ten (10) acres for an animal feedlot between 101 to 2,000 animal units. The parcel on which the proposed animal feedlot would be constructed on is 25 acres; therefore, the applicant meets the minimum lot size as set forth in the Le Sueur County Zoning Ordinance.

The proposed site plan meets or exceeds all requirements for the proposed animal feedlot in the Agricultural Zoning District.

- The proposed feedlot facility is not
  - Within 1,000 feet of a lake or within 300 feet of a stream;
  - Located within a delineated floodplain;
  - Located in a state or federally designated wild and scenic river district, a Minnesota River Project Riverbend Area, or the Mississippi Headwaters Area; and
  - Located in a drinking water supply management area.

- The applicant will meet or exceed all setback requirements as listed in the Le Sueur County Zoning Ordinance, Section 16.
  - Property line – 100 feet;
  - Well – 100 feet;
  - Road right-of-way – 100 feet;
  - Cemetery – 500 feet; and
  - Existing dwelling, school, park, golf course, licensed campground, or residential zoning district – 1000 feet.

**Proposed Animal Feedlot Structures:**

- The proposed total confinement building will measure 102 feet by 240 feet and house 3,000 head of swine finishing pigs weighing 55 to 300 pounds.
- The proposed liquid manure storage structure will measure 100 feet by 238.67 feet by 8 feet with a volume of 100 feet by 238.67 feet by 6.5 feet or 155,135 cubic feet. The Le Sueur County Zoning Ordinance requires twelve (12) months of storage. Per the design engineer, the liquid manure storage structure will have 369 days of storage.
- A proposed animal mortality composting facility that will measure 14 feet by 40 feet.

**Manure Management Plan:**

The manure management plan has been submitted and is the process of being reviewed by MPCA staff. A copy is on file in the office of the Le Sueur County Feedlot Officer. A plan is required to be prepared by the Le Sueur County Zoning Ordinance, Section 16. In addition, all liquid manure shall be injected or incorporated within twenty-four (24) hours. All the liquid manure from the proposed facility will be applied via sweep injection; therefore, meeting the requirement to be incorporated within twenty-four (24) hours.

**Odor Control:**

An Air Emissions and Odor Management Plan has been submitted and is the process of being reviewed by MPCA staff. A copy is on file in the office of the Le Sueur County Feedlot Officer. A plan is required to be prepared by the Le Sueur County Zoning Ordinance, Section 16.

**Feedlot Officer Findings:**

1. This operation shall be operated in a manner consistent with the NPDES/SDS permit as issued. Any deviation from the NPDES/SDS permit will necessitate modification of said NPDES/SDS permit.
2. Per Minnesota Chapter 7020.2100, subpart 5, notification shall be made to the Department three (3) business days prior to onset of construction and three (3) business days following completion of construction of the manure storage area liner (prior to backfilling the pit walls).
3. Per Minnesota Rule, Chapter 7020.2100, subpart 5.D, the animal feedlot owner shall submit a copy of the construction report to the Department within sixty (60) days of the completion of the manure storage structure.
4. Per Minnesota Rule, Chapter 7020.2100, subpart 6, the animal feedlot owner shall have inspections completed during the construction that comply with this subpart.



5. All animal manure from the operation shall be utilized in accordance to the MPCA-approved Manure Management Plan.
6. Animal mortalities shall meet the requirements of the Minnesota Board of Animal Health.
7. The permit holder shall allow the County Feedlot Officer or assigned representee to inspect the site whenever necessary upon notification to permit holder.
8. No animals shall be brought into the newly constructed portion of the facility until all conditions have been met.
9. All applicable requirements as stated in Section 16, Subdivision 9, Standards for Conditional Use Permits, and any additional standards or requirements imposed by the Le Sueur County Board of Commissioners shall be met.

#### **PLANNING AND ZONING COMMISSION CONSIDERATIONS**

The Planning Commission and staff shall consider possible adverse effects of the proposed conditional use and what additional requirements may be necessary to reduce such adverse effects. Its judgment shall be based upon the following factors to include, but not limited to:

1. **Relationship to County plans.**
2. **The geographical area involved.**
3. **Whether such use will negatively affect surrounding properties in the area in which it is proposed.**
4. **The character of the surrounding area.**
5. **The demonstrated need for such use.**
6. **Whether the proposed use would cause odors, dust, flies, vermin, smoke, gas, noise, or vibration or would impose hazards to life or property in the neighborhood.**
7. **Whether such use would inherently lead to or encourage disturbing influences in the neighborhood.**
8. **Whether stored equipment or materials would be screened and whether there would be continuous operation within the visible range of surrounding residences.**
9. **Abatement of Environmental Hazards as regulated in this Ordinance.**
10. **Other factors impacting the public health, safety, and welfare.**

#### **PLANNING AND ZONING COMMISSION FINDINGS**

Based on the information submitted by the applicant, contained in this report, and as required by the Le Sueur County Zoning Ordinance, the following findings have been developed for this request:

*(Please circle one for each item: Agree, Disagree, Not Applicable.)*

1. The conditional use will not be injurious to the use and enjoyment of other property in the immediate vicinity for the purposes already permitted, nor substantially diminishes and impairs property values within the immediate vicinity. **A   D   NA**
2. The establishment of the conditional use will not impede the normal and orderly development and improvement of surrounding vacant property for uses predominant in the area. **A   D   NA**

3. The adequate utilities, access roads, drainage and other facilities have been or are being provided.  
**A D NA**
4. The adequate measures have been or will be taken to provide sufficient off-street parking and loading space to serve the proposed use. **A D NA**
5. The adequate measures have been or will be taken to prevent and 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.  
**A D NA**

**COMMENTS:**

***Recommend (circle one) approval / denial / table / of Conditional Use Permit.***

# Legacy Family Farms

18036 400<sup>th</sup> Street  
Killkenny, MN 56052  
Phone: (507) 357-4186  
Fax: (507) 357-4186  
E-Mail: legacyfamilyfarm@frontiernet

February 18, 2014

Le Sueur County Planning and Zoning,

Legacy Family Farms consists of a combining of two farms and their farm families, Jeff and Christy Gibbs along with Jeff's mother, Patty as Gibbs Farms and Shawn and Randee Onken along with Randee's parents, Jerry and Patty Scheffert as the Onken Farms. It was decided in 2011 to combine farms and equipment after helping each other with planting and harvesting for 2 years. With this combination of resources and efforts the partners see the potential for this legacy to carry on in their families. With this foresight in mind, it was decided that one of the best ways to ensure a future for their children and grandchildren, who have expressed an interest in carrying on in their family, agri-business, was to expand and pursue the swine production entity of their business.

In 1997 and EAW was completed and approved to facilitate a site for nursery hogs containing 2000 animal units. With the farm situation at that time being what it was, this was not acted upon. Now that the potential for future generations is becoming more and more evident, we feel that this is the best time to expand our swine entity on this sight.

With this background information Legacy Family Farms requests a feedlot Conditional Use Permit (CUP) for the sole purpose of feeding out 3000 hogs from receiving weights of 40-45 pound feeder pigs to finishing weights of 275-300 pounds.

The dimensions that this structure requires are 102'-6" x 240' with an accompanying office space of 24' x 20' area that will be attached to the southeast corner of this structure. The office area will contain a restroom, showers and a clothes washing area to ensure the biosecurity of our operation, there will be a full 8' concrete pit under the main structure providing for one full year manure containment.

The hours of operation will vary depending on the growth stage of the pigs. When the pigs first arrive they are generally 45 pounds and only require 1 person to walk through the barns daily generally taking 1 hour or less of time. When the pigs reach market size we will begin loading onto semi's where 3 people and 1 trucker will load 180 pigs on a truck taking less than 1 hour to accomplish this. Total trucks hauling pigs will average 41 per year. Feed trucks will deliver feed 1 to 2 times per week on weekdays. Two times per year a licensed manure pumper will empty the pits taking approximately 16 hours per time.

The estimated number of people to attend this place of business will be 3 on a daily or weekly basis. During load out times there will be 4 people.

The site will have a new well drilled by St. Peter Well Company maintaining all county setbacks and regulations. The attached office will have a toilet, shower, and washer/dryer. The wastes generated by the office amenities will be handled by a septic system designed and installed by St. Peter Well Company. The septic system will be sized accordingly to handle all wastes and meet county requirements.

The building will be wired with a complete security system to monitor high temp, low temp, power supply, water pressure, smoke detectors, and door alarms. The system will be monitored by a 24 hour a day monitoring center. In addition to the smoke and temp sensors the yard will be kept free of clutter and obstacles allowing emergency crews complete access in the event of a fire or a security breach.

The location will not have any retail sales and will have no food or alcohol sales.

Legacy Family Farms is not requesting any services by the county or the need for any personnel from the county.

The location will have no sound equipment.

The building will be well lit having night lights mounted on the exterior of the building.

The location will have a gravel yard where personal can park by the office. The Building will have a 12' x 9' 6" load out for loading and unloading pigs.

The only signage at the location will be safety warnings around pit load outs and bio-security signs at each entrance door.

Road access will be gained by a driveway built to county specifications off of 400<sup>TH</sup> St. Attached you will find the permit for the approved driveway signed by Dave Tiegs Asst. Hwy Eng.

State farm Insurance has provided a signed certificate of insurance.


All additional permitting required for a feedlot of this size in Le Sueur County has been provided

A dumpster will be provided 365 days per year as well as a state approved composting system to accommodate any animal mortality. This composting system will be engineered by NRCS and will be located Northeast of the facility.

We as a family operation have participated and worked closely with our local lake associations and county and state environmental officials. We comply with mandates as they pertain to us and our business. We respectfully ask that you approve us for this expanded venture of Legacy Family Farms.

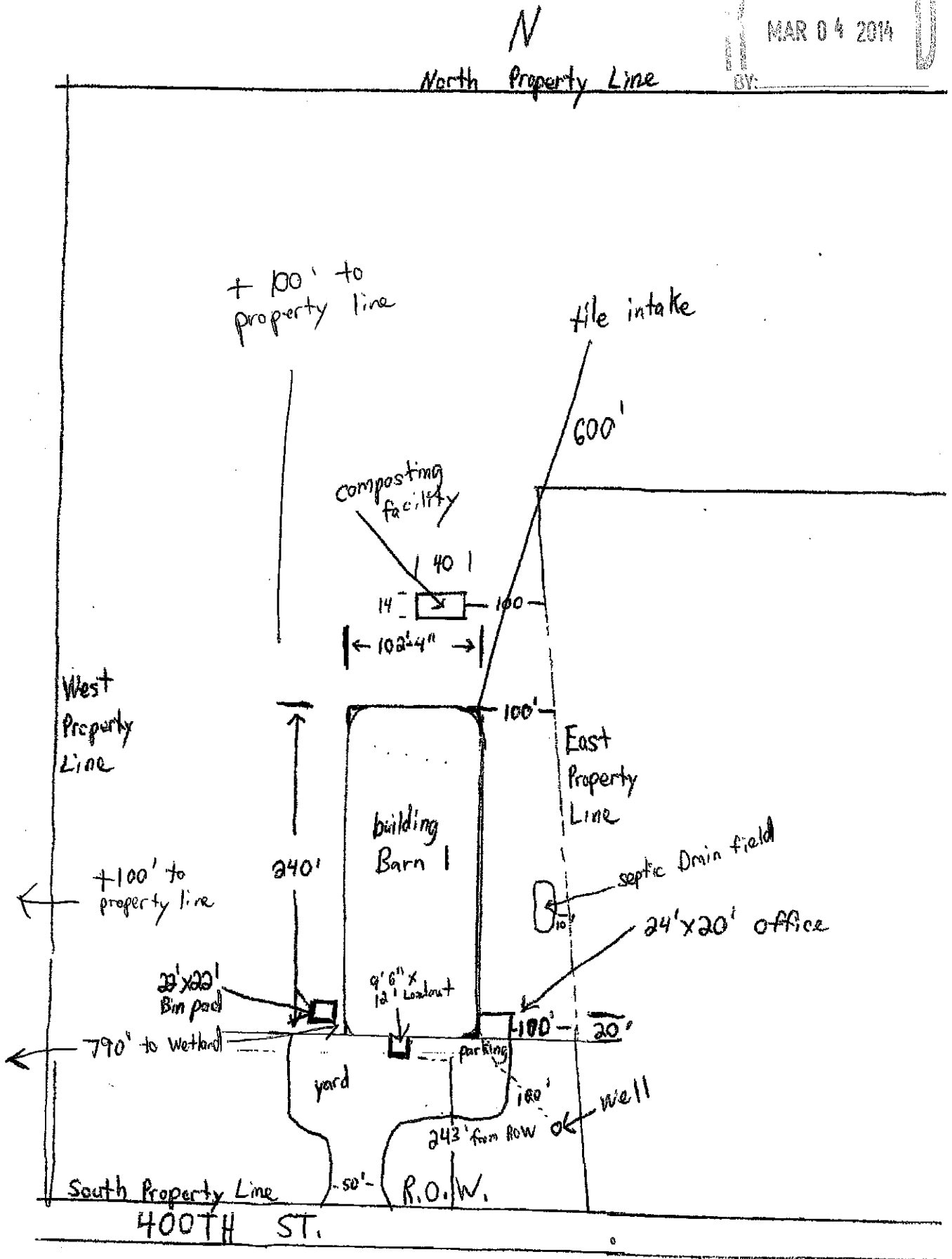
Sincerely,

Legacy Family Farms

Two handwritten signatures in black ink. The top signature is cursive and appears to be 'JL Orbe'. The bottom signature is also cursive and appears to be 'JH Tiegs'.

**The Southwest Quarter of the Southeast Quarter of Section 32, Township 111 North, Range 23 West, Le Sueur County, Minnesota, EXCEPT the following parcel:**

**Part of the West Half of the Southeast Quarter of Said Section 32, Township 111, Range 23, Le Sueur County, Minnesota, described as follows: Beginning at the southeast corner of said West Half of the Southeast Quarter of Section 32; thence on an assumed bearing of North 89 degrees 51 minutes 57 seconds West along the South line of said Southeast Quarter 743.40 feet; thence North 05 degrees 16 minutes 47 seconds West 870.62 feet; thence South 88 degrees 48 minutes 21 seconds East 842.80 feet to the East line of said West Half of the Southeast Quarter; thence South 01 degrees 17 minutes 11 seconds West along said East line 851.32 feet to the point of beginning.**



# LE SUEUR COUNTY HIGHWAY DEPARTMENT

## Application For Access Driveway or Entrance Permit

C.S.A.H./Co. Hwy. No. 138 Name of Twp. Montgomery

SKETCH PROPERTY, PRESENT AND PROPOSED DRIVEWAY AND RELATION TO COUNTY HIGHWAY.

Name of Applicant: Legacy Family Farms / Shawn Onken Telephone No.: (507) 340-8446

Address: 18036 400th St. Kilkenney, MN 56052

Name of Property Owner: Patty Gibbs Telephone No.: (507) 357-4302

Address: 18036 400th St. Kilkenney, MN 56052

Location: Co Hwy. No.: 138 in Le Sueur Co. 0.4 Miles N-S-E-W of T.H. 13  
(circle one) (Specify Road, or Intersection)

Legal Description of Property Parcel I.D. 09.032.5300

Purpose of Driveway: Farm Residence X Field         

Is a Building to be Constructed: Yes X No          What kind swine barn

Possible replacement cost of this pipe will be the responsibility of the owner: Yes/No  
(Circle One)

Will the Building be Temporary: no Permanent yes

Distance from center of highway to front of building is 330 feet.

Is land higher? yes lower?          or level?          with highway.  
(show feet & inches) (show feet & inches)

Number of present driveways to property 1 Date Proposed driveway will be needed 5-1-14

Give exact location to Proposed Driveway to Property: (Give lath to mark center of Proposed Driveway)

- Owner responsible for installation & required culverts & aprons.

- Owner to remove existing entrance East of proposed location.

\* Culverts may be purchased from Le Sueur Co. Highway Dept.

I, We, the undersigned, herewith make application for permission to construct the access driveway at the above location, said driveway to be constructed to conform with the standards of the Minnesota Highway Department and to any special provisions included in the permit. It is agreed that all work will be done to the satisfaction of the Le Sueur County Highway Department. It is further agreed that no work in connection with this application will be started until the application is approved and the permit issued.

Access drives onto any public roads shall require a review by the Road Authority. The Road Authority shall determine the appropriate location, size, and design of such access drives and may limit the number of access drives in the interest of public safety.

*legacyfamilyfarms@frontier.com*

Access drives which traverse wooded, steep, or open field areas shall be constructed and maintained to a minimum ten (10) foot width base material depth sufficient to support access by emergency vehicles and have an unobstructed width of not less than fourteen (14) feet and an unobstructed vertical clearance of not less than thirteen (13) feet, six (6) inches. Access drives outside the road rights of ways shall not exceed twelve percent (12%) grade unless approved by the local fire chief.

Access drives shall have a twenty (20) foot long flat grade directly adjacent to the road that drive accesses.

All lots or parcels with dwellings shall have direct adequate physical access for emergency vehicles along the frontage of the lot or parcel from either an existing or dedicated public roadway.

All roads serving more than one (1) lot or parcel with dwellings shall be built to township road specifications or at least sixty six (66) feet wide with a minimum driving surface width of twenty-four (24) feet.

Access drives in excess of one hundred fifty (150) feet shall provide a minimum turn-around of forty (40) feet in width by forty (40) feet in length.

**BE IT RESOLVED:** That the County Highway Engineer is hereby authorized and instructed to control farm and field entrances on all County State Aide Highways, including roads scheduled for new construction, under the following regulations.

- A: One field and one farm entrance shall be allowed per owner or approved additional access at no cost to owner.
- B: A permit shall be required on all additional entrance requests.
- C: All new culverts and aprons on additional entrance requests shall be furnished by the private owner, and constructed according to the Engineer's specifications.
- D: All new culvert materials and aprons shall become the property of the County Highway Department and entrances shall be maintained by same.
- E: There shall be no distinction for entrances with or without culvert.
- F: The relocation of existing entrances shall be accomplished at the private owner's expense and according to the Engineer's specifications, except where the County is proved negligent.

**BE IT RESOLVED:** That the design standards for County Roads be the same as those currently listed in State Aid Rules for County State Aid Highways.

2-14-14

Date



Signature of Applicant



**\*NOT VALID UNLESS SIGNED AND NUMBERED\***

Access Driveway or Entrance Permit: 2014-02  
Permit No.

Permission is hereby granted for the construction of the driveway as described in the above application, said driveway to be constructed in accordance with the Minnesota Highway Departments Driveway Standard Plate Nos. 9000B and 9001A and subject to the requirements on the next page and the following special provisions:

It is expressly understood that this permit is conditioned upon replacement or restoration of the County Highway to its original or to satisfactory condition.

2/14/14  
Date

David Ring  
Le Sueur County Highway Engineer  
Asst. Hwy. Eng.

**LE SUEUR COUNTY ENVIRONMENTAL SERVICES**  
**88 SOUTH PARK AVE.**  
**LE CENTER, MINNESOTA 56057-1620**  
**(507) 357-2251**  
**FAX (507) 357-8541**

**Erosion and Sediment Control Plan**

Goal: To control erosion and prevent sediment and other pollutants from entering the lakes, streams, wetlands, and storm drain systems during construction.

Property Owner: Patricia Gibbs PID: \_\_\_\_\_  
Mailing Address: 18036 400th St. Kilkenny, MN 56052  
Property Address: \_\_\_\_\_  
Phone: (507) 357-4302 Mobile/Cell: (\_\_\_\_) \_\_\_\_\_

Responsible party for Implementation/Inspection: Legacy Family Farms  
Address: 18036 400th St Kilkenny, MN 56052  
Phone: (507) 357-4186 Mobile/Cell: (507) 390-8446

**Erosion & Sediment Control Measures**

1. Maintain existing vegetation whenever possible and minimize the area of disturbance. Retain and protect trees to enhance future landscaping efforts and to reduce raindrop impact. (Vegetation is the best and most cost-effective erosion control practice).
2. Install all erosion and sediment control practices prior to any soil disturbing activities, when applicable.
3. Phase construction activities to minimize the areas disturbed at one time. This will also allow completed areas to be stabilized and re-vegetated before disturbing adjacent sites.
4. Maintain and protect all natural waterways. Retain at least a 20-foot wide strip of natural vegetation along all waterways to filter out sediment and other pollutants.
5. Minimize the use of impermeable surfaces such as roofs, driveways, parking lots and roads. The Environmental Resources staff must approve all storm water runoff plans.
6. Use rock rip-rap at both the outlet and inlet ends of culverts to prevent scour erosion.
7. Limit construction equipment to designated areas to control soil compaction.
8. Install silt fence on the down-slope perimeter of all disturbed areas according to the attached installation instructions. Sensitive areas such as wetlands, drainage swales and shoreland areas should also be protected with silt fence.
9. Install straw bale checks or rock check dams in areas of concentrated flow.
10. Cover any stockpiled topsoil with plastic or other impervious covering. Use stockpiled topsoil as earthen berms to serve as temporary sediment basins.

11. Mulch all disturbed areas at the rate of one 50-pound bale of straw per 500 square feet. On slopes 4:1 or steeper use the following erosion control blankets that have been pinned to the slope according to the manufacturer's instructions:

2:1 slopes or steeper	Straw/Coconut Blanket or High Velocity Wood Blanket
3:1 slopes or steeper	Wood or Straw Blanket with net on both sides
4:1 slopes or steeper	Wood or Straw Mulch blanket with net on one side
Flat areas	Straw Mulch w/disc anchoring

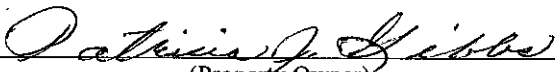
12. Seed all disturbed areas within seven days of final grading and temporary seed/mulch all areas that will be left inactive for more than seven days. Do not seed later than September 1<sup>st</sup>. Areas that need to be seeded after this date should be dormant seeded in late October or early November. See the attached instruction sheet for recommended mixtures and rates. The use of native plant materials, including trees and shrubs, is encouraged. Native species will provide good vegetative cover that is adapted to our soils and climate.
13. Apply fertilizer according to soil test recommendations.
14. Install water bars on access roads to prevent concentrated water from flowing down the road and eroding gravel.
15. Attach a site map showing the location of all erosion control practices, property lines, roads, lakes, watercourses, wetlands, on-site systems and building locations.

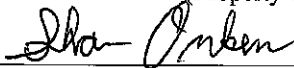
Note: To reduce mud transported onto paved roads, a rock construction entrance may be required. This will require a six-inch layer of 1-2 inch diameter washed rock a minimum of 50 feet in length.

#### **Inspection and Maintenance**

16. Inspect the construction site every 7 days and within 24 hours after every rain event to ensure the practices are working properly (i.e. silt fences, water bars).
17. Clean out the silt fences when they are 1/3 full of sediment or replace with functional silt fences within 24 hours.
18. Clean out sediment basins on a regular basis to maintain capacity.

I agree to install, inspect and maintain the above practices to accomplish the goal of preventing erosion.

  
(Property Owner)

  
(Person Responsible for Implementation)

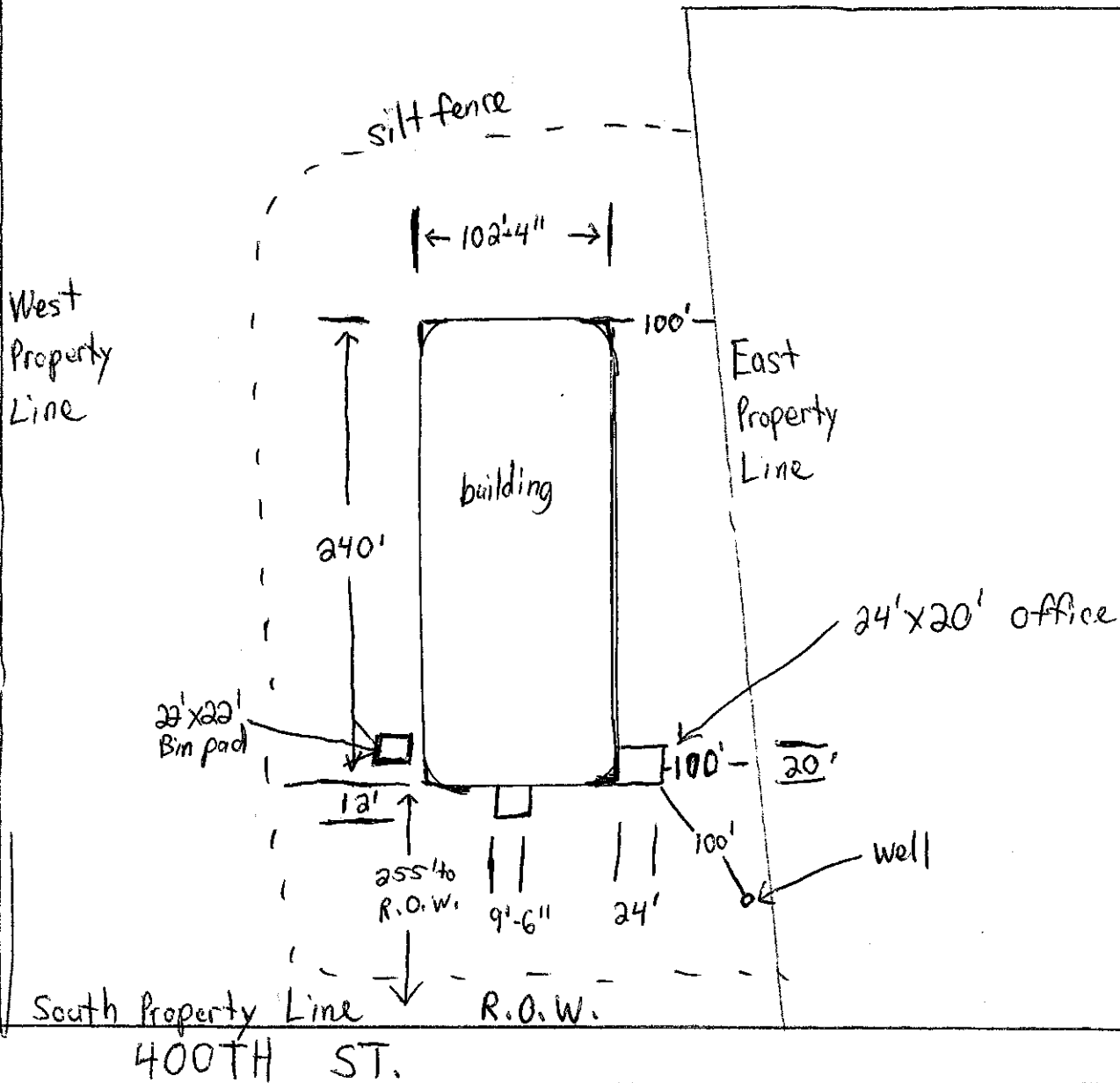
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(Date)

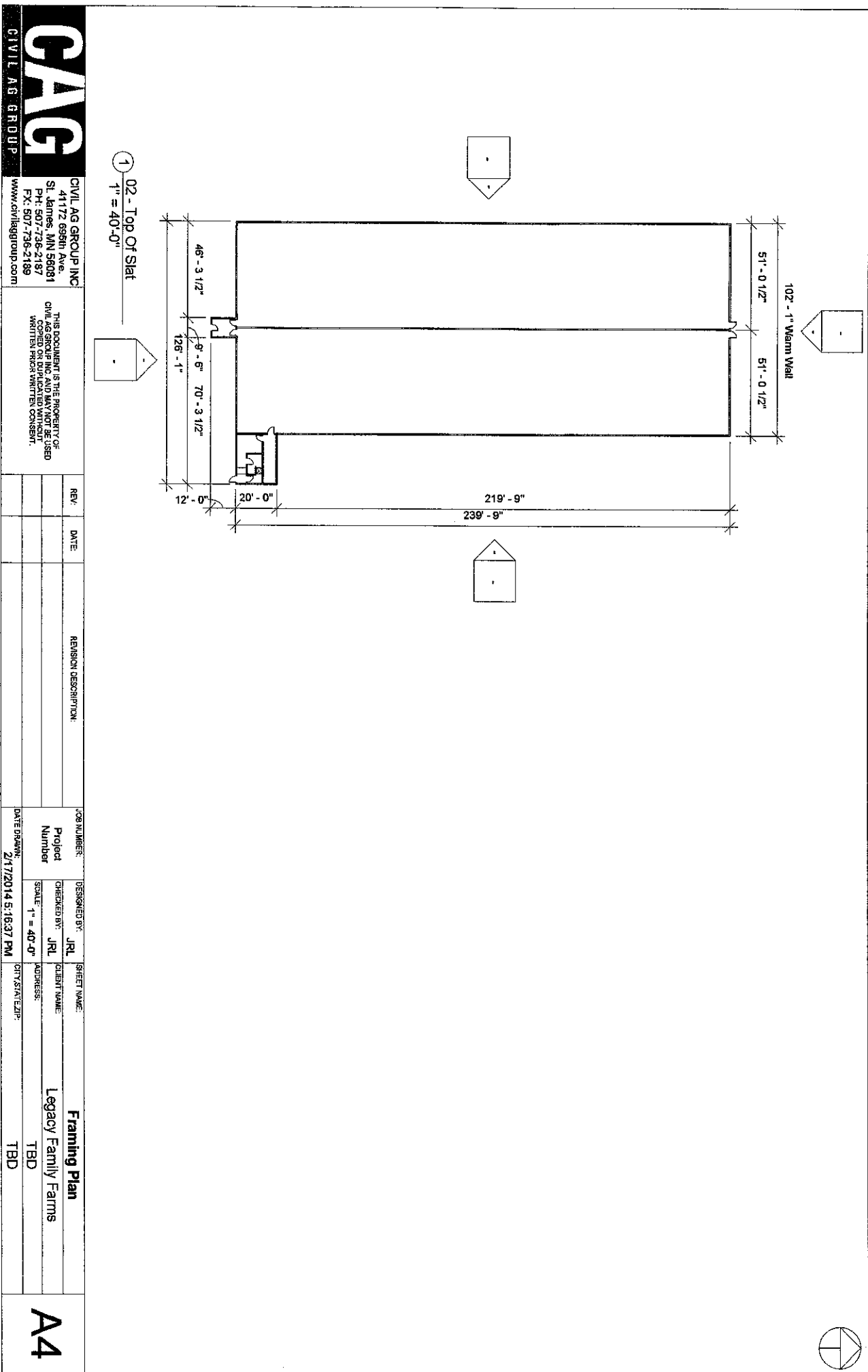
2-17-14  
(Date)

If you have any questions, please contact Environmental Services, at 507-357-8538.

# EROSION CONTROL MAP

N  
North Property Line





CIVIL AG GROUP INC.  
41172 695th Ave.  
St. James, MN 56081  
PH: 507-736-2187  
FX: 507-736-2189  
www.civilaggroup.com

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REV.	DATE	REVISION DESCRIPTION

JOB NUMBER: \_\_\_\_\_  
Project Number: \_\_\_\_\_  
DATE DRAWN: 2/17/2014 5:16:37 PM

DESIGNED BY: JRL  
CHECKED BY: JRL  
SCALE: 1" = 40'-0"

SHEET NAME: **Framing Plan**  
CLIENT NAME: Legacy Family Farms  
ADDRESS: TBD  
CITY/STATE/ZIP: TBD

A4

**Mettler, Michelle**

---

**From:** St.Peter Well Drilling [spwell2@gmail.com]  
**Sent:** Tuesday, February 18, 2014 1:43 PM  
**To:** Environmental Services  
**Subject:** Attn: Michelle

Michelle,

Regarding Legacy Family Farms (Jeff or Donald Gibbs) at parcel number 09.032.5300 (farm field, future hog barn site), the septic system and well that is to be installed in 2014 will meet all of the required setbacks (from hog building, from property line, road right of way, etc).

The frozen soil conditions won't allow the necessary soil borings needed for a septic system design at this moment in time. Glen Schilling from St. Peter Well Drilling will perform the soil borings and will be submitting the design for a septic system at a later date when site conditions improve.

Please let me know if you have any questions or concerns.

Thank you,  
Glen Schilling  
St. Peter Well Drilling  
45823 State Highway 22  
Kasota, MN 56050  
507-931-1340  
[spwell2@gmail.com](mailto:spwell2@gmail.com)

**\*\*SEE NEW E-MAIL ADDRESS ABOVE\*\***




# CERTIFICATE OF LIABILITY INSURANCE

DATE (MM/DD/YYYY)  
02/14/2014

THIS CERTIFICATE IS ISSUED AS A MATTER OF INFORMATION ONLY AND CONFERS NO RIGHTS UPON THE CERTIFICATE HOLDER. THIS CERTIFICATE DOES NOT AFFIRMATIVELY OR NEGATIVELY AMEND, EXTEND OR ALTER THE COVERAGE AFFORDED BY THE POLICIES BELOW. THIS CERTIFICATE OF INSURANCE DOES NOT CONSTITUTE A CONTRACT BETWEEN THE ISSUING INSURER(S), AUTHORIZED REPRESENTATIVE OR PRODUCER, AND THE CERTIFICATE HOLDER.

IMPORTANT: If the certificate holder is an ADDITIONAL INSURED, the policy(ies) must be endorsed. If SUBROGATION IS WAIVED, subject to the terms and conditions of the policy, certain policies may require an endorsement. A statement on this certificate does not confer rights to the certificate holder in lieu of such endorsement(s).

<b>PRODUCER</b>  <b>Heidi Baker Insurance Agency Inc</b> 350 W Derrynane St Le Center, MN 56057	<b>CONTACT NAME:</b> Heidi Baker		
	<b>PHONE (A/C, No, Ext):</b> 507-357-4141	<b>FAX (A/C, No):</b> 507-357-4491	
	<b>E-MAIL ADDRESS:</b> heidi@heidibaker.biz		
<b>INSURED</b> <b>Legacy Family Farms</b> Jeff Gibbs; Shawn Onken 18036 400th St Kilkenny, MN 56052-4188	<b>INSURER(S) AFFORDING COVERAGE</b>		<b>NAIC #</b>
	<b>INSURER A:</b> State Farm Fire and Casualty Company		<b>25143</b>
	<b>INSURER B:</b>		
	<b>INSURER C:</b>		
	<b>INSURER D:</b>		
	<b>INSURER E:</b>		
<b>INSURER F:</b>			

**COVERAGES** **CERTIFICATE NUMBER:** **REVISION NUMBER:**

THIS IS TO CERTIFY THAT THE POLICIES OF INSURANCE LISTED BELOW HAVE BEEN ISSUED TO THE INSURED NAMED ABOVE FOR THE POLICY PERIOD INDICATED. NOTWITHSTANDING ANY REQUIREMENT, TERM OR CONDITION OF ANY CONTRACT OR OTHER DOCUMENT WITH RESPECT TO WHICH THIS CERTIFICATE MAY BE ISSUED OR MAY PERTAIN, THE INSURANCE AFFORDED BY THE POLICIES DESCRIBED HEREIN IS SUBJECT TO ALL THE TERMS, EXCLUSIONS AND CONDITIONS OF SUCH POLICIES. LIMITS SHOWN MAY HAVE BEEN REDUCED BY PAID CLAIMS.

INSR LTR	TYPE OF INSURANCE	ADDL SUBR INSD WVD	POLICY NUMBER	POLICY EFF (MM/DD/YYYY)	POLICY EXP (MM/DD/YYYY)	LIMITS
	<b>COMMERCIAL GENERAL LIABILITY</b> <input type="checkbox"/> CLAIMS-MADE <input type="checkbox"/> OCCUR <input checked="" type="checkbox"/> Farm/Ranch <input type="checkbox"/> Commercial Liability Umbrella GEN'L AGGREGATE LIMIT APPLIES PER: <input type="checkbox"/> POLICY <input type="checkbox"/> PRO-JECT <input type="checkbox"/> LOC OTHER:		<b>93-BL-Y976-5</b>	<b>08/13/2013</b>	<b>08/13/2014</b>	EACH OCCURRENCE \$ 1,000,000 DAMAGE TO RENTED PREMISES (Ea occurrence) \$ MED EXP (Any one person) \$ 10,000 PERSONAL & ADV INJURY \$ GENERAL AGGREGATE \$ 2,000,000 PRODUCTS - COMP/OP AGG \$ COMBINED SINGLE LIMIT (Ea accident) \$ BODILY INJURY (Per person) \$ BODILY INJURY (Per accident) \$ PROPERTY DAMAGE (Per accident) \$
	<b>AUTOMOBILE LIABILITY</b> <input type="checkbox"/> ANY AUTO <input type="checkbox"/> ALL OWNED AUTOS <input type="checkbox"/> HIRED AUTOS <input type="checkbox"/> SCHEDULED AUTOS <input type="checkbox"/> NON-OWNED AUTOS					
	<input checked="" type="checkbox"/> UMBRELLA LIAB <input type="checkbox"/> EXCESS LIAB DED <input type="checkbox"/> RETENTION \$	<input type="checkbox"/> OCCUR <input type="checkbox"/> CLAIMS-MADE	<b>93-BY-E175-4</b>	<b>09/14/2013</b>	<b>09/14/2014</b>	EACH OCCURRENCE \$ 3,000,000 AGGREGATE \$ PER STATUTE <input type="checkbox"/> OTH-ER <input type="checkbox"/>
	<b>WORKERS COMPENSATION AND EMPLOYERS' LIABILITY</b> ANY PROPRIETOR/PARTNER/EXECUTIVE OFFICER/MEMBER EXCLUDED? (Mandatory In NH) If yes, describe under DESCRIPTION OF OPERATIONS below	<input type="checkbox"/> Y <input checked="" type="checkbox"/> N <input type="checkbox"/> N/A				E.L. EACH ACCIDENT \$ E.L. DISEASE - EA EMPLOYEE \$ E.L. DISEASE - POLICY LIMIT \$

DESCRIPTION OF OPERATIONS / LOCATIONS / VEHICLES (ACORD 101, Additional Remarks Schedule, may be attached if more space is required)

<b>CERTIFICATE HOLDER</b> <b>Le Sueur County Planning and Zoning</b> <b>RFD 1</b> <b>Le Center, MN 56057</b>	<b>CANCELLATION</b> SHOULD ANY OF THE ABOVE DESCRIBED POLICIES BE CANCELLED BEFORE THE EXPIRATION DATE THEREOF, NOTICE WILL BE DELIVERED IN ACCORDANCE WITH THE POLICY PROVISIONS. <b>AUTHORIZED REPRESENTATIVE</b> <i>Heidi Baker by [Signature] LSA-5</i>
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ACORD 25 (2014/01)

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**LE SUEUR COUNTY PLANNING AND ZONING COMMISSION**  
**88 SOUTH PARK AVE.**  
**LE CENTER, MINNESOTA 56057**  
**March 18, 2014**

**MEMBERS PRESENT:** Don, Reak, Don Rynda, Chuck Retka, Shirley Katzenmeyer, Doug Krenik, Al Gehrke,

**MEMBERS ABSENT:** Jeanne Doheny, Steve Olson, Betty Bruzek, Pam Tietz

**OTHERS PRESENT:** Michelle R. Mettler, Commissioner Gliszinski, Commissioner Rohlfing, Commissioner Connolly

The meeting was called to order at 7PM by acting Chairperson, Shirley Katzenmeyer.

ITEM #1: **WATONWAN FARM SERVICE CO. (WFS), TRUMAN MN (APPLICANT); STEVE & THOMAS SCHOLTZ, (OWNER) KASOTA MN:** Request that the County rezone 20 acres from Agriculture (A) District to General Industrial (I) District to allow the applicant to establish a containerized bulk fertilizer facility. Property is located in the in the S1/2 SW1/4, Section 13, Kasota Township.

Michelle Mettler presented power point presentation. Todd Ludwid from WFS, was present for application.

TOWNSHIP: None. DNR: None. LETTERS: Paul Vogel, City of Mankato-opposed; Bruce & Helen Klugherz-opposed; Maruta Grean-opposed; Linda Schoemaker-opposed, Dennis Erickson-opposed; Bob & Stacy Bosse-opposed; Andrew Grean-opposed. See file.

PUBLIC COMMENT: Jerry Lucas-opposed. Proposed use not allowed without rezone, look at other Industrial uses, no other Industrial zone in area, spot zone. Read case law. Not supported by land use plan. Helen Klugherz-opposed. Truck traffic, busy intersection, rezone is for business. Ron Grueness-Concerned with 20 acre rezone to Industrial, proposed plan uses only a small area of the 20 acres, evacuation issue if hazard, will change the character of the area, infrastructure. Bob Vetter, President Lake Washington Lake Improvement Association-opposed. High traffic area. Joann Stofel-opposed. Maintain agricultural property, will be all black-topped if rezoned, keep valuable farmland. Bob Schmillen, Lake Washington Sewer District-opposed. Main lift station across the road, lake association and sewer district has gone to great lengths to protect the lake, infrastructure, natural gas pipeline, emergency services. Cally Gosch-opposed. Flight traffic, higher risk area, number of children in area, keep natural. Brian Ebonga-opposed. Noise, truck traffic, damage to roads, warning system would not be enough for immediate neighbors if there were an evacuation, potential pollution hazard, close proximity to lake Wita and Washington, loss in property values. Wayne Balbach-opposed. Safety, fumes, explosion, wetland, lakes. Mark Conrad-Traffic, increased traffic magnifies possible accidents, evacuation difficult, will make it easier for future rezones.

Discussion was held regarding: Site location, roads, lack of shoulder on roads, proposed entrance off county road 19 approved by highway dept, road tonnage, large equipment on roads, spot zone, application for rezone not for specific use, Type 1 wetland in quarter section, road counts, rezone acreage size, land use plan.

Findings by majority roll call vote:

1. The proposal reflects and is consistent with the goals and policies of the Le Sueur County Land Use Plan. **Disagree**
2. The proposal is compatible with the overall character of existing development in the immediate vicinity of the affected property. Consideration shall be made if there are similar land uses nearby or if the proposed use would be isolated. **Disagree**



3. The proposal will not have an adverse effect on the value of adjacent properties. **Disagree**
4. The proposal will not be injurious to the use and enjoyment of other property in the immediate vicinity for the uses already permitted. **Agree**
5. The proposal will not impede the normal and orderly development of surrounding vacant property for predominant uses in the area. **Tie.**
6. The density of the proposal is not greater than the density of the surrounding neighborhood or density indicated by the applicable Zoning District. **Not applicable.**
7. Adequate utilities, access roads, drainage, and other necessary infrastructure are being provided. **Disagree**
8. Soil conditions are adequate to accommodate the proposal. **Agree**
9. The proposal will not create a potential pollution hazard. **Disagree**
10. The proposal will not degrade the water quality of the County. **Agree**
11. The proposal will not have a negative impact upon natural resource areas such as bluffs, wetlands, water bodies, agricultural land, woodlands, and aggregate resource deposits. **Disagree**
12. The proposal will not negatively affect the protection of the public health, safety, and general welfare. **Agree**

Motion was made by Don Reak to deny the application. Reason for denial: Spot zone, not a good location for Industrial District. Seconded by Doug Krenik. Motion approved. Motion carried.

Motion to adjourn meeting by Al Gehrke. Seconded by Chuck Retka. Motion approved. Motion carried.

Meeting Adjourned.

Respectfully submitted,

Michelle R. Mettler

***Tape of meeting is on file in the  
Le Sueur County Environmental Services Office***

# STAFF REPORT

## GENERAL INFORMATION

**APPLICANT:** Watonwan Farm Service Coop

**OWNER:** STEVE & THOMAS SCHOLTZ

**911 ADDRESS:** New- Off 355<sup>th</sup> Ave

**PROJECT DESCRIPTION:** Request that the County rezone 20 acres from Agriculture (A) District to General Industrial (I) District to allow the applicant to establish a containerized bulk fertilizer facility. Property is located in the S1/2 SW1/4, Section 13, Kasota Township.

**ZONING DISTRICT PURPOSES:** The Agriculture (A) District is established for areas where agriculture uses are seen as the best and highest long term use of the land. The land itself needs to be preserved for primarily agricultural activities. These areas should avoid existing cities, residential zones, and subdivisions. They should be large contiguous land areas with mostly prime soils. Rezoning should only be considered on the zone's borders in order to maintain the Zoning integrity of the District. Dwellings that are allowed should be on the edges of the open farmland where possible or utilize existing abandoned farm sites. The total number of Dwellings shall not exceed sixteen (16) per section of land with the exception of Transfer of Development Right and lots of record. Transfer of development rights may be utilized to exceed the permitted housing density of one dwelling per quarter-quarter section (40 acres), provided that the density does not exceed four dwellings per quarter-quarter section in the receiving quarter-quarter section. Lots of Record shall be exempt from density standards.

The General Industry (I) District is established for areas that allows for a wide range of compact, warehousing and industrial uses closely related to existing urban areas or major transportation routes. Such industrial uses are to be governed by standards that will not impair the traffic carrying capabilities of abutting roads and highways.

**ZONING ORDINANCE SECTIONS:** Section 6, Section 8, Section 11, Section 23

## SITE INFORMATION

**LOCATION:** 20 acres within a 56.94 acre parcel located in Section 13, Kasota Township

**CURRENT ZONING:** AGRICULTURE/MANKATO AIRPORT OVERLAY DISTRICT

**REQUESTED CHANGE:** INDUSTRIAL

**GENERAL SITE DESCRIPTION:** AGRICULTURAL

**ACCESS:** APPROVED BY COUNTY HIGHWAY DEPT. (SEE ATTACHED)

**EXISTING LAND USE WITHIN ¼ MILE:**

North: AG/ ZONE C AIRPORT OVERLAY /scattered residential  
South: AG/ ZONE C AIRPORT OVERLAY—BLUE EARTH COUNTY  
East: AG/ ZONE C AIRPORT OVERLAY/ scattered residential  
West: AG/ ZONE C AIRPORT OVERLAY

## BACKGROUND INFORMATION

Watonwan Farm Service Co. is proposing to rezone approximately 20 acres from Agricultural to Industrial in Section 13, of Kasota Township. Reason for the request is to allow the applicant to establish a site for containerized bulk fertilizer in the form of anhydrous ammonia. The surrounding area is zoned agricultural, where agriculture uses are seen as the best and highest long term use of the land. Scattered residential dwellings are located north east of the property.

If the rezone is approved, the applicants will be required to go through the conditional use permit process for the use proposed on the property.

## TOWNSHIP BOARD NOTIFICATION

The applicant attended the Kasota Township Board meeting on November 18, 2013.

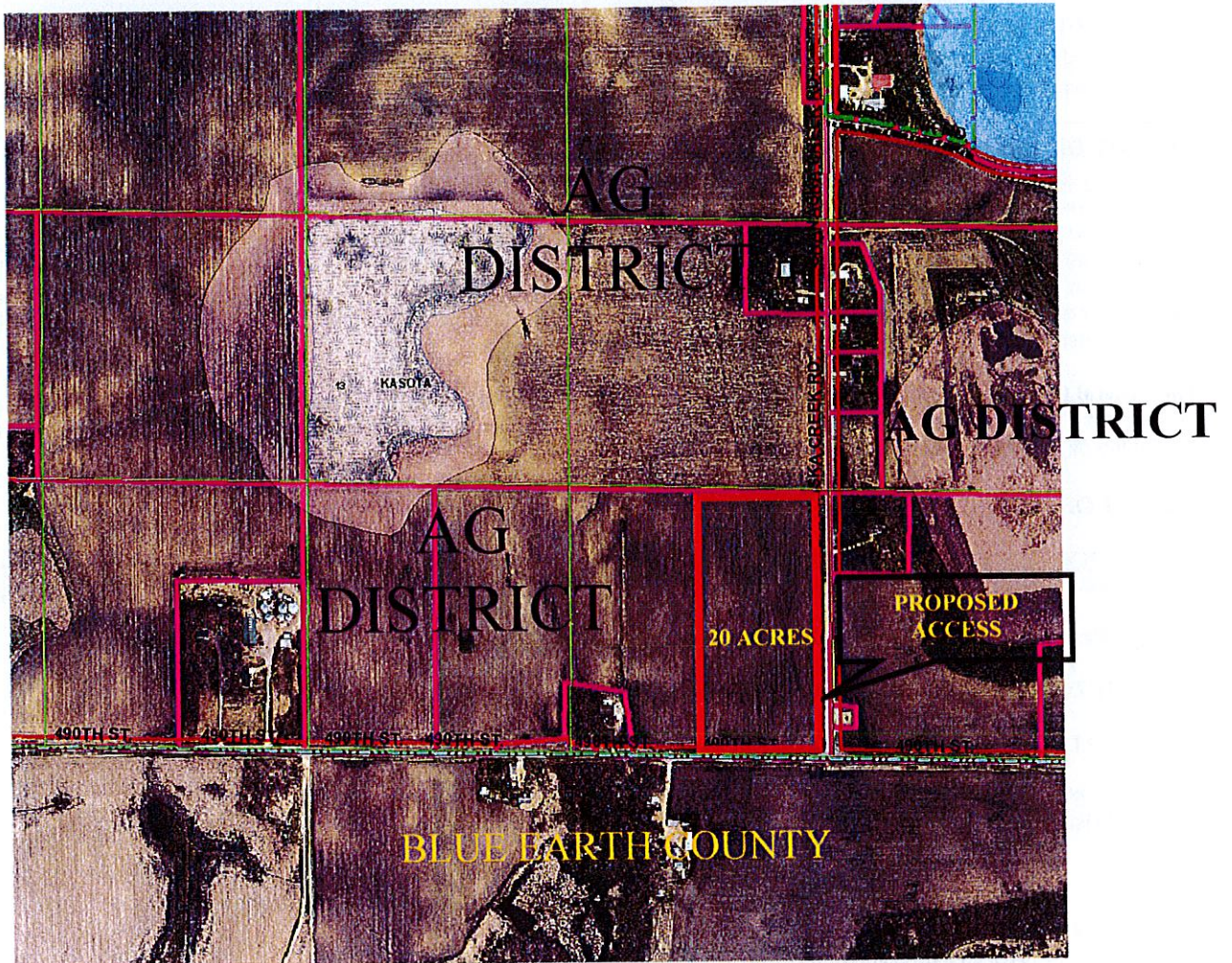


## NATURAL RESOURCES INFORMATION

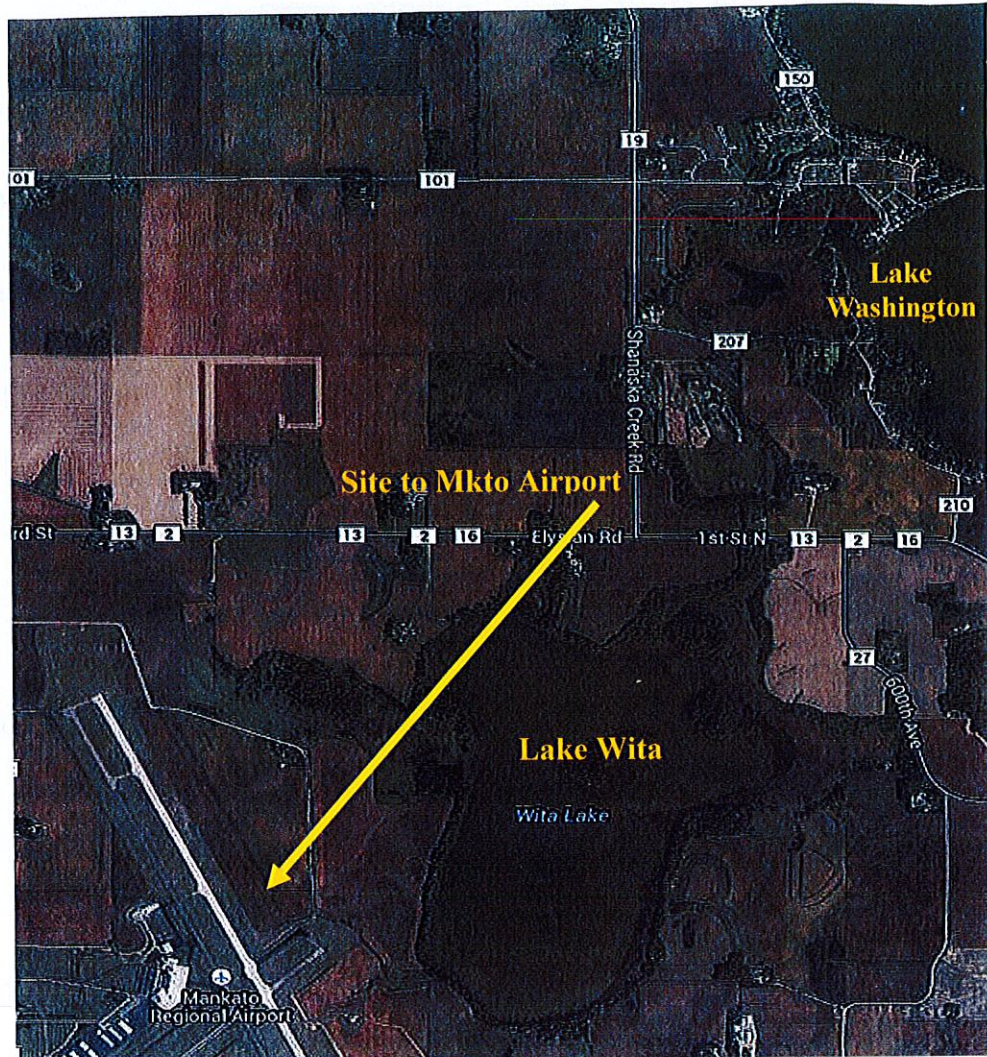
**SHORELAND:** The proposal is not located within the Shoreland District.

**WETLANDS:** According to the National Wetlands Inventory, Type 1 wetlands located in the quarter-quarter section where the project is proposed.

## SITE PLAN







## ATTACHMENTS

Narrative, Survey, Site Plan, Aerial, Email from the City of Mankato, Driveway Access Approval, email

## PLANNING AND ZONING COMMISSION CONSIDERATIONS

The Planning Commission and staff shall consider possible adverse effects of the proposed Rezone request and what additional requirements may be necessary to reduce such adverse effects. Its judgment shall be based upon the following factors to include, but not limited to:

1. Relationship to County plans.
2. The geographical area involved.
3. Whether such zoning district will negatively affect surrounding properties in the area in which it is proposed.
4. The character of the surrounding area.
5. Whether such zoning district would inherently lead to or encourage disturbing influences in the neighborhood.
6. Other factors impacting the public health, safety and welfare.



## PLANNING AND ZONING COMMISSION FINDINGS

Based on the information submitted by the applicant, contained in this report, and as required by the Le Sueur County Zoning Ordinance, the following findings have been developed for this request:

(Please circle one for each item: *Agree, Disagree, Not Applicable.*)

1. The proposal reflects and is consistent with the goals and policies of the Le Sueur County Land Use Plan. **A D NA**
2. The proposal is compatible with the overall character of existing development in the immediate vicinity of the affected property. **Consideration shall be made if there are similar land uses nearby or if the proposed use would be isolated.** **A D NA**
3. The proposal will not have an adverse effect on the value of adjacent properties. **A D NA**
4. The proposal will not be injurious to the use and enjoyment of other property in the immediate vicinity for the uses already permitted. **A D NA**
5. The proposal will not impede the normal and orderly development of surrounding vacant property for predominant uses in the area. **A D NA**
6. The density of the proposal is not greater than the density of the surrounding neighborhood or density indicated by the applicable Zoning District. **A D NA**
7. Adequate utilities, access roads, drainage, and other necessary infrastructure are being provided. **A D NA**
8. Soil conditions are adequate to accommodate the proposal. **A D NA**
9. The proposal will not create a potential pollution hazard. **A D NA**
10. The proposal will not degrade the water quality of the County. **A D NA**
11. The proposal will not have a negative impact upon natural resource areas such as bluffs, wetlands, water bodies, agricultural land, woodlands, and aggregate resource deposits. **A D NA**
12. The proposal will not negatively affect the protection of the public health, safety, and general welfare. **A D NA**

**Recommend (circle one) approval / denial / table / of the Rezone Request**

# Le Sueur County

## Conditional Use Application

### I. Applicant:

Name Watsonwan Farm Service Co.  
Mailing Address P.O. Box 68  
City Truman State MN Zip 56088  
Phone # 507-776-2831 Phone # \_\_\_\_\_

### II. Landowner:

Name Steven Scholtz / Thomas Scholtz  
Mailing Address 48213 355th Ave  
City Kasota State MN Zip 56050  
Property Address If permit is granted an address will be given  
City \_\_\_\_\_ State \_\_\_\_\_ Zip \_\_\_\_\_  
Phone # \_\_\_\_\_ Phone # \_\_\_\_\_

### III. Parcel Information:

Parcel Number R05,113,7700 Parcel Acreage 20  
Attach Full Legal Description (**NOT** abbreviated description from tax statement)  
Township Kasota South Section 13  
Subdivision \_\_\_\_\_ Lot \_\_\_\_\_ Block \_\_\_\_\_

### IV. Township Notification: Township must be notified of proposed use prior to application.

Kasota South Township notified on November 18, 2013  
(Township Name) (Date)  
Board Member Entire board @ mtg. regarding the proposed use.  
(Name)

### V. Quantities and Submittal Formats:

- One (1) reproducible 8.5" x 11" copy of the request and all other supporting documents.
- Twenty three (23) copies must be submitted, if any documents are in color, an aerial, or larger than 8.5" x 11" in size.
- Electronic version of any supporting documents *if available*.
- Additional copies may be requested as deemed necessary by the Department.
- Application must be made **in person** by the applicant and/or landowner no later than 12 P.M. on the date of application deadline.
- Appointment is necessary.**
- Applications will not be accepted by mail.**

### VI. Fees: Must be paid at the time of application.

Conditional Use Permit	\$ 750 After-The-Fact fee is <b><u>doubled.</u></b>
Filing Fee	\$ 46

#### Additional Fees:

Special Meeting	\$ 2,000
After-The-Fact Penalty	\$ 1,500 OR 10% of improvement, whichever is greater

## VII. Type of Request:

- |  |   |
|--|---|
| <input type="checkbox"/> Self Service Storage      | <input type="checkbox"/> Value Added Agriculture            |
| <input type="checkbox"/> School/Church/Cemetery    | <input type="checkbox"/> Antique Sales/Service/Repair       |
| <input type="checkbox"/> Retail Nursery/Greenhouse | <input type="checkbox"/> Substation/Transmission Lines etc. |
| <input type="checkbox"/> School/Church/Cemetery    | <input checked="" type="checkbox"/> Other <u>Rozone</u>     |

## VIII. Description of Request:

a. A full description of request with detailed information must be attached.

b. Complete the following in relationship to the proposed Conditional Use Permit.

1. PROPOSED DAYS AND HOURS OF OPERATION: 365 days/year 7am - 7p.m
2. ESTIMATED NUMBER OF PERSONS TO ATTEND PLACE OF BUSINESS/LOCATION ON A DAILY OR WEEKLY BASIS: Three (3)
3. LIST OF PUBLIC HEALTH PLANS:
  - i. Water Supply: private well if permitted
  - ii. Toilet facilities: holding tank
  - iii. Solid Waste Collection: Waste Management
4. FIRE PREVENTION: Attached
5. SECURITY PLANS: Attached
6. RETAIL SALES: Seed, crop protection products, Anhydrous Ammonia
7. FOOD OR ALCOHOL SERVED OR FOR SALE: None
8. DESCRIBE IF THE APPLICANT REQUESTS THE COUNTY TO PROVIDE ANY SERVICES OR COUNTY PERSONNEL: (For example, pedestrian and/or vehicular traffic control.) No
9. SOUND AMPLIFICATION, PUBLIC ADDRESS SYSTEM, PLAYING OF MUSIC: No
10. EXTERIOR LIGHTING: Yes
11. PARKING AND LOADING: Yes
12. SIGNAGE: Yes
13. ROAD ACCESS: (Approved by the road authority) Yes
14. CERTIFICATE OF INSURANCE: Attached
15. MEET ALL APPLICABLE COUNTY STATE & FEDERAL REGULATIONS: (For example additional licensing and/or permitting) Yes, a copy will be supplied when approved

## IX. Site Plan: Shall include but not limited to the following:

- |                     |           |                       |                            |
|---------------------|-----------|-----------------------|----------------------------|
| • North point       | • Lake    | • Existing Structures | • Septic system            |
| • Setbacks          | • River   | • Proposed Structures | • Well                     |
| • Property Lines    | • Wetland | • Lot Dimensions      | • Access (size & location) |
| • Road Right-Of-Way | • Stream  | • Ponds               | • Easements                |
- Parking (Size & location-if applicable to application)
  - Landscape, screening and buffering (if applicable to application)
  - Location of significant trees to be removed (if applicable to application)



**X. Attachments: shall include but not limited to:**

- ☒ a. **Description of Request**-See Part VIII for full details and requirements.
- ☐ b. **Site Plan**-See Part IX for full details and requirements.
- ☒ c. **Full legal description**-Not abbreviated description from tax statement.
- ☒ d. **Access approval**-Attach approval in writing from proper road authority.
- ☐ e. **Township Notification**-See Part IV for details and requirements.
- ☐ f. **Septic System Compliance Inspection**
- ☐ g. **Erosion control plan**-Attach completed and signed plan including map.
- ☐ h. **Floor plans and/or blue prints**

**XI. Procedure:**

The Planning & Zoning Commission shall hold a public hearing on the proposed Conditional Use Permit at a scheduled Planning and Zoning Commission meeting.

The Planning and Zoning Commission is an advisory board to the County Board of Commissioners and will make a recommendation to the County Board.

The Department shall report the findings and the recommendations of the Planning Commission to the County Board for final decision.

Action by the County Board shall be a majority vote of its members.

The Department shall notify the applicant and/or landowner in writing of the County Board decision.

A certified copy of the Conditional Use Permit shall be filed with the Le Sueur County Recorder by the Department.

**XII. Signatures:**

*I hereby certify with my signature that all data contained herein as well as all supporting data are true and correct to the best of my knowledge.*

WFS By Michael Minick  
Applicant signature

2-26-14  
Date

*I hereby certify with my signature that all data contained herein as well as all supporting data are true and correct to the best of my knowledge.*

Steven Scholty  
Property Owner signature

12-7-13  
12-7-13  
Date

**OFFICE USE ONLY**

**Request:** \_\_\_\_\_

Pre-App Date \_\_\_\_\_  
Meeting Date 3/18  
60 Day 4/26  
Zoning District A

Lake Classification \_\_\_\_\_  
Lake \_\_\_\_\_  
FEMA Panel # 27079C0 3600 D  
Flood Zone X outside

Feedlot	500'	1000'	N
Wetland Type	1-2	3-8	N
Water courses		Y	N
Bluff		Y	N

☒ Request Description  
☒ Site Plan  
☒ Full Legal  
☒ Ordinance

☒ Access Approval  
☒ Erosion Control Plan  
☒ Blue Prints NA  
☒ Other mk to August

☐ Septic  
☐ Meeting  
☒ Fee  
☐ Penalty

Comp Insp / Design  
Reg / ATF / Spec NA  
\$ 2796.00  
\$ \_\_\_\_\_

☐ Application Complete

B Broadway  
Planning & Zoning Department Signature

2/26  
Date

14007  
Permit #



## Le Sueur County Conditional Use Application

### E. Rezoning

#### 1. Required information:

##### a. Watonwan Farm Service

1. 233 West Ciro St.
2. Truman, MN 56088
3. Mike Minnehan, VP of Operations:

Michael Minnehan

##### b. See attached surveyor report – Item 1

##### c. Current classification is agricultural. We are asking to be zoned industrial.

##### d. The land will be used to build storage for anhydrous ammonia to be sold to farmers. We will also use the land to build storage for ag crop protection products and seed to be sold to farmers.

##### e. To establish an agricultural retail business at this location.

##### f. Compatibility with Le Sueur County Land Use Plan: this project falls short of the meeting requirements. It is, however, an agricultural related business which will benefit area producers by offering them an opportunity to buy products locally for their farming operation.

##### g. See attached – Item 2

##### h. See attached – Item 3

## **Rezone Application – Le Sueur County**

### **Request details:**

WFS would like to rezone a 20 acre parcel in Sec. 13 Twp-109-Range-026. It is a part of a 56 acre parcel owned by Steven and Thomas Scholtz.

WFS is requesting that Le Sueur County **rezone the property from agricultural to industrial** to allow WFS to establish a retail location for bulk storage of anhydrous ammonia, seed, and crop protection products. The anhydrous ammonia site will include a **45,000 gallon storage tank** with pump to fill farm delivery tanks and a scale to weigh tanks in and out. A 60' x 120' warehouse will be constructed to house seed inventory to be sold to farmers, as well as crop protection products to be sold to farmers for application on their crops.

WFS will meet all state and local ordinances for doing business. We realize that this project may not meet the requirements of the Le Sueur County Land Use Plan entirely, but we feel it will benefit area producers by offering them an opportunity to buy products locally for their farming operation. The majority of the area around the site is agricultural. Currently our customers in that area have to drive quite a distance to get product or have product delivered.

WFS has an option to buy this parcel if all local and state permits are granted.

That part of the South Half of the Southwest Quarter of Section 13, Township 109 North, Range 26 West, Le Sueur County, Minnesota, described as follows: Beginning at the South Quarter Corner of said Section 13; thence North 00 degrees 19 minutes 37 seconds East (bearings based on Le Sueur County Coordinate System NAD 83, 1996 Adjustment) on the east line of said Southwest Quarter, a distance of 1324.64 feet to the Northeast Corner of said South Half of the Southwest Quarter; thence North 88 degrees 32 minutes 58 seconds West on the north line of said South Half of the Southwest Quarter, a distance of 657.97 feet; thence South 00 degrees 19 minutes 36 seconds West, a distance of 1324.37 feet to the south line of said Southwest Quarter; thence South 88 degrees 31 minutes 33 seconds East on said south line, a distance of 657.97 feet to the point of beginning.

Said parcel contains 20 acres of land.

#### SURVEYOR'S CERTIFICATION

I hereby certify that this survey was prepared by me or under my direct supervision and that I am a duly licensed land surveyor under the laws of the State of Minnesota.

*Janele Fowlds*

Janele Fowlds  
License Number 26748

11/06/13  
Date

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SHEET 2 OF 2

#### CERTIFICATE OF SURVEY LE SUEUR COUNTY, MINNESOTA

**BOLTON & MENK, INC.**  
Consulting Engineers & Surveyors



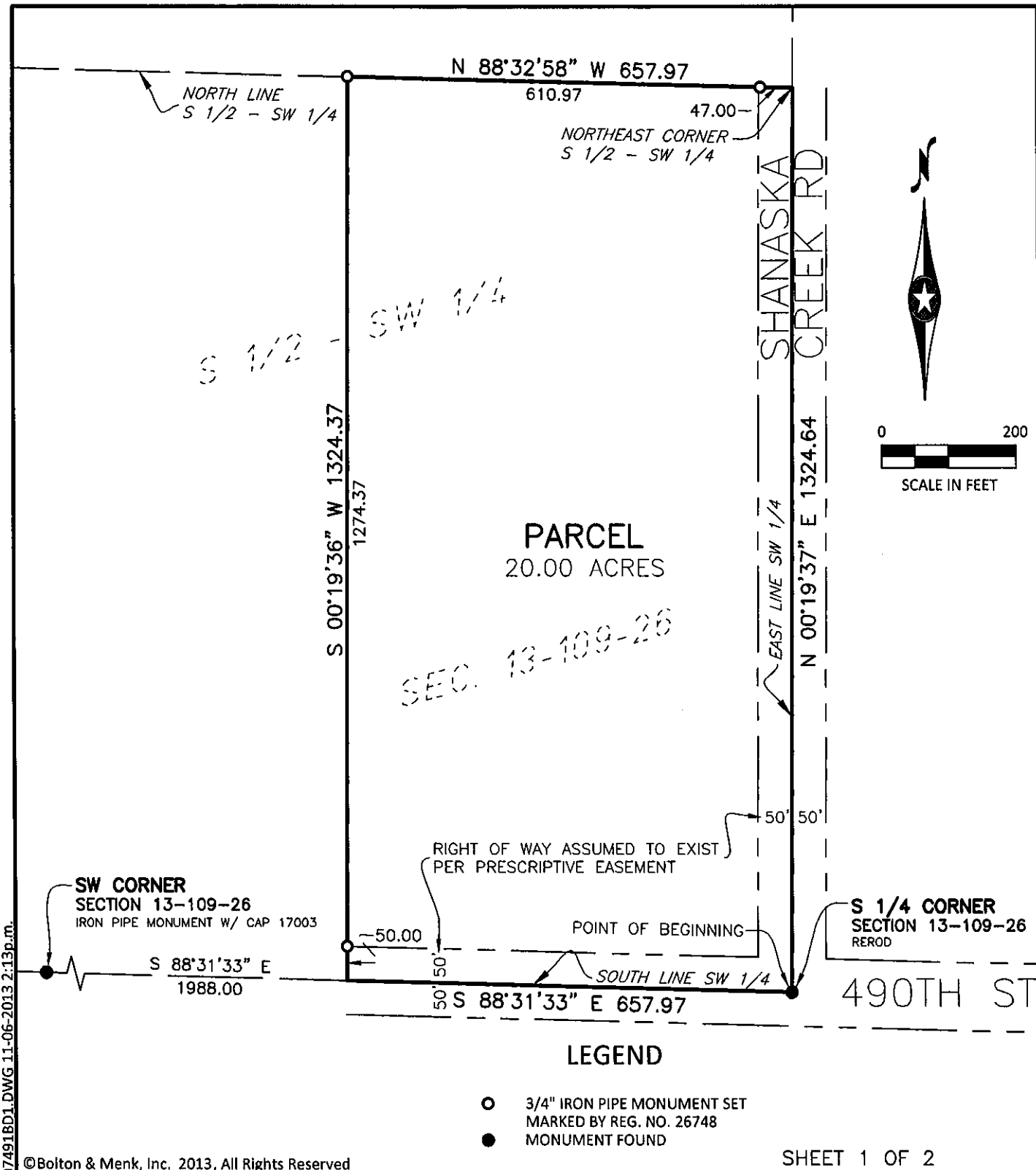
PART OF THE S 1/2 OF THE SW 1/4, SECTION 13,  
TOWNSHIP 109 NORTH, RANGE 26 WEST, SOUTH  
KASOTA TOWNSHIP, LE SUEUR COUNTY,  
MINNESOTA

FOR: WFS

SDB107491H

JOB NUMBER: F13.107491

FIELD BOOK: LSCO 90G PG 23 DRAWN BY: JLA



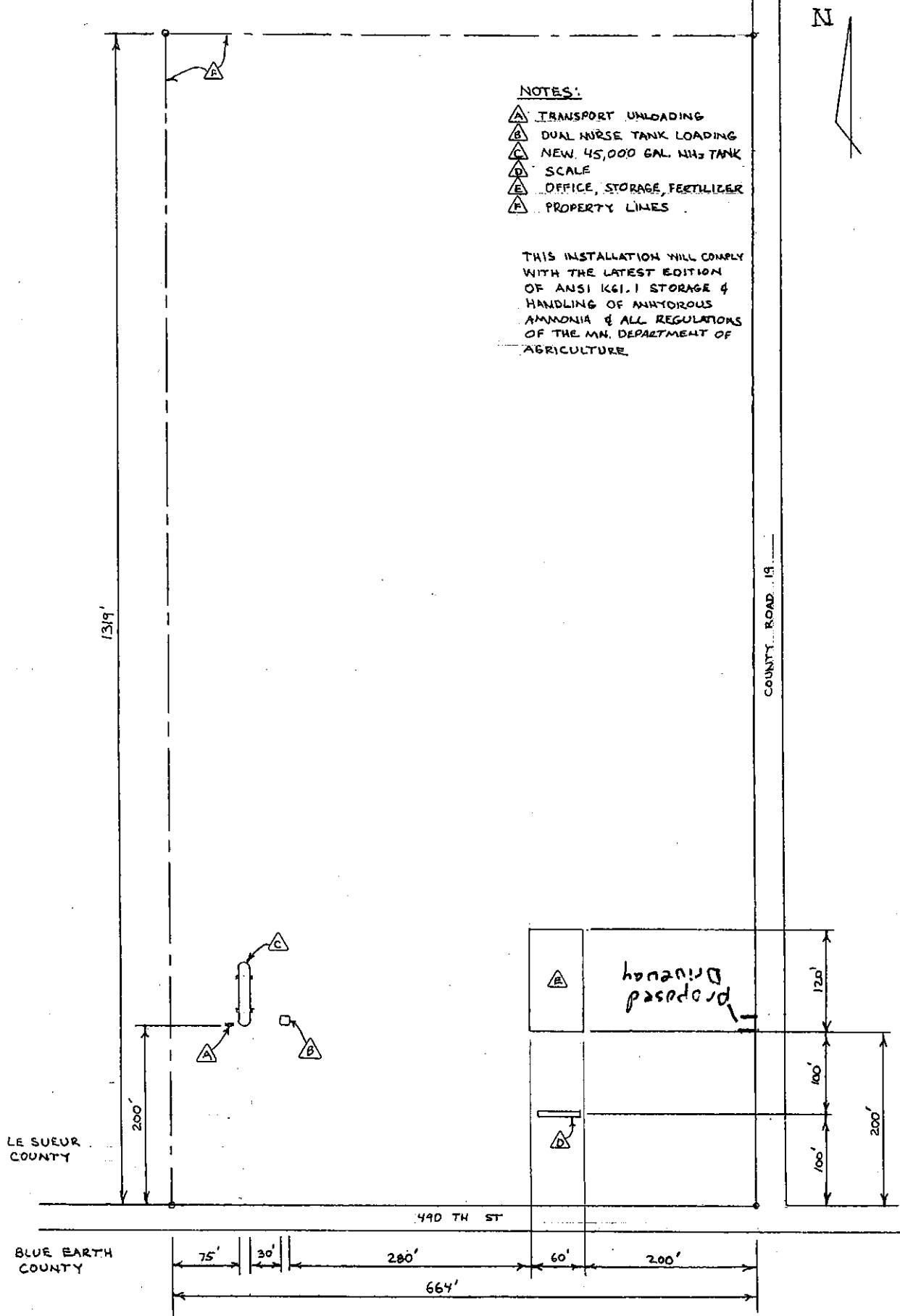
<p><b>CERTIFICATE OF SURVEY</b> LE SUEUR COUNTY, MINNESOTA</p> <p><b>BOLTON &amp; MENK, INC.</b> Consulting Engineers &amp; Surveyors</p> <p>1960 PREMIER DRIVE MANKATO, MINNESOTA 56001 (507) 625-4171</p>	<p>PART OF THE S 1/2 OF THE SW 1/4, SECTION 13, TOWNSHIP 109 NORTH, RANGE 26 WEST, SOUTH KASOTA TOWNSHIP, LE SUEUR COUNTY, MINNESOTA</p> <p>FOR: WFS</p>
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SDB107491H JOB NUMBER: F13.107491 FIELD BOOK: LSCO 90G PG 23 DRAWN BY: JLA

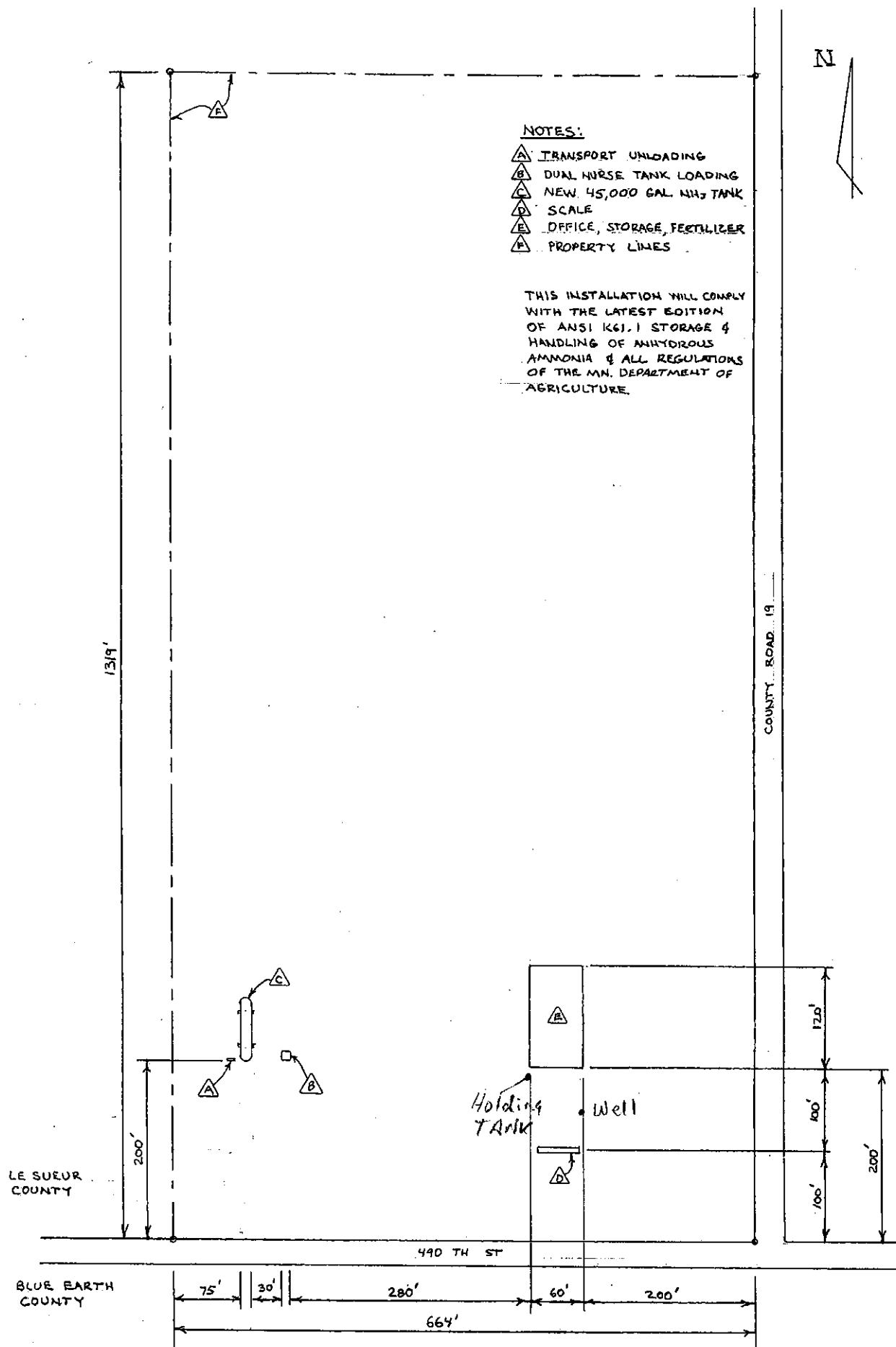








INSTALLATION FOR: WFS  
MADISON LAKE, MN  
INSTALLATION BY: LPG & NH<sub>3</sub>, INC.  
BUFFALO, MN.



INSTALLATION FOR: WFS  
MADISON LAKE, MN  
INSTALLATION BY: LPG & NH<sub>3</sub>, INC.  
BUFFALO, MN.

Nov 26 2013 10:23AM WFS TRUMAN AGRONOMY

5077761290

p.2

## LE SUEUR COUNTY HIGHWAY DEPARTMENT

## Application For Access Driveway or Entrance Permit

C.S.A.H./Co. Hwy. No. 19 Name of Twp. Kasota South

SKETCH PROPERTY, PRESENT AND PROPOSED DRIVEWAY AND RELATION TO COUNTY HIGHWAY.

Name of Applicant: Watsonwan Farm Service Telephone No.: (507) 381 - 4337Address: 233 West Ciro St., Truman, MN 56088

Name of Property Owner: \_\_\_\_\_ Telephone No.: ( ) \_\_\_\_\_

Address: WFS will own the property if all permits are obtainedLocation: Co Hwy. No.: 19 in Le Sueur Co. 200 Feet  
Miles (N-E-W) of 490th Street  
(circle one) (Specify Road, or Intersection)Legal Description of Property See AttachedPurpose of Driveway: Farm Residence \_\_\_\_\_ Field Business entranceIs a Building to be Constructed: Yes X No \_\_\_\_\_ What kind Warehouse with office  
and a anhydrous ammonia tankPossible replacement cost of this pipe will be the responsibility of the owner: Yes/No \_\_\_\_\_ and scale  
(Circle One)Will the Building be Temporary: \_\_\_\_\_ Permanent XDistance from center of highway to front of building is 200 feet.Is land higher? \_\_\_\_\_ lower? 4 ft or level? \_\_\_\_\_ with highway.  
(show feet & inches) (show feet & inches)Number of present driveways to property 0 Date Proposed driveway will be needed April 1, 2014

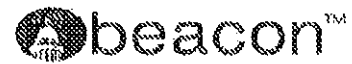
Give exact location to Proposed Driveway to Property: (Give lath to mark center of Proposed Driveway)

I, We, the undersigned, herewith make application for permission to construct the access driveway at the above location, said driveway to be constructed to conform with the standards of the Minnesota Highway Department and to any special provisions included in the permit. It is agreed that all work will be done to the satisfaction of the Le Sueur County Highway Department. It is further agreed that no work in connection with this application will be started until the application is approved and the permit issued.

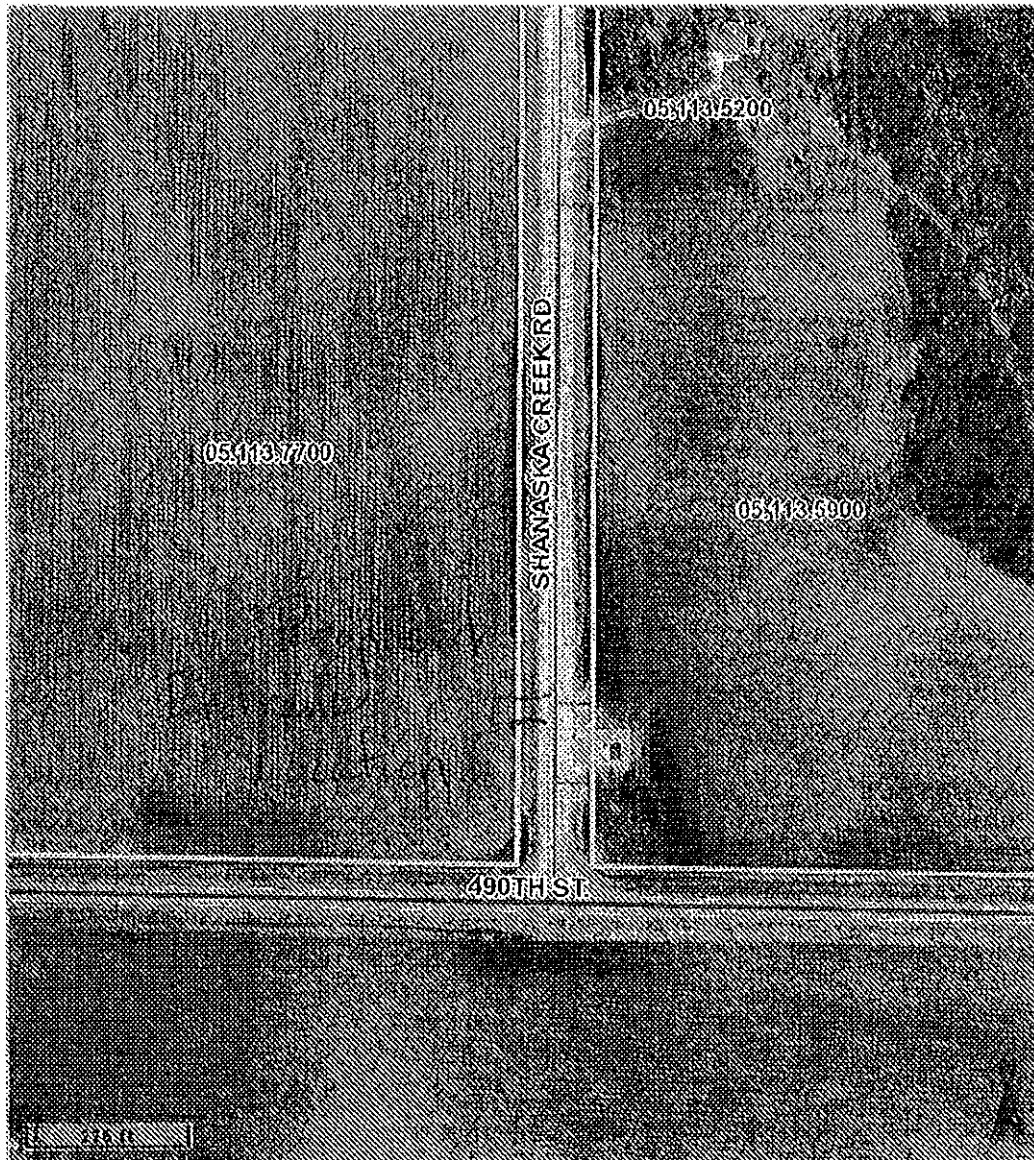
11-15-13Date  
12/3/13WFS By Michael Minneman  
Signature of ApplicantDaniel P. Eng  
Asst. Highway Eng.



# Le Sueur County, MN



Date Created: 12/3/2013



Overview



Legend

- ☐ City Limits
- ☐ Political Townships
- Cadastral Lines**
  - Corp Line
  - County Line
  - Easement Line
  - Geo Twp Line
  - Gov Lot Line
  - Misc Line
  - New Split Line
  - Parcel Line
  - Pol Twp Line
  - Quarter Line
  - Railroad Centerline
  - Railroad ROW
  - Road Centerline
  - Road ROW
  - Road ROW Vac
  - Section Line
  - Sub Line 400
  - Unknown Linear
- ☐ Parcels

*\*Sight is clear each direction.*

Last Data Upload: 12/3/2013 4:44:27 AM

Photo from April 2013

*DO*



developed by  
The Schneider Corporation  
[www.schneidercorp.com](http://www.schneidercorp.com)



## Site Security Plan

**WARNING:** This record contains Sensitive Security Information that is controlled under 49 CFR parts 15 and 1520. No part of this record may be disclosed to persons without a "need to know", as defined in 49 CFR parts 15 and 1520, except with the written permission of the Administrator of the Transportation Security Administration or the Secretary of Transportation. Unauthorized release may result in civil penalty or other action. For U.S. government agencies, public disclosure is governed by 5 U.S.C. 552 and 49 CFR parts 15 and 1520.

**Site Security plan for WFS** \_\_\_\_\_ (insert site name and address)

It is the objective of all WFS \_\_\_\_\_ (insert site name and address) management and employees to secure the storage and shipment of all hazardous materials. WFS \_\_\_\_\_ (site name) will use the procedures listed in this plan to reduce the threat to our community from the misuse of these materials.

### Review:

This site security plan will be periodically reviewed and updated to account for any changes in storage areas or procedures. Any industry trends or changing hazards should also be considered. A list of reviews can be found in the table below.

### Plan Review Date

**Reviewed By** \_\_\_\_\_ **Review Date** \_\_\_\_\_

### Organizational Security Structure:

\_\_\_\_\_ (insert location manager's name) will be responsible for the site security plan at this facility. It will be \_\_\_\_\_ (insert location manager's name) responsibility to implement the site security plan and make sure that all employees are trained on the contents of this plan. The complete organizational structure is listed below. In the event of a hazardous material incident or any suspicious activities, employees should report to \_\_\_\_\_ (insert location manager's name). If they are unavailable, the employee should try the next person on the list.

### Organizational Structure

Rank Name	Title	Office Phone	Cell Phone	Home Phone
-----------	-------	--------------	------------	------------

**Security Areas:**

The storage and transportation of hazardous materials can create many security risks. Materials can be stolen or tampered with during any of these activities. WFS (insert location name) has identified the following storage areas as risk areas. A list of these areas and a plan for securing them follows.

### **Hazardous Materials Storage Areas**

**Area**

**Method**

#### **Personnel Security:**

It is the duty of all \_\_\_\_\_ (insert WFS location name) employees to participate in this site security plan. \_\_\_\_\_ (insert WFS location name) requires training meetings be held to discuss security issues. It is \_\_\_\_\_ (insert location manager's name) responsibility to assure all employees are trained on site security. Employees are to be trained on hire, and additional meetings will be held at a determined frequency. Training will be recorded using the training module on this site. In order to reduce the threat that a job applicant may pose a security threat, the following procedures will be used to screen all applicants.

\_\_\_\_\_ (insert location manager's name) will assure that the procedures above are performed on all potential employees. Results of any background checks that may be completed should be kept in a personnel file and stored in a secure place with limited access.

#### **All Employee Duties:**

Employees should verify all paperwork that accompanies any deliveries or pickups of hazardous materials. If a person delivering or picking up hazardous material is unknown to employees, the employee should verify the order with or their designate. Areas where hazardous materials are stored should be secured during non-business hours. A list of these locations can be found in the Security Areas portion of this document. All security incidents including thefts, break-ins, missing inventories or suspicious activities should be reported immediately to \_\_\_\_\_ (insert location's name). A log of these incidents will be kept by \_\_\_\_\_. Any incidents should be reviewed periodically to look for trends or vulnerabilities.

#### **Facility Security:**

Facility security is an important part of this site security plan. All employees are responsible to assure that the areas listed in this program are secured during non-business hours. Any suspicious activities around the facility should be immediately reported to \_\_\_\_\_ (insert location manager's name). Local law enforcement can aid \_\_\_\_\_ (insert location name) in implementing this plan. Local authorities should be notified of any theft, tampering or suspicious activities at this facility. Local law enforcement contacts are listed below:

\_\_\_\_\_ County Sheriff's Department 507-\_\_\_\_\_  
\_\_\_\_\_ County Sheriff's Department 507-\_\_\_\_\_  
\_\_\_\_\_ Minnesota State Patrol 800-422-0798

In order that the objectives of this plan are being met, \_\_\_\_\_ (insert location manager's name) will arrange an annual review of on-site security with local law enforcement officials. A log of these visits can be found in the table below. Any recommendations made because of these visits will be considered when reviewing or updating the site security plan.



## Law Enforcement Inspections

Date of Inspection \_\_\_\_\_ Name \_\_\_\_\_  
Department \_\_\_\_\_

Comments \_\_\_\_\_  
\_\_\_\_\_

WFS requires that all visitors to this site sign our visitor's log. The log is located in the main office.

### En Route Security:

Hazardous materials in transport can pose additional threats due to increased potential of theft and hijacking. All employees that transport hazardous materials should be aware of the following rules:

In the event that an employee transporting hazardous materials encounters any suspicious activities, they should immediately notify the office. The method of communication is \_\_\_\_\_.

Once a driver has notified the office of any incident, local law enforcement will be immediately notified.

### Other en route rules:

- Minimize product exposures to communities or populated areas, including downtown areas; avoid tunnels and bridges where possible.
- Make all deliveries by the most direct route to the final destination.
- Minimize stops en route; if you must stop, select locations with adequate lighting on well-traveled roads.
- Check your vehicle after each stop to make sure nothing has been tampered with.
- Avoid casual conversations with strangers about cargoes and routes.
- Be alert when driving. Look for vehicles following you, especially if there are 3 or more people in the car.
- If you believe you are being followed, call the office or authorities immediately.
- When leaving your facility, be aware of any possible surveillance of your facility or your truck.
- Don't discuss your cargo, destination, or trip specifics with people you don't know or on open channels.
- When stopped at a traffic light or in traffic, be aware of anyone approaching your vehicle.

**WARNING:** This record contains Sensitive Security Information that is controlled under 49 CFR parts 15 and 1520. No part of this record may be disclosed to persons without a "need to know", as defined in 49 CFR parts 15 and 1520, except with the written permission of the Administrator of the Transportation Security Administration or the Secretary of Transportation. Unauthorized release may result in civil penalty or other action. For U.S. government agencies, public disclosure is governed by 5 U.S.C. 552 and 49 CFR parts 15 and 1520.

Note: a 13 page Site Vulnerability Assessment is required to be completed as part of the overall Site Security Plan



## **FIRE PREVENTION PLAN**

### **Responsibilities:**

\_\_\_\_\_ (insert location manager) as the facility manager is responsible for eliminating fuel source hazards from the warehousing areas. In the absence of the facility manager, the designated assistant has this responsibility. \_\_\_\_\_ (Insert location manager) also has the responsibility to ensure all fire extinguishers are properly maintained, have clear access, and ignition sources are eliminated from the facility. In the absence of the facility manager, the designated assistant has this responsibility.

### **Fire Hazards:**

Trash bins, dry brush or grass around buildings, oil and lubricant storage areas, and vehicle fueling areas could all be potential workplace hazards unless appropriate care and attention is given to reduce fire hazards. At all times these areas are to remain free from unnecessary combustible materials or spills, and maintained in a clean orderly fashion. Smoking and welding are potential ignition sources. For these reasons, smoking is prohibited in all warehouses, oil/lubricant storage areas, and vehicle fueling areas. All welding operations or other hot work being performed in these areas require additional fire precaution measures such as ready access to fire extinguishers and additional personnel observing and ready to respond to an incident.

### **Housekeeping:**

Proper housekeeping procedures will be exercised at all times to prevent the accumulation of flammable or combustible waste materials in the warehouse, office, oil/lubricant storage, and vehicle fueling areas. Trash bins for the collection of general office and warehouse waste will be emptied on a routine basis. All will be kept free of trash accumulation. All trash will be disposed of in accordance with good operating procedures. See the WFS Housekeeping Program for further clarification of housekeeping policies and procedures.

### **Storage Requirements:**

Product storage of all chemicals and fertilizer materials will be in accordance with recognized industry practices, allowing for modifications if requested by the local fire department. Such storage procedures provide for:

- Pesticides are stored separately from fertilizer materials.
- Liquid materials will not be stored over dry materials.
- All materials stacked in a neat and orderly fashion.
- Any product spills are immediately cleaned up, using appropriate protective measures for the hazards involved and in accordance with the established decontamination procedures.

- NFPA placarding on all buildings that contain more than 5 gallons or 50 lbs. of a hazardous material.

#### **LOCAL FIRE DEPARTMENT PREPAREDNESS:**

In accordance with OSHA 1910.120, it is WFS \_\_\_\_\_ (site name) policy that the facility manager arranges a site visit by the \_\_\_\_\_ Fire Department on an annual basis. At the time of the visit, the following areas will be discussed:

- Locations of hydrants, normal and alternate access roads, any gates, fences, etc.
- Surrounding buildings, industries and hazards.
- Precautions for fighting agricultural chemical fires.
- Site emergency coordinators and alternates' day and 24 hr. phone numbers.
- Means of controlling drainage to adjacent facilities.
- Signs and symptoms of chemical poisoning.
- Decontamination procedures.
- Normal working areas.
- Location of utility shut offs.
- Grain Bin Entrapment Rescue Training taken by the Fire Department and their ability to respond in the event of an emergency
- Confined spaces and all procedures, including air testing and the permit procedures for permit-required confined spaces entries.

#### **HAVE THE FIRE DEPARTMENT SIGN IN ON THE ATTACHED FIRE AND ANNUAL REVIEW FORM**



LE SUEUR COUNTY ENVIRONMENTAL SERVICES  
88 SOUTH PARK AVE.  
LE CENTER, MINNESOTA 56057-1620  
(507) 357-2251  
FAX (507) 357-8541

Erosion and Sediment Control Plan

Goal: To control erosion and prevent sediment and other pollutants from entering the lakes, streams, wetlands, and storm drain systems during construction.

Property Owner: Watouwan Farm Service applicant  
Mailing Address: 33 West Coast Truman Minn  
Property Address: \_\_\_\_\_  
Phone: \_\_\_\_\_ Mobile/Cell: (507) 381-4327

Responsible party for Implementation/Inspection: W. Lorentz con  
Address: PO Box 847 Le Sueur Minn 56057-0847  
Phone: (507) 353-4182 Mobile/Cell: (507) 340-8707

Erosion & Sediment Control Measures

1. Maintain existing vegetation whenever possible and minimize the area of disturbance. Retain and protect trees to enhance future landscaping efforts and to reduce raindrop impact. (Vegetation is the best and most cost-effective erosion control practice).
2. Install all erosion and sediment control practices prior to any soil disturbing activities, when applicable.
3. Phase construction activities to minimize the areas disturbed at one time. This will also allow completed areas to be stabilized and re-vegetated before disturbing adjacent sites.
4. Maintain and protect all natural waterways. Retain at least a 20-foot wide strip of natural vegetation along all waterways to filter out sediment and other pollutants.
5. Minimize the use of impermeable surfaces such as roofs, driveways, parking lots and roads. The Environmental Resources staff must approve all stormwater runoff plans.
6. Use rock rip-rap at both the outlet and inlet ends of culverts to prevent scour erosion.
7. Limit construction equipment to designated areas to control soil compaction.
8. Install silt fence on the down-slope perimeter of all disturbed areas according to the attached installation instructions. Sensitive areas such as wetlands, drainage swales and shoreland areas should also be protected with silt fence.
9. Install straw bale checks or rock check dams in areas of concentrated flow.
10. Cover any stockpiled topsoil with plastic or other impervious covering. Use stockpiled topsoil as earthen berms to serve as temporary sediment basins.

11. Mulch all disturbed areas at the rate of one 50-pound bale of straw per 500 square feet. On slopes 4:1 or steeper use the following erosion control blankets that have been pinned to the slope according to the manufacturer's instructions:

2:1 slopes or steeper	Straw/Coconut Blanket or High Velocity Wood Blanket
3:1 slopes or steeper	Wood or Straw Blanket with net on both sides
4:1 slopes or steeper	Wood or Straw Mulch blanket with net on one side
Flat areas	Straw Mulch w/disc anchoring

12. Seed all disturbed areas within seven days of final grading and temporary seed/mulch all areas that will be left inactive for more than seven days. Do not seed later than September 1<sup>st</sup>. Areas that need to be seeded after this date should be dormant seeded in late October or early November. See the attached instruction sheet for recommended mixtures and rates. The use of native plant materials, including trees and shrubs, is encouraged. Native species will provide good vegetative cover that is adapted to our soils and climate.

13. Apply fertilizer according to soil test recommendations.

14. Install water bars on access roads to prevent concentrated water from flowing down the road and eroding gravel.

15. Attach a site map showing the location of all erosion control practices, property lines, roads, lakes, watercourses, wetlands, on-site systems and building locations.

Note: To reduce mud transported onto paved roads, a rock construction entrance may be required. This will require a six-inch layer of 1-2 inch diameter washed rock a minimum of 50 feet in length.

#### Inspection and Maintenance

16. Inspect the construction site every 7 days and within 24 hours after every rain event to ensure the practices are working properly (i.e. silt fences, water bars).
17. Clean out the silt fences when they are 1/3 full of sediment or replace with functional silt fences within 24 hours.
18. Clean out sediment basins on a regular basis to maintain capacity.

I agree to install, inspect and maintain the above practices to accomplish the goal of preventing erosion.

WFS By Michael Mink  
(Property Owner)

2-26-14  
(Date)

Andrew J. Jensen  
(Person Responsible for Implementation)

12/8/13  
(Date)

If you have any questions, please contact Environmental Services, at 507-357-8538.



**CERTIFICATE OF LIABILITY INSURANCE**

DATE (MM/DD/YYYY)

10/24/2013

THIS CERTIFICATE IS ISSUED AS A MATTER OF INFORMATION ONLY AND CONFERS NO RIGHTS UPON THE CERTIFICATE HOLDER. THIS CERTIFICATE DOES NOT AFFIRMATIVELY OR NEGATIVELY AMEND, EXTEND OR ALTER THE COVERAGE AFFORDED BY THE POLICIES BELOW. THIS CERTIFICATE OF INSURANCE DOES NOT CONSTITUTE A CONTRACT BETWEEN THE ISSUING INSURER(S), AUTHORIZED REPRESENTATIVE OR PRODUCER, AND THE CERTIFICATE HOLDER.

**IMPORTANT:** If the certificate holder is an ADDITIONAL INSURED, the policy(ies) must be endorsed. If SUBROGATION IS WAIVED, subject to the terms and conditions of the policy, certain policies may require an endorsement. A statement on this certificate does not confer rights to the certificate holder in lieu of such endorsement(s).

<b>PRODUCER</b> Parthenon Agency, LLC Kristina Dillon 1107 Hazeltine Blvd. Ste 400 Chaska, MN 55318	<b>CONTACT</b> NAME: PHONE (A/C, No, Ext): E-MAIL: ADDRESS:	
	<b>INSURER(S) AFFORDING COVERAGE</b> INSURER A: National Specialty Ins Co. INSURER B: Genesis Insurance Company INSURER C: Lloyds of London/Atlantic INSURER D: Specialty Insurance Co. INSURER E: INSURER F:	
<b>INSURED</b> Watowan Farm Service Company WFS Rail Terminal, LLC WFSPP, Inc., WFSPP, LLC P.O. Box 68 Truman, MN 56088	<b>NAIC #</b>	

**COVERAGES****CERTIFICATE NUMBER:****REVISION NUMBER:**

THIS IS TO CERTIFY THAT THE POLICIES OF INSURANCE LISTED BELOW HAVE BEEN ISSUED TO THE INSURED NAMED ABOVE FOR THE POLICY PERIOD INDICATED. NOTWITHSTANDING ANY REQUIREMENT, TERM OR CONDITION OF ANY CONTRACT OR OTHER DOCUMENT WITH RESPECT TO WHICH THIS CERTIFICATE MAY BE ISSUED OR MAY PERTAIN, THE INSURANCE AFFORDED BY THE POLICIES DESCRIBED HEREIN IS SUBJECT TO ALL THE TERMS, EXCLUSIONS AND CONDITIONS OF SUCH POLICIES. LIMITS SHOWN MAY HAVE BEEN REDUCED BY PAID CLAIMS.

INSR LTR	TYPE OF INSURANCE	ADDL INSR	SUBR WVD	POLICY NUMBER	POLICY EFF (MM/DD/YYYY)	POLICY EXP (MM/DD/YYYY)	LIMITS
A	<input checked="" type="checkbox"/> GENERAL LIABILITY			PIL13000012	08/01/2013	08/01/2014	EACH OCCURRENCE \$ 1,000,000
	<input type="checkbox"/> COMMERCIAL GENERAL LIABILITY						DAMAGE TO RENTED PREMISES (Ea occurrence) \$ 0
	<input type="checkbox"/> CLAIMS-MADE <input checked="" type="checkbox"/> OCCUR						MED EXP (Any one person) \$ EXCLUDED
	GENL AGGREGATE LIMIT APPLIES PER						PERSONAL & ADV INJURY \$ 1,000,000
	<input checked="" type="checkbox"/> POLICY <input type="checkbox"/> PROJECT <input type="checkbox"/> LOC						GENERAL AGGREGATE \$ 2,000,000
							PRODUCTS - COMP/OP AGG \$ 2,000,000
							Emp Ben. \$ 1,000,000
A	<input checked="" type="checkbox"/> AUTOMOBILE LIABILITY			PIL13000012	08/01/2013	08/01/2014	COMBINED SINGLE LIMIT (Ea accident) \$ 1,000,000
	<input type="checkbox"/> ANY AUTO						BODILY INJURY (Per person) \$
	<input type="checkbox"/> ALL OWNED AUTOS	<input type="checkbox"/> SCHEDULED AUTOS					BODILY INJURY (Per accident) \$
	<input type="checkbox"/> HIRED AUTOS	<input type="checkbox"/> NON-OWNED AUTOS					PROPERTY DAMAGE (PER ACCIDENT) \$
							\$
							\$
B	<input type="checkbox"/> UMBRELLA LIAB			YUB301148A	08/01/2013	08/01/2014	EACH OCCURRENCE \$ 9,000,000
	<input checked="" type="checkbox"/> EXCESS LIAB	<input type="checkbox"/> CLAIMS-MADE					AGGREGATE \$ 9,000,000
	DED \$	RETENTION \$					\$
	<b>WORKERS COMPENSATION AND EMPLOYERS' LIABILITY</b>						<input type="checkbox"/> WC STATUTORY LIMITS <input type="checkbox"/> OTHER
	ANY PROPRIETOR/PARTNER/EXECUTIVE OFFICER/MEMBER EXCLUDED? (Mandatory in NH)	<input type="checkbox"/> Y/N	N/A				E L EACH ACCIDENT \$
	If yes, describe under DESCRIPTION OF OPERATIONS below						E L DISEASE - EA EMPLOYEE \$
							E L DISEASE - POLICY LIMIT \$
A	Primary Property			PIL13000012	08/01/2013	08/01/2014	Primary 1,000,000
C	EX Lloyds/Atlantic			CPP77013/PP76913/YSPP6191	08/01/2013	08/01/2014	Excess 149,000,000

DESCRIPTION OF OPERATIONS / LOCATIONS / VEHICLES (Attach ACORD 101, Additional Remarks Schedule, if more space is required)

**CERTIFICATE HOLDER****CANCELLATION**

<b>LESUCOU</b>  LeSueur County Environmental Services 88 South Park Avenue LeCenter, MN 56057-1652	<b>SHOULD ANY OF THE ABOVE DESCRIBED POLICIES BE CANCELLED BEFORE THE EXPIRATION DATE THEREOF, NOTICE WILL BE DELIVERED IN ACCORDANCE WITH THE POLICY PROVISIONS.</b>
	<b>AUTHORIZED REPRESENTATIVE</b> <i>Kristina Dillon</i>

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## **Brockway, Kathy**

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**From:** Bruce & Helen Klugherz [klugh001@hickorytech.net]  
**Sent:** Saturday, March 08, 2014 12:04 PM  
**To:** Brockway, Kathy  
**Subject:** Rezone for ammonia facility

Dear Kathy,

I am not in favor of rezoning the property for the containerized bulk fertilizer facility at S1/2 SW ¼ Section 13 Kasota Township.

I will not be able to attend the Public Hearing on March 18 because of a previously scheduled meeting.

I request that the rezoning not be approved.

Bruce & Helen Klugherz  
2116 Limberdink Road  
Kasota MN 56050

**Brockway, Kathy**

---

Subject:

FW:

-----Original Message-----

From: Vogel, Paul [mailto:pvogel@city.mankato.mn.us]

Sent: Tuesday, March 11, 2014 8:44 AM

Cc: Hentges, Patrick

Subject: RE:

I confirmed with Mark the conversations with the person were only in regards to the height restrictions in Zone C. There was no mention or any rezoning and it was assumed that the zoning would remain unchanged.

With that said, I believe the County needs to fully consider the long range ramifications of rezoning a parcel for what amounts to permitting non-farm development that does not have the necessary infrastructure to support the land uses that may and could be allowed

Considering the location and the fact that it is surrounded by ag land that is similar, it also would be considered a classic case of "spot zoning". Again, I would refer to your land use plan and if the land use plan needs to be updated, I suggest the county pursue that course.

FYI. Such a rezoning would not even be considered if the property were located to the south in Lime Township. We have annexation agreements with all our townships and the agreements prohibit rezoning that would result in additional non-farm development.

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# Le Sueur County, MN

Tuesday, March 25, 2014

Board Meeting

## Item 4

**9:10am Cindy Westerhouse - Human Resources Director**

*3 Probations*

*Resignation*

*Request to Hire*

*Hire*

Staff Contact:



# Human Resources

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88 SOUTH PARK AVENUE • LE CENTER, MINNESOTA 56057

Telephone: 507-357-8517 • Fax: 507-357-8607

Cindy Westerhouse – Human Resources Director

## **HUMAN RESOURCES DETAILED AGENDA ITEMS March 25, 2014**

Recommendation to grant regular status to Bridget Pinney, full time Registered Nurse in Public Health, effective March 25, 2014. Bridget has completed the six-month probationary period. Darlene Tuma, Public Health Supervisor and Cindy Shaughnessy, Public Health Director, recommend granting regular status to Bridget as she has been performing the duties and responsibilities of the position.

Recommendation to grant regular status to Jeff Mack, full time Agency Social Worker in Human Services, effective March 19, 2014. Jeff has completed the six-month probationary period. Lowell Freeman, Social Services Supervisor and Sue Rynda, Human Services Director, recommend granting regular status to Jeff as he has been performing the duties and responsibilities of the position.

Recommendation to grant regular status to Maria Hoffman, full time Support Enforcement Aide in Human Services, effective March 23, 2014. Maria has completed the six-month probationary period. Kandi Larson, Child Support Supervisor and Sue Rynda, Human Services Director, recommend granting regular status to Maria as she has been performing the duties and responsibilities of the position.

Recommendation to accept the resignation of Nick Bemis, part time Jailer/Dispatcher in the Sheriff's Office, effective March 25, 2014. Nick has been employed with Le Sueur County since December 2007.

Recommendation to hire a part time Jailer/Dispatcher, in the Sheriff's Office, as a Grade 6, Step 1 at \$16.57 per hour. This vacancy is due to the resignation of Nick Bemis. The benefits for this position are when the employee meets the criteria for PERA contributions.

Recommendation to hire Gabriel Kerkaert as a part time Deputy Sheriff, in the Sheriff's Office, as Grade 10, Step 1 at \$20.92 per hour, effective March 26, 2014. Gabriel will fill the second of the three part time Deputy Sheriff positions that are vacant.

*Equal Opportunity Employer*

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# **Le Sueur County, MN**

**Tuesday, March 25, 2014**

**Board Meeting**

## **Item 5**

**9:25am Elysian Citizens/ Le Sueur County Museum Contact**

**Staff Contact:**

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# Le Sueur County, MN

Tuesday, March 25, 2014

Board Meeting

## Item 6

**9:40am Chad Washa - Fair Board**

*Present Budget*

Staff Contact:

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# Le Sueur County, MN

Tuesday, March 25, 2014

Board Meeting

## Item 7

**9:50am Amy Beatty - Environmental Specialist**

*2014-2015 County Feedlot Work Plan review*

*2013 County Feedlot Program review.*

Staff Contact:



## Le Sueur County Environmental Services

**Mailing Address:**

88 South Park Avenue  
Le Center, MN 56057  
Direct Dial (507) 357-8538

**Physical Address:**

515 South Maple Avenue  
Le Center, MN 56057  
Fax (507) 357-8541

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DATE: Thursday, March 20, 2014

TO: Le Sueur County Board of Commissioners

FROM: Amy Beatty, Le Sueur County Environmental Programs Specialist

RE: Le Sueur County 2014-2015 Feedlot Work Plan and 2013 Year-End Feedlot Program Review

### Feedlot Work Plan

As part of Le Sueur County's Delegation Agreement with the Minnesota Pollution Control Agency (MPCA) to administer the feedlot program, the county is required to submit a work plan. The work plan lists the minimum program requirements that the county shall do to administer and implement the feedlot program. The county is required

- To keep an inventory of registered or permitted feedlots;
- To inspect feedlots to determine compliance;
- To permit feedlots for construction or forward applications to the MPCA if a state permit is required;
- To review complaints; and
- To assist feedlot owners with items such as land application recordkeeping, manure management planning, and permit applications for state and/or county issued permits.

Le Sueur County's 2014-2015 Feedlot Work Plan has been reviewed by MPCA feedlot staff and satisfactorily addresses delegation agreement requirements. In order for the work plan to be executed,

- The county feedlot officer shall sign the Work Plan Signature Page; and
- A review of the county's work plan by the County Board of Commissioners and signed by the Chair upon approval by the Board.

### Feedlot Program Review

Each year the work plan is reviewed by the MPCA to determine if the county is meeting its goals and requirements. Le Sueur County's program was reviewed on March 5, 2014 by MPCA staff, and the county satisfied the delegated feedlot program requirements. As part of the review process, the county feedlot officer presents the report to the County Board of Commissioners for review, and upon approval by the Board have the Chair sign the report.

The county's feedlot program is funded through the Natural Resources Block Grant administered by the Minnesota Board of Water and Soil Resources.

## **2014 - 2015 County Feedlot Program Delegation Agreement and Work Plan (January 1, 2014 – December 31, 2015)**

County: Le Sueur

County Feedlot Officer(s): Amy Beatty

Primary Contact Person: Amy Beatty

Telephone Number: 507-357-8203

E-mail Address: abeatty@co.le-sueur.mn.us

The revised rules adopted on October 23, 2000, require a Delegated County (County) to prepare a Delegation Agreement that describes the County's plans/strategies and goals for administration and implementation of the Feedlot Program. The attached Work Plan satisfies the Minnesota Rules Chapter 7020 requirement that the Delegation Agreement must be reviewed and approved by the Delegated County and the Minnesota Pollution Control Agency (MPCA) annually.

Minnesota legislative appropriation language (Minnesota Statutes 116.0711) contains provisions for reducing grants to Delegated Counties if they do not meet minimum program requirements (MPRs) as set forth in this document. Counties that fail to meet the 7% inspection rate MPR and/or 90% of non-inspection MPRs are subject to having base grant reductions and/or loss of eligibility for a performance award.

For any feedlot in which a County employee or a member of the County employee's immediate family has an ownership interest, the County employee will not:

- (a) Be involved in making preliminary or final decisions to issue a permit, authorization, zoning approval, or any other governmental approval for the feedlot;
- (b) Conduct or review inspections for the feedlot.

This County Feedlot Program Delegation Agreement and Work Plan has been prepared by the County for the period of January 1, 2014 – December 31, 2015. The County agrees with the terms and conditions established in this Agreement and will use feedlot grant funds in conjunction with the required local match dollars and in-kind contributions to carry out the goals, plans and minimum program requirements described herein. The County understands that this Work Plan will be reviewed by the MPCA after completion of the first year of the Agreement and, if necessary, will be revised.	
<b>Signature of Chair of Board of County Commissioners</b>	<b>Date</b>

## A. Work Plan Strategies

The strategies component of the Work Plan fulfills County rule requirements (7020.1600, Subp. 3a.) that state the County must develop annual plans and goals in accordance with registration, inspection, scheduled compliance and owner assistance responsibilities.

**Registration Strategy:** Please address the following registration strategy criteria.

1. *Please indicate the method(s) the County will use to provide a feedlot owner with a registration receipt. For additional methods and requirements see the Annual Report Guidance document.*
  - a. *A 30-day Registration Receipt Letter.*
  - b. *A 30-day Inspection Letter that contains confirmation of re-registration.*
  - c. *A permit cover letter or Certificate of Registration that contains confirmation of re-registration.*
  - d. *Verbal notification of re-registration as documented by a log.*

Le Sueur County uses a 30-day registration receipt letter.

2. *Please indicate the type of registration form used by the County:*
  - a. *MPCA standard registration form.*
  - b. *County designed form. A copy of the form must be attached to the completed work plan.*

Le Sueur County uses the MPCA standard registration form plus a supplemental form listing the facility's buildings, open lots, and manure storage structures, and the amount of acres available for manure application.

3. *Please describe how the County will address facilities that upon re-registration show an increase in animal units, a change or addition to animal types or newly constructed animal holding or manure storage areas.*

Le Sueur County will refer to MPCA policy regarding re-registrations that show an increase in animal units (a greater than 10% increase will be evaluated for compliance regarding permitting and notification requirements, including feedlot owner contact and, if warranted, a feedlot inspection), and will also evaluate if the increase requires a county conditional use permit (CUP). Plan to call the feedlot owner and discuss the increase.

4. *Please describe the strategy and timeline that the County intends to follow to address facilities that have not met the re-registration deadline by January 1, 2014 and/or any continuous registration strategy over the next two years.*

Send 3<sup>rd</sup> notice by mail. Call the feedlot owner. If either of these strategies does not result in re-registration, certified letter to feedlot owner that is cc'd to county attorney and county commissioner.

## Inspection Strategy:

Delegated County must set inspection plans and goals for the purpose of identifying pollution hazards and determining compliance with discharge standards and schedules at sites with Open Lot Agreements (OLAs) (7020.1600 Subp. 3a. B.1 a. & 1b).

For assistance with completing this part of the work plan, please see Appendix A.

1. Using the table below, please complete your **Production Site Inspection Strategy** in accordance with the following factors.

- a. Your inspection strategy must include plans, as applicable, for conducting inspections at these sites:
  - i. Sites where an interim or CSF (CSF applies to  $\geq 300$  AU) permit is issued.
  - ii. Sites with signed open lot agreements (OLAs) that have never been inspected.
  - iii. Sites required to be registered that have never been inspected.
- b. In addition to the feedlot types identified in Item 1, please enter into the table one or more of the following listed strategies. You may also propose an alternative strategy:
  - i. The County goal is to inspect sites within shoreland and/or a DWSMA.
  - ii. The County inspects all feedlots in the County on a 5 year or less rotating basis.
  - iii. The County will place an emphasis on inspections at sites within a defined jurisdiction such as feedlots in a TMDL watershed, a township, or some other formally designated area.
  - iv. The County will place an emphasis on inspections at sites within a specified size category such as 300 – 499 AU or 500 – 999 AU.
  - v. The County will place an emphasis on inspections at sites that, according to previous inspections, have not been maintaining manure management records.
  - vi. Alternative strategies; please list in the table.
- c. For each required strategy that applies and/or for each chosen strategy you list in the table, you must enter the total number of feedlots of that type you estimate are in your County (or other jurisdiction you have identified) and the number of those feedlots you intend to inspect.

### Production Site Inspection Strategy Goals

Feedlot Type	Total Number (as defined by area, size, type, location, compliance status or other parameter)	Inspection Goal 2014	Inspection Goal 2015
<b>Required Strategy.</b> Inspect all sites where an interim or CSF (CSF for $\geq 300$ only) permit is issued.	1 per year	1	1
<b>Required Strategy.</b> Inspect sites with OLAs that have never been inspected:	8 OLA sites – 3 of which never inspected	4	4
<b>Required Strategy.</b> Inspect sites required to be registered that never been inspected.	69	13	13
<b>Total</b>		18	18

2. Using the table below, please complete your **Land Application Inspection Strategy** in accordance with the following factors.
  - a. Enter in the table below one or more of the following land application inspection strategies for addressing land application of manure, nutrient management planning and record keeping. You may also propose an alternative inspection strategy. See the Annual Report Guidance Document for more information on Land Application Inspections.
    - i. The County goal is to perform a Level II Land Application Inspection review as part of any Compliance inspection conducted at Non-NPDES sites >300 AU.
    - ii. The County will conduct Level III Land Application Inspections at all sites within a defined jurisdiction such as feedlots in a TMDL watershed, a township, or some other formally designated area.
    - iii. The County will conduct Level I inspections at sites that, according to previous inspections, have not been maintaining manure management records.
    - iv. Alternative strategies; please list in the table.
  - b. For each strategy that you list in the table, you must enter the total number of feedlot sites defined by the strategy and the number of those sites at which you intend to conduct land application inspections.

### **Land Application Inspection Strategy Goals**

<b>Feedlot Type</b>	<b>*Total Number (as defined by area, size, type, location, compliance status or other parameter)</b>	<b>*Inspection Goal 2014</b>	<b>*Inspection Goal 2015</b>
<b>Example from list above.</b>			
• Level III inspections of turkey/chicken manure stockpile applications	Estimate 15 stockpiles per year	6	6
• Level III inspections of manure applications	3 feedlots of 185	3	3
• Conduct Level I for all +100 AU production site inspections	26 of 69(never inspected)	5	5
• Conduct Level II for all +300 AU production site inspections	17 of 69(never inspected)	3	3
<b>Total</b>		<b>17</b>	<b>17</b>

\*Numbers entered into the table for Level III land application strategy goals must be quantified by feedlot site and not by individual fields.

**Compliance Strategy:** Please describe your compliance strategy for 2014-2015.

1. Please state the various method(s) and practice(s) that the County will use in response to **production site inspections** that result in non-compliance, including facilities that have failed to meet OLA timelines:
  - a. Include corrective actions in the inspection results notification letter, where corrective actions can be completed in 30-days or less.

- b. *Issue a Letter of Warning (LOW) or a Notice of Violation (NOV) that will include corrective actions and deadlines.*
- c. *Issue an Interim Permit that includes timelines for corrective actions.*
- d. *Document in a letter to the owner that indicates another agency (NRCS or SWCD) is working to correct identified pollution hazards.*
- e. *Other strategies, as described in the space below.*

Le Sueur County will use the following methods or practices for non-compliance issues:

- Document in an inspection report/letter: If the non-compliance issue is noted during an inspection, I document the non-compliance both in the letter and on the inspection form. The schedule of compliance will either be stated in the inspection report/letter.
- Letter of Warning: A Letter of Warning is most often issued when the Department receives a complaint. The letter will state what the non-compliance issue is and request a production site inspection or date by which to fix the non-compliance issue.
- Notice of Violation: A Notice of Violation is issued when the non-compliance issue is major (for example – when manure enters waters-of-the-state) or the Letter of Warning’s corrective actions were not completed during the allotted time frame. The letter will state what the non-compliance issue is, request a production site inspection, and for the feedlot owner to apply for an interim permit.

An interim permit may be issued after a non-compliance issue is either documented from an inspection, a complaint, or a Notice of Violation. An interim permit will be issued when a non-compliance issue will require a long period of time to correct or fix (for example - a construction project or multiple corrective actions). The time frame for the schedule of compliance will be based on the amount of corrective actions to be completed and will be discussed with the feedlot owner if it will be a reasonable amount of time in which to complete them. If the project is eligible for cost-share, the feedlot owner will be directed to the NRCS, SWCD, and/or private contractor for technical assistance.

The county will refer to the County Feedlot Officer Toolbox for letter and notice templates and rule citations.

2. *Please indicate in the space below the various method(s) and practice(s) that the County will use in response to **land application inspections** that result in non-compliance:*
  - a. *Address non-compliance at the same time the facility non-compliance is addressed. See above.*
  - b. *Include corrective actions in the inspection results notification letter, where corrective actions can be completed in 30-days or less.*
  - c. *Issue a Letter of Warning (LOW) or a Notice of Violation (NOV) that will include corrective actions and deadlines.*
  - d. *Document in a letter to the owner that indicates another agency (NRCS or SWCD) is working to correct identified pollution hazards.*
  - e. *Other strategies, as described in the space below.*

For land application inspections that result in non-compliance, the county will address the non-compliance at the same time the facility non-compliance is addressed – please see above listed. If the non-compliance is noted during a Level III, the owner will be told verbally on-site, if noted during application. The non-compliance will also be documented in the inspection form.

3. *Please state the timelines (scheduled compliance goals) that the County intends to meet when using the methods and practices identified under item 1 and item 2:*

- a. *Notification of inspection results informing the producer of non-compliance including the listing of any corrective action that can be completed within 30 days. Follow-up contact/communication to evaluate producer progress.*
- b. *Decision to escalate compliance action where progress on corrective actions is not forthcoming.*

The timeline in which to complete the non-compliance issue and method to communicate to the feedlot owner will be

- Initial communication of non-compliance issues will be verbal and take place during an on-site or inspection.
- The non-compliance issue will be formally addressed in a letter and on the MPCA inspection form within thirty (30) business days of the inspection or on-site.
  - For example, if the non-compliance was no manure and soil phosphorus testing at a >300 AU feedlot, I would verbally state to the feedlot owner to submit a manure sample for testing during the spring or fall manure application and have the soil phosphorus levels tested in the spring or fall. Proof of compliance would be submitting a copy of the analysis to be placed in the county's feedlot owner's file.
  - If the non-compliance issue is not following the Board of Animal Health's requirements, a Letter of Warning is sent to the feedlot owner stating the proper disposal requirements. To determine compliance, a follow-up inspection of the site and a letter stating the animal mortality was or was not properly removed would be sent.
- If an Interim Permit was issued, scheduled inspections to view the progress on the fix would be made with the feedlot owner. The compliance status would be communicated verbally on-site and followed-up with a letter and/or MPCA inspection form.

If feedlot owner does not contact the Department by the date stated in the letter (usually thirty (30) days of the date on the LOW, NOV, and/or inspection letter), a second letter, within ten (10) business days, will be mailed to the feedlot owner stating that no action has taken place or no contact with the Department; to contact the Department immediately; and the letter will be cc'd to the county attorney for possible enforcement action.

With all non-compliance issues, I am willing to work with the feedlot owner (such as the feedlot owner having a voice on how to fix the non-compliance and the schedule of compliance timeline).

If compliance has not been achieved within the set timeline and the feedlot owner has not communicated with the county regarding the issue, the county would request assistance from state agencies and/or assistance from other county staff regarding enforcement proceedings.

**Owner Assistance Strategy:** The MPCA requests that delegated counties set specific owner assistance plans and goals.

1. *Please state the number and type of activities you plan to conduct. (Examples are: group education events; newsletters; newspaper articles; producer surveys; distribution of manure sample containers; aid in MMP writing.)*

Newsletter (at least 1), aid in MMP writing (in previous years, 2), permit applications (in previous years 1-2), assistance in NPDES/SDS annual reporting (2). The majority of assistance is speaking with potential land owners and realtors regarding the county's zoning ordinance requirements for livestock.



2. Please state your goals in terms of the number of feedlots owners that you expect to attend meetings hosted to provide producer training and education.

I have hosted meetings in the past that were not well attended by the owners that should be attending; therefore, do not plan on hosting any meetings. If a producer training and/or education event is offered, I do send a mailing out to owners that would benefit.

3. Please state whether you intend to participate in the Owner Assistance Tracking project that is being directed by MACFO and that begins January 1, 2014.

Yes

## B. Delegated County Minimum Program Requirements

Part 2 of County feedlot program legislative appropriation language for 2014-2015 states that 25% of the total appropriation must be awarded according to the terms and conditions of the following Minimum Program Requirements (MPRs).

### 1. Inspection Minimum Program Requirement

A delegated County must inspect 7% or more of their feedlots annually, as determined by the table below, to be eligible for the Inspection Minimum Program Requirement award.

Inspection Minimum Program Requirement:	Jan. 1 – Dec. 31, 2014	Jan. 1 –Dec 31 2015
1. <b>Agency-approved number required to be registered.</b> Please enter the number that is shown for your County on the 2014 County Program Base Grant Award Schedule, Appendix B. (These numbers may be modified upon finalization of the January 1, 2014 re-registration update.)	185	185
2. <b>Statute-Required 7% Inspection Rate to Maintain Funding.</b> (These numbers may be modified upon finalization of the January 1, 2014 re-registration update.)	13	13

### 2. Other Minimum Program Requirements

Registration Minimum Program Requirements:	YES	NO
1. The County will register and maintain registration data in the Delta database in accordance with MN R. Ch. 7020.0350 Subp. 1 and 7020.1600, Subp. 2. C.  <i>A County program review indicates that the County uses the MPCA standard feedlot registration form or has been approved to use a County-designed registration form and updates Delta with the registration information acquired from registration forms and/or permit application. Fields that must be updated continuously include shoreland status, Drinking Water Supply Management Area (DWSMA) and Open Lot Agreement (OLA) as agreed to by FMT-MACFO in 2013.</i>	❄	●
2. The County issues a registration receipt to the feedlot owner within 30 days of receipt of the registration form. (7020.0350, Subp. 5.)  <i>File reviews indicate that the County has fulfilled the registration receipt requirement as stated in their registration work plan strategy.</i>	❄	●

<b>Inspection Minimum Program Requirements:</b>	<b>YES</b>	<b>NO</b>
<p>3. The County maintains a record of all compliance inspections, including land application review results, conducted at feedlots required to be registered. At a minimum, counties must maintain on file, electronic or paper, a completed copy of the Non-NPDES Inspection Checklist. (7020.1600, Subp. 2. H.)</p> <p><i>File reviews indicate that the County uses, and maintains on file, inspection documentation in accordance with the above requirement.</i></p>	❄	○
<p>4. The County completes entry of data from all feedlot compliance inspections, including land application review results, at feedlots required to be registered, into Delta and in accordance with Delta inspection fields by February 1 of the year following the end of the program year. (7020.1600, Subp. 2. H.)</p> <p><i>A Delta database query indicates that entry of inspection data into Delta occurs within required parameters.</i></p>	❄	○
<p>5. The work plan contains an inspection strategy that has been approved by the agency. (7020.1600, Subp. 3a.B.(1-2))</p> <p><i>The Annual Inspection Strategy Progress report (located in the Supplemental Information Page section of the Annual County Feedlot Officer and Performance Credit Report) indicates that the County initiated inspection plans and goals as stated in their inspection strategy.</i></p>	❄	○

<b>Compliance Minimum Program Requirements:</b>	<b>YES</b>	<b>NO</b>
<p>6. The County will notify the producer, in writing, of the results for any compliance inspection conducted. The notification must include a completed copy of the Non-NPDES Inspection Checklist. (7020.1600, Subp. 3a.B. (5a.))</p> <p><i>File review indicates that the County has notified the producers of compliance inspection results. Notification must be in writing either by letter or by a document, signed by the producer, that he/she has viewed and agreed with the completed inspection report and waives any further notification of results by mail.</i></p>	❄	○
<p>7. The County will bring feedlot operations into compliance through the implementation of scheduled compliance goals as stated in their compliance strategy (7020.1600, Subp. 3a.B.(5)).</p> <p><i>File reviews indicated that, in matters of non-compliance, the County followed their compliance strategies.</i></p>	❄	○
<p>8. The County maintains documentation and correspondence for any return to compliance from a documented non-compliance status. (7020.1600, Subp. 2.H.)</p> <p><i>When a County records a corrective action in Delta, the file contains documentation by either the County or other party verifying that the corrective action was implemented and/or installed.</i></p>	❄	○

<b>Permitting Minimum Program Requirements:</b>	<b>YES</b>	<b>NO</b>
<p>9. The County will issue permits within the 60/120 day time period according to Minn. Stat. 15.99. (7020.0505, Subp. 5.B.)</p> <p><i>Files reviews indicate that the County:</i></p> <ul style="list-style-type: none"> <li>a. Date stamps applications and all its components</li> <li>b. Incomplete letter are used when applicable</li> </ul>	❄	○

10. The County will make sure all permit applications are complete. (7020.1600, Subp. 2.C.) <i>File reviews indicate that the County uses an agency approved application checklist and that applications are complete.</i>	❄	●
11. The County will ensure producer compliance with required notifications. (7020.2000, Subp. 4 and Subp. 5) <i>Public notifications for new or existing feedlots with a capacity of 500 AU or greater proposing to construct or expand must include the following information:</i> <ul style="list-style-type: none"> <li>a. Owner's names or legal name of the facility;</li> <li>b. Location of facility - County, township, section, and quarter section;</li> <li>c. Species of livestock and total animal units;</li> <li>d. Types of confinement buildings, lots, and areas at the animal feedlot; and</li> <li>e. Types of manure storage areas;</li> </ul> <i>Public notification completed by:</i> <ul style="list-style-type: none"> <li>a. Newspaper (affidavit in file)</li> <li>b. Written Notice Location</li> <li>c. Conditional Use Permit Notice</li> </ul>	❄	●
12. Appropriate permit issuance after completion of required notifications. (7020.2000, Subp. 5) <i>File reviews indicate that permits have been issued after the appropriate number (20) of business days following public notifications.</i>	❄	●
13. The County will ensure that MMP (manure management plan) conditions have been met according to 7020.2225, Subp. 4.D. prior to permit issuance (7001.0140). <i>File reviews indicate that a MMP and a manure management plan checklist completed by the CFO is on file for any Interim permit issued; a manure management checklist completed by the CFO is on file for any Construction Short-Form permit issued for a feedlot with ≥300 AU where manure is non-transferred; and a completed copy of the document "MMP When Ownership of Manure is Transferred" is on file for a feedlot with ≥300 AU where manure is transferred.</i>	❄	●
14. The County will ensure that producers who submit a permit application that includes a liquid manure storage area (LMSA) meet the requirements set forth in 7020.2100. <i>File reviews indicate that the County uses an agency approved LSMA checklist and that plans and specifications are complete.</i>	❄	●
15. The County will ensure that any pollution problem existing at a producer's site will be resolved before the permit is issued or is addressed by the permit. (7020.0500, Subp. 5.B. and 7001.0140) <i>File reviews indicate that the County issues Interim permits in appropriate situations.</i> <i>File reviews indicate that the County conducts an inspection prior to permit issuance.</i>	❄	●

<b>Complaint Response Minimum Program Requirements:</b>	<b>YES</b>	<b>NO</b>
16. The County maintains a record of all complaint correspondence. (7020.1600, Subp. 2.H. and Subp. 2.J.(6))	❄	●

<p><i>The County maintains a complaint log and promptly reported to the MPCA any complaints that represented a possible health threat, a significant environmental impact or indicated a flagrant violation</i></p> <p><i>The complaint log record includes the following information:</i></p> <ol style="list-style-type: none"> <li><i>The type of complaint.</i></li> <li><i>The location of the complaint.</i></li> <li><i>The date and time the complaint was made.</i></li> <li><i>The facts and circumstances related to the complaint.</i></li> <li><i>A statement describing the resolution of the complaint.</i></li> </ol>		
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<b>Owner Assistance Minimum Program Requirements:</b>	<b>YES</b>	<b>NO</b>
<p>17. The work plan contains owner assistance goals that have been approved by the agency. (7020.1600, Subp. 2.J.(5) and Subp. 3a.B.(7))</p> <p><i>The annual delegation review indicates that the County initiated plans in accordance with their owner assistance work plan strategy.</i></p>	❄	●

<b>Staffing Level and Training Minimum Program Requirements:</b>	<b>YES</b>	<b>NO</b>
<p>18. The CFO (and other feedlot staff) attends training necessary to perform the duties of the feedlot program and is consistent with the agency training recommendations. (7020.1600, Subp. 2.K.)</p> <p><i>The County completed a minimum of 18 continuing education units (CEU); each unit consisting of one hour of training related to Minnesota Rules Chapter 7020 competency areas: Regulating new construction; conducting inspections and evaluating compliance; handling complaints and reported spills; responding to air quality complaints, resolving identified pollution problems, communicating with farmers and the agricultural community.</i></p> <p><i>(See Annual CFO Report Form Guidance document for more information about Training Performance credits.) All training sessions attended by the County must be submitted with the Supplementary Report Form.</i></p>	❄	●

<b>Air Quality Minimum Program Requirements:</b>	<b>YES</b>	<b>NO</b>
<p>19. The County maintains a record of all notifications received from feedlot owners claiming air quality exemptions including the days exempted and the cumulative days used. (7020.1600, Subp. 2.I.)</p> <p><i>The County maintains a pumping notification log.</i></p> <p><i>The record includes the following information:</i></p> <ol style="list-style-type: none"> <li><i>Names of the owners/legal facility name</i></li> <li><i>Location of the facility (County, township, section, quarter)</i></li> <li><i>Facility permit number</i></li> <li><i>Start date and number of days to removal</i></li> </ol>	❄	●

<b>Web Reporting Requirement:</b>	<b>YES</b>	<b>NO</b>
<p>20. The County maintains an active Web site listing detailed information on the expenditure of County program grant funds and measureable outcomes as a result of the expenditure of funds. (H.F. No. 2123, 86<sup>th</sup> Legislative Session, Article 1, Section 3, Subdivision 1)</p> <p><i>As of July 1 of the current program year the following reports for the previous program year have been maintained on the County's web site:</i></p> <ol style="list-style-type: none"> <li><i>NRBG feedlot program financial report as recorded on eLINK</i></li> <li><i>Annual CFO Report</i></li> </ol>	❄	●

## The 2014 - 2015 County Feedlot Program Delegation Agreement and Work Plan Review Summary

- A. County Need Requests.** Please state any specific resources that you are requesting the MPCA to provide in administering the County feedlot program in your County:

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- B. Agency Response/Comment to County Need Requests:**

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- C. Documentation of Work Plan Revisions and/or Alternate Methods for Meeting MPRs.**  
Any work plan revisions including any alternate methods for meeting MPRs that have been agreed to by both parties must be documented in this space.

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### D. Work Plan Approval

The 2014-15 delegation agreement and work plan has been reviewed and satisfactorily addresses delegation agreement requirements.

☒ Yes    ☐ No

The comments as recorded in the above parts together with the signatures of represented parties constitute that review of the delegation agreement has been conducted and that agreement of delegated County duties and goals by the MPCA and the County for the January 1 – December 31, 2014 period has been achieved.	County Feedlot Officer:	
	<hr/>	
	(Signature County Feedlot Officer)	(Date)
	MPCA Representative:	
	<hr/>	
	(Signature MPCA Representative)	(Date)

## 2014 – 2015 Work Plan Inspection Strategy

### Guidance

The inspection strategy section of the work plan is substantially new for 2014 – 2015. We have provided this special guidance section to ensure that CFOs not only understand the changes but can prepare inspection goals in line with the changes.

#### **Changes to the work plan inspection strategy for 2014 – 2015:**

1. The County must prepare a production site and a land application site inspection goal strategy.
  - Production site inspection. A production site inspection is a full-compliance inspection where all applicable parts of the non-NPDES inspection checklist must be completed including a Level I land application review.
  - Land application inspection. Three types of land application inspections can be conducted - Level I, Level II and Level III. The non-NPDES inspection checklist must be used to document land application inspection results and the results must be entered into Delta. None of the three types of land application inspections meet the definition of a compliance inspection. A Level II land application inspection is possible only if records are sufficient to meet Level I inspection requirements.
2. The production site inspection component has three mandatory inspection strategy requirements.
  - No. of sites the County anticipates inspecting as a result of issuances of interim or CSF permits (CSF issuance applies to  $\geq 300$  AU).
  - No. of sites with a signed OLA that have never been visited.
  - No. of sites required to register that have never been visited.
3. Compliance and construction inspections conducted as a result of the production site strategy count toward the minimum 7 percent rate; land application inspections conducted as a result of the land application strategy do not count toward the 7 percent inspection rate.
4. The County must write an annual inspection strategy progress report that addresses County results for both production and land application goals. The inspection strategy progress report will be included in the Supplemental Section of the Annual County Feedlot Officer and Performance Credit Report. The County needs to be realistic in their inspection strategy because they will be required to answer if they fail to meet their goals. See MPR No. 5.

As part of developing a realistic inspection strategy the County needs to consider all of their strategies (production and land application) and the time commitment required. The County should not design their inspection goals to simply meet the 7% minimum inspection rate. Rather the

county is urged to set inspection goals according to their inspections needs such as feedlots that have never inspected or feedlots with OLAs not inspected.

There will be no penalty if the County does not meet their strategies as long as they have valid reasons for not meeting it. The MPCA understands this is only a plan and that things happen. But the expectation is that the CFO communicates with their regional staff in a timely manner if they feel they will not be able to meet their goals during the year.

**Recommended approach for developing production site inspection goals:**

Please complete the following steps to prepare your production site inspection strategy goals.

**Step 1.** The first step is to calculate the number of feedlots that the County intends to inspect annually. We suggest that the County set a goal of inspecting 10 percent of the total number of feedlots required to be registered in the County. (We suggest 10 percent to ensure that the County meets the 7 percent required inspection rate.) Given this formula, a County with 300 feedlots would need to conduct 30 compliance and/or construction inspections annually.

**Step 2.** The second step is to calculate the number of sites in the county that are subject to the three required inspection strategy categories (See bullet 2 in previous section). For example a County may estimate that, based on past experience, they will need to inspect about 15 sites as a result of permit issuance requirements; and, they estimate that they have 10 sites with signed OLAs that have never been inspected; and, they estimate that they have 50 sites required to be registered that have never been visited. In this case the total number of sites needing to be inspected, as a result of the required inspection strategies, is 80.

**Step 3.** The third step is to decide how many inspections the County can conduct in each of the required categories over the next two years. The County must plan to inspect all sites each year where permits are being issued. However, counties may be able to complete only a fraction of the inspections over the next two years at feedlots that have never been inspected or with signed OLAs that have never been inspected. The reason is that some counties still have hundreds of sites that have never been inspected or sites with signed OLAs that have never been inspected. In the example that we are using, the County has determined that they can do a total of 30 inspections annually (See Step 1) and that 15 of them will be due to permit issuances (Step 2). This leaves 15 inspections available for sites that are required to be registered but have never been inspected and sites with signed OLAs that have never been visited.

**Step 4.** This step only applies to counties where the number of planned inspections, as defined by the three required inspection strategy categories, is less than 10% of the total number of feedlots in the County. In that event the County must choose additional inspection strategies (listed in the work plan or proposed by the County) whereby the county will be assured of meeting the 7% minimum inspection requirement.



## Appendix B

### FY 2014 County Program Base Grant Award Schedule (July 1, 2013 - June 30, 2014) \$1,959,000 Appropriation

Delegated County	Feedlots Eligible for Funding	2014 Base Grant Award	County Match Requirement
Big Stone	65	\$7,500	\$5,250
Blue Earth	358	\$32,177	\$22,524
Brown	389	\$34,963	\$24,474
Carver	264	\$23,728	\$16,610
Clay	113	\$10,156	\$7,109
Cottonwood	302	\$27,144	\$19,001
Dakota	183	\$16,448	\$11,514
Dodge	304	\$27,324	\$19,127
Douglas	411	\$36,941	\$25,859
Faribault	430	\$38,648	\$27,054
Fillmore	866	\$77,836	\$54,485
Freeborn	356	\$31,997	\$22,398
Goodhue	769	\$69,118	\$48,383
Houston	447	\$40,176	\$28,123
Jackson	346	\$31,098	\$21,769
Kandiyohi	450	\$40,446	\$28,312
Kittson	25	\$7,500	\$5,250
Lac Qui Parle	189	\$16,987	\$11,891
Lake of the Woods	29	\$7,500	\$5,250
Le Sueur	185	\$16,628	\$11,640
Lincoln	430	\$38,648	\$27,054
Lyon	338	\$30,379	\$21,265
McLeod	357	\$32,087	\$22,461
Marshall	67	\$7,500	\$5,250
Martin	500	\$44,940	\$31,458
Meeker	315	\$28,312	\$19,818
Morrison	592	\$53,209	\$37,246
Mower	361	\$32,447	\$22,713
Murray	462	\$41,525	\$29,068
Nicollet	347	\$31,188	\$21,832
Nobles	452	\$40,626	\$28,438
Norman	46	\$7,500	\$5,250
Pennington	47	\$7,500	\$5,250

Pipestone	524	\$47,097	\$32,968
Polk	82	\$7,500	\$5,250
Pope	334	\$30,020	\$21,014
Red Lake	37	\$7,500	\$5,250
Renville	323	\$29,031	\$20,322
Rice	341	\$30,649	\$21,454
Rock	514	\$46,198	\$32,339
Sibley	337	\$30,290	\$21,203
Stearns	1,539	\$138,325	\$96,828
Steele	285	\$25,616	\$17,931
Stevens	156	\$14,021	\$9,815
Swift	152	\$13,662	\$9,563
Todd	806	\$72,443	\$50,710
Traverse	44	\$7,500	\$5,250
Wabasha	506	\$45,479	\$31,835
Wadena	123	\$11,055	\$7,739
Waseca	248	\$22,290	\$15,603
Watonwan	203	\$18,246	\$12,772
Winona	592	\$53,209	\$37,246
Wright	285	\$25,616	\$17,931
Yellow Medicine	300	\$26,964	\$18,875
<b>TOTAL</b>	<b>18,526</b>	<b>\$1,692,887</b>	<b>\$1,185,021</b>

# The 2014 - 2015 County Feedlot Program Delegation Agreement and Work Plan Review Summary Page

County: Le Sueur


**A. Documentation of Work Plan Revisions and/or Alternate Methods for Meeting MPRs.** Any work plan revisions including any alternate methods for meeting MPRs that have been agreed to by both parties must be documented in this space.

None observed.

## B. Work Plan Approval.

The 2014-15 delegation agreement and work plan has been reviewed and satisfactorily addresses delegation agreement requirements.

☒ Yes ☐ No

The comments as recorded in the above parts together with the signatures of represented parties constitute that review of the 2014-2015 delegation agreement has been conducted and that agreement between the MPCA and the County on delegated County duties and goals for the 2014 program year has been achieved.	County Feedlot Officer:	
	(Signature County Feedlot Officer)	(Date)
	MPCA Representative: Don Hauge	
		<u>Feb 20 2014</u>
	(Signature MPCA Representative)	(Date)

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# Le Sueur County, MN

Tuesday, March 25, 2014

Board Meeting

## Item 8

**10:05am Darrell Pettis - Administrator/Engineer**

*Wenck Contract*

*Set Bid Date for Kilkenny Twp Bridge*

Staff Contact:

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# **Le Sueur County, MN**

**Tuesday, March 25, 2014**

**Board Meeting**

## **Item 9**

### **Future Meetings**

**Staff Contact:**

## Future Meetings

March 25, 2014	Board Meeting
March 27, 2014	HRA Meeting – East Conference Room – 10:00am Le Sueur County Officials Meeting - Elysian
April 1, 2014	Board Meeting
April 8, 2014	Nothing on the Agenda so Far Public Hearing for the Lake Washington Dam – Kasota Community Center – 7:00pm
April 10, 2014	Planning and Zoning Meeting – 7:00pm – Environmental
April 15, 2014	Board Meeting Le Sueur – Waseca Community Health Board -1:30pm – Waterville City Council Chambers
April 17, 2014	Board of Adjustment Meeting – <b>3:30pm to 5:30pm</b> – Environmental Building
April 22, 2014	Nothing on the Agenda so Far
April 24, 2014	HRA – East Conference Room – 10:00am
April 29, 2014	No Board Meeting 5 <sup>th</sup> Tuesday

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# **Le Sueur County, MN**

**Tuesday, March 25, 2014**

**Board Meeting**

## **Item 10**

**Workshop : German Jefferson Sewer District**

**Staff Contact:**