

PROCEEDINGS OF THE BOARD OF COUNTY COMMISSIONERS

Date: May 23, 2023

9:00 a.m.

Place: Commissioners Room, Courthouse, Caledonia, MN

Members Present:

Dewey Severson, Eric Johnson, Robert Burns, Bob Schuldt, and Greg Myhre

Others Present:

Auditor/Treasurer Donna Trehus, Reporter Rachel Stock, Reporter Wanda Hanson, Finance Director Carol Lapham, Public Health and Human Services Director John Pugleasa, Board Clerk/EDA Director Allison Wagner, Recorder Mary Betz, Deputy Auditor/Treasurer Mark Bennett, Human Resources Director Theresa Arrick-Kruger, and Surveyor Eric Schmitt

Presiding: Chairperson Severson

Call to order.

Pledge of Allegiance.

Motion was made by Commissioner Burns, seconded by Commissioner Johnson, motion unanimously carried to approve the agenda.

Motion was made by Commissioner Myhre, seconded by Commissioner Schuldt, motion unanimously carried to approve the meeting minutes from May 9, 2023.

Motion was made by Commissioner Johnson, seconded by Commissioner Burns, motion unanimously carried to approve the workgroup session minutes from May 16, 2023.

Public Comment:

None.

APPOINTMENTS

None.

CONSENT AGENDA

Motion by Commissioner Myhre, seconded by Commissioner Johnson, motion unanimously carried to approve the consent agenda.

- 1) Approve 2023 contract with Driftless Region Vendor Control LLC to canvas specifically identified Houston County communities for potential mosquito related human health hazards.
- 2) Approve liquor licenses. See list below.

LIQUOR LICENCES, WINE AND STRONG BEER

Ferndale Golf, LLC dba Ferndale Golf, LLC
 Ma Cal Grove Country Club, Inc. dba Ma Cal Grove Country Club, Inc.
 Par 4 Golf, LLC dba Valley High Golf Club
 Gasthaus, LLC dba Little Miami
 City of La Crescent dba Pine Creek Golf Course (Wine & Strong Beer)

ON SALE BEER LICENSES

Lawrence Lake Marina, LLC dba Lawrence Lake Marina
 La Crescent Snowmobile Club dba La Crescent Snowmobile Club
 City of La Crescent dba Pine Creek Golf Course
 Gopher State Sportsmans Club dba Gopher State Sportsmans Club

OFF SALE BEER LICENSE

Lawrence Lake Marina, LLC dba Lawrence Lake Marina
 La Crescent Snowmobile Club dba La Crescent Snowmobile Club
 City of La Crescent dba Pine Creek Golf Course
 Houston Food Mart dba Houston Food Mart

ACTION ITEMS

File No. 1 – Commissioner Burns moved, Commissioner Myhre seconded, motion unanimously carried to approve Airport Maintenance and Operations Grant Agreement for Fiscal Years 2024 and 2025, and approve Resolution No. 23-22 Authorization to Execute Minnesota Department of Transportation Airport Maintenance and Operations Grant Contract. See resolution below.

RESOLUTION NO. 23-22

**AUTHORIZATOIN TO EXECUTE
 MINNESOTA DEPARTMENT OF TRANSPORTATION
 AIRPPORT MAINTENANCE AND OPERATION GRANT CONTRACT**

BE IT RESOLVED by the **County of Houston** as follows:

1. That the State of Minnesota Agreement No. **1053353**,
 “Airport Maintenance and Operations Grant Contract,” at the **Houston County Airport**
 is accepted.

2. That the County Board Chairperson and County Auditor/Treasurer are authorized to execute the Contract and any amendments on behalf of the County of Houston.

DISCUSSION ITEMS

Commissioners discussed recent meetings they had attended. These included a Department Head, CJC, Root River One Watershed Plan, SMART, and Finance Committee meeting.

There being no further business at 9:23 a.m., a motion was made by Commissioner Myhre, seconded by Commissioner Burns motion unanimously carried to adjourn the meeting. The next meeting would be a regular meeting on June 6, 2023.

BOARD OF COUNTY COMMISSIONERS

HOUSTON COUNTY, MINNESOTA

By: _____
Dewey Severson, Chairperson

Attest: _____
Donna Trehus, Auditor/Treasurer

**HOUSTON COUNTY
AGENDA REQUEST FORM
June 6, 2023**

Date Submitted: June 1, 2023

By: Tess Kruger, HRD/Facilities Mgr.

ACTION

- **Recognize Juneteenth as an observed Houston County holiday in compliance with the State of Minnesota amending Minn. Stat. §10.55 and Minn. Stat. §645.44. In the event that Juneteenth falls on a Sunday, the following Monday shall be observed as the County paid holiday; in the event that it falls on a Saturday, the preceding Friday shall be observed as the County paid holiday.**

- **Approve Memorandum of Agreements for each of the following labor unions: (MOAs are attached)**
 - **Law Enforcement Labor Services No. 415, Licensed Lieutenant Unit**
 - **Law Enforcement Labor Services No. 237, Licensed Deputies Unit**
 - **Law Enforcement Labor Services No. 60, Jailer/Dispatcher Unit**
 - **Minnesota Association of Professional Employees, Supervisors Unit**
 - **International Union of Operating Engineers Local No. 49**
 - **American Federation of State, County and Municipal Employees, Council No. 65, Local No. 2166**

APPOINTMENT REQUEST

- **NONE**

HR CONSENT AGENDA REQUEST

Assessor's Office

- **Confirm the resignation of Cynthia Cresswell-Hattleli, Accredited Minn. Appraiser, effective 06/01/2023, and thank her for her 24 years of service to the residents of Houston County**

Auditor/Treasurer's Office

- **Change the employment status of Heidi Lapham, Deputy Auditor/Treasurer from 1.0 FTE to 0.5 FTE, effective 06/07/2023**
- **Change the employment status of Eliana Babinski, probationary Auditor/Treasurer from 0.5 FTE to 1.0 FTE, effective 06/07/2023**

Highway Department

- Change the employment status of Alex Goergen, Maintenance Specialist, from probationary to regular, effective 06/13/2023

Public Health & Human Services

- Change the employment status of Kristen Klug, Case Aide, from probationary to regular, effective 06/19/2023
- Change the employment status of Brianna Ceaser, Health Educator, from probationary to regular, effective 07/01/2023

Sheriff's Office

- Hire Storm Davis as a probationary Sheriff's Deputy, C-42, Step 1, effective 06/25/2023, conditioned on successful completion of background requirements

Discuss A/T position resignation/posting

<u>Reviewed by:</u>	<u> X </u>	HR Director	<u> X </u>	Sheriff	
	<u> X </u>	Finance Director	<u> X </u>	Engineer	
	<u> </u>	IS Director	<u> X </u>	PHHS	
				(indicate	
				other	Assessor
	<u> </u>	County Attorney	<u> X </u>	dept)	<u> A/T </u>
	<u> </u>	Environmental Svcs			
<u>Recommendation:</u>					
<u>Decision:</u>					

MEMORANDUM OF AGREEMENT
Between
HOUSTON COUNTY
AND
INTERNATIONAL UNION OF OPERATING ENGINEERS (IUOE), LOCAL 49

This Memorandum of Agreement (hereinafter, "MOA") is entered into between Houston County (hereinafter, "County") and the International Union of Operating Engineers (IUOE), Local No. 49 (hereinafter, "Union").

WHEREAS, the County and the Union are parties to a collective bargaining agreement (hereinafter, "CBA") effective January 1, 2022 through December 31, 2024; and

WHEREAS, Article 9, of the CBA sets forth observed holidays and holiday pay terms; and

WHEREAS, the State of Minnesota enacted legislation amending Minn. Stat. §10.55, recognizing and observing Juneteenth a state holiday effective June 19, 2023; and

WHEREAS, the State of Minnesota enacted legislation amending Minn. Stat. §645.44, Subd. 5, by removing Christopher Columbus Day and designating Indigenous Peoples Day, the second Monday in October; and

WHEREAS, the County and the Union wish to include Juneteenth as an observed holiday and to delete the reference to Christopher Columbus Day and insert Indigenous Peoples Day into the parties' CBA.

NOW THEREFORE, the parties agree as follows:

Article 9 Holidays, Section A. shall be amended to include Juneteenth in the listing of holidays in the parties' current CBA; and

Article 9 Holidays, Section A. shall be amended to delete the phrase "Columbus Day" and to insert the phrase "Indigenous Peoples Day."

Further it is the parties' intention that these amendments for Juneteenth and Indigenous Persons Day be included in successor CBA's without necessity of further negotiation.

SIGNATURE PAGE TO FOLLOW

The parties have caused this Memorandum of Agreement to be executed by their duly authorized representatives on the dates indicated below.

HOUSTON COUNTY

**INTERNATIONAL UNION OF OPERATING
ENGINEERS, LOCAL NO. 49**

Dewey Severson Date
Board of Commissioners, Chair

Bryce Bushman Date
Area Business Representative

Theresa Arrick-Kruger Date
Human Resource Director

Jordan Goeden Date
Local Steward

Pat Burns Date
Local Steward

APPROVED AS TO FORM AND EXECUTION

Samuel J. Jandt Date
County Attorney

MEMORANDUM OF AGREEMENT
Between
HOUSTON COUNTY
And
LAW ENFORCEMENT LABOR SERVICES, INC.
LOCAL #60, Jailer/Dispatcher Unit

This Memorandum of Agreement (hereinafter, "MOA") is entered into between Houston County (hereinafter, "County") and the Law Enforcement Labor Services, Inc., Local #60, Jailer/Dispatcher Unit (hereinafter, "Union").

WHEREAS, the County and the Union are parties to a collective bargaining agreement (hereinafter, "CBA") effective January 1, 2022 through December 31, 2024; and

WHEREAS, Article 17, of the CBA sets forth observed holidays and holiday pay terms; and

WHEREAS, the State of Minnesota enacted legislation amending Minn. Stat. §10.55, recognizing and observing Juneteenth as a state holiday effective June 19, 2023; and

WHEREAS, the County and the Union wish to include Juneteenth as an observed holiday into the parties' CBA.

NOW THEREFORE, the parties agree as follows:

Effective the 2023 Juneteenth holiday and forthwith,

Article 17.1. shall be amended to read: "During the work year, twelve (12), eight hour-work days shall be considered paid holidays for full-time employees."

Article 17- Holidays, Section 17.2. shall be amended to include Juneteenth in the listing of holidays in the parties' current CBA; and

Further it is the parties' intention that these amendments for Juneteenth be included in successor CBA's without necessity of further negotiation.

SIGNATURE PAGE TO FOLLOW

The parties have caused this Memorandum of Agreement to be executed by their duly authorized representatives on the dates indicated below.

HOUSTON COUNTY

LELS, LOCAL NO. 60

Dewey Severson Date
Board of Commissioners, Chair

Rick Mathwig Date
Business Agent

Theresa Arrick-Kruger Date
Human Resource Director

Mark Olson Date
Local President

APPROVED AS TO FORM AND EXECUTION

Samuel J. Jandt Date
County Attorney

MEMORANDUM OF AGREEMENT
Between
HOUSTON COUNTY
And
LAW ENFORCEMENT LABOR SERVICES, INC.
LOCAL #237, Licensed Deputies Unit

This Memorandum of Agreement (hereinafter, "MOA") is entered into between Houston County (hereinafter, "County") and the Law Enforcement Labor Services, Inc. Local #237, Licensed Deputies Unit (hereinafter, "Union").

WHEREAS, the County and the Union are parties to a collective bargaining agreement (hereinafter, "CBA") effective January 1, 2022 through December 31, 2025; and

WHEREAS, Article 17, of the CBA sets forth observed holidays and holiday pay terms; and

WHEREAS, the State of Minnesota enacted legislation amending Minn. Stat. §10.55 and §645.44 recognizing and observing Juneteenth a state holiday effective June 19, 2023; and

WHEREAS, the County and the Union wish to include Juneteenth as an observed holiday into the parties' CBA, and make it effective for the 2023 Juneteenth holiday.

NOW THEREFORE, the parties agree as follows:

Effective for the 2023 Juneteenth holiday and forthwith, Article 17- Holidays

Article 17.1. shall be amended to read: "During the work year, twelve (12), eight hour work days shall be considered paid holidays for full-time employees."

Section 17.2. shall be amended to include Juneteenth in the listing of holidays in the parties' current CBA; and

Further it is the parties' intention that these amendments for Juneteenth be included in successor CBA's without necessity of further negotiation.

SIGNATURE PAGE TO FOLLOW

The parties have caused this Memorandum of Agreement to be executed by their duly authorized representatives on the dates indicated below.

HOUSTON COUNTY

LELS, LOCAL NO. 237

Dewey Severson Date
Board of Commissioners, Chair

Tim Chmielewski 05/31/23

Tim Chmielewski Date
Business Agent

Theresa Arrick-Kruger Date
Human Resource Director

Jon Kulas Date
Local Steward

APPROVED AS TO FORM AND EXECUTION

Samuel J. Jandt Date
County Attorney

MEMORANDUM OF AGREEMENT
Between
HOUSTON COUNTY
And
LAW ENFORCEMENT LABOR SERVICES, INC.
LOCAL #415, Licensed Lieutenant Unit

This Memorandum of Agreement (hereinafter, "MOA") is entered into between Houston County (hereinafter, "County") and the Law Enforcement Labor Services, Inc. Local #415, Licensed Lieutenant Unit (hereinafter, "Union").

WHEREAS, the County and the Union are parties to a collective bargaining agreement (hereinafter, "CBA") effective January 1, 2022 through December 31, 2024; and

WHEREAS, Article 18, of the CBA sets forth observed holidays and holiday pay terms; and

WHEREAS, the State of Minnesota enacted legislation amending Minn. Stat. §10.55 and §645.44 recognizing and observing Juneteenth a state holiday effective June 19, 2023; and

WHEREAS, the County and the Union wish to include Juneteenth as an observed holiday into the parties' CBA, and make it effective for the 2023 Juneteenth holiday.

NOW THEREFORE, the parties agree as follows:

Effective for the 2023 Juneteenth holiday and forthwith, Article 18- Holidays

Article 18.1. shall be amended to read: "twelve (12), work days shall be considered paid holidays for full-time employees.

Section 18.2. shall be amended to include Juneteenth in the listing of holidays in the parties' current CBA; and

Further it is the parties' intention that these amendments for Juneteenth be included in successor CBA's without necessity of further negotiation.

SIGNATURE PAGE TO FOLLOW

The parties have caused this Memorandum of Agreement to be executed by their duly authorized representatives on the dates indicated below.

HOUSTON COUNTY

LELS, LOCAL NO. 415

Dewey Severson Date
Board of Commissioners, Chair

Jay Maher Date
Business Agent

Theresa Arrick-Kruger Date
Human Resource Director

Steve Garrett Date
Local Steward

APPROVED AS TO FORM AND EXECUTION

Samuel J. Jandt Date
County Attorney

MEMORANDUM OF AGREEMENT
Between
HOUSTON COUNTY
And
MINNESOTA ASSOCIATION OF PROFESSIONAL EMPLOYEES

This Memorandum of Agreement (hereinafter, "MOA") is entered into between Houston County (hereinafter, "County") and the Minnesota Association of Professional Employees (hereinafter, "Union").

WHEREAS, the County and the Union are parties to a collective bargaining agreement (hereinafter, "CBA") effective January 1, 2022 through December 31, 2024; and

WHEREAS, Article 12, of the CBA sets forth observed holidays and holiday pay terms; and

WHEREAS, the State of Minnesota enacted legislation amending Minn. Stat. §10.55, recognizing and observing Juneteenth a state holiday effective June 19, 2023; and

WHEREAS, the County and the Union wish to include Juneteenth as an observed holiday into the parties' CBA.

NOW THEREFORE, the parties agree as follows:

Article 12- Holidays, Section 1. shall be amended to include Juneteenth in the listing of holidays in the parties' current CBA; and

Article 12 Holidays, Section 1. shall be amended to include Juneteenth to be observed in the same manner as other listed holidays should Juneteenth fall on a week-end day; and

Further it is the parties' intention that these amendments for Juneteenth be included in successor CBA's without necessity of further negotiation.

SIGNATURE PAGE TO FOLLOW

The parties have caused this Memorandum of Agreement to be executed by their duly authorized representatives on the dates indicated below.

HOUSTON COUNTY

**MINNESOTA ASSOCIATION OF
PROFESSIONAL EMPLOYEES**

Dewey Severson Date
Board of Commissioners, Chair

Adam Kamp Date
Business Agent

Theresa Arrick-Kruger Date
Human Resource Director

Brian Pogodzinski Date
Local Steward

Robert Thoen Date
Local Steward

Karen Kohlmeyer Date
Local Steward

APPROVED AS TO FORM AND EXECUTION

Samuel J. Jandt Date
County Attorney

MEMORANDUM OF AGREEMENT
Between
HOUSTON COUNTY
And
AMERICAN FEDERATION OF STATE, COUNTY AND MUNICIPAL EMPLOYEES,
COUNCIL 65, LOCAL 2166

This Memorandum of Agreement (hereinafter, "MOA") is entered into between Houston County (hereinafter, "County") and the American Federation of State, County and Municipal Employees, Council 65, Local 2166 (hereinafter, "Union").

WHEREAS, the County and the Union are parties to a collective bargaining agreement (hereinafter, "CBA") effective January 1, 2022 through December 31, 2024; and

WHEREAS, Article XIV, of the CBA sets forth observed holidays and holiday pay terms; and

WHEREAS, the State of Minnesota enacted legislation amending Minn. Stat. §10.55, recognizing and observing Juneteenth a state holiday effective June 19, 2023; and

WHEREAS, the County and the Union wish to include Juneteenth as an observed holiday into the parties' CBA.

NOW THEREFORE, the parties agree as follows:

Article XIV Holidays, Section B. shall be amended to include Juneteenth in the listing of holidays in the parties' current CBA; and

Article XIV Holidays, Section C. shall be amended to include Juneteenth to be observed in the same manner as other listed holidays should Juneteenth fall on a week-end day; and

Further it is the parties' intention that these amendments for Juneteenth be included in successor CBA's without necessity of further negotiation.

SIGNATURE PAGE TO FOLLOW

The parties have caused this Memorandum of Agreement to be executed by their duly authorized representatives on the dates indicated below.

HOUSTON COUNTY

**AMERICAN FEDERATION OF STATE,
COUNTY AND MUNICIPAL EMPLOYEES,
COUNCIL 65, LOCAL 2166**

Dewey Severson Date
Board of Commissioners, Chair

Max Forrester Date
Labor Representative

Theresa Arrick-Kruger Date
Human Resource Director

Jennifer Daley-Oaks Date
Local President

APPROVED AS TO FORM AND EXECUTION

Samuel J. Jandt Date
County Attorney



APPLICATION:

County Extension Committee

MAIL OR EMAIL NO LATER THAN

TO:

Name	Melissa Burrow
Address City Zip	[Redacted]
Business and/or Home	[Redacted]
Email	[Redacted]

Have you held any other appointed offices in the county? If yes, please list? NO

None

Please limit your response to the following questions to the space provided:

Why do you wish to serve on the county Extension committee?

I would like to be able to offer my input and experiences to continue to improve the services that are offered in Houston Co.

What perspectives/insights can you bring to the county Extension committee?

I have had wide array of experiences within the agriculture industry. I would be to share production as well as the human ~~also~~ resources/management ^{systems} aspect.

Please list volunteer or community involvement and indicate any leadership positions you have held.

- 4-H volunteer
- Friends of 4H committee
- ~~Friends~~
- farm bureau

What do you see as key educational needs or issues in the county?

- mental health awareness/training
- transition planning

Any additional background you would like to share with the county committee?

- I have had a number of years in sales and also connect with producers and professionals across the state. I will be able to use my connections to bring new ideas!

Houston County Agenda Request Form

This form is not intended for the general public. It is intended for use by county department heads, representatives of other governmental units or vendors/agencies who contract with Houston County. Members of the public may address the Board during the Public Comment Period. (See Policy for Public Comment Period).

Date Submitted: 26-May-23

Person requesting appointment with County Board: Martin Herrick

Issue:

Houston County Hauler License Application Approval for Northwoods Refuse, LLC for 2023.

Justification:

Action Requested:

Final Approval by the County Board. Chairman Severson to sign License.

For County Use Only			
Reviewed by:	_____ County Auditor	_____ County Attorney	_____ Zoning Administrator
	_____ Finance Director	_____ County Engineer	_____ Environmental Services
	_____ IS Director	_____ Other (Indicate dept)	_____
<u>Recommendation:</u>			
<u>Decision:</u>			

All agenda request forms must be submitted to the County Auditor by 4:00 p.m. on Monday in order to be considered for inclusion on the following week's agenda. The Board will review all reequests and determine if the request will be heard at a County Board meeting.

HOUSTON COUNTY COLLECTION AND TRANSPORTATION LICENSE

LICENSE NUMBER: HOU ~ 31 ~ 23 Expiration date: DECEMBER 31, 2023

ISSUED TO: Northwoods Refuse, LLC

This license must be posted in public view at the primary place of business of the license holder. A certified copy of this license must accompany any vehicle licensed to collect and transport wastes generated from within Houston County at ALL TIMES.

This license is not transferable as to person or place and is valid for operation only in accordance with the Laws of the State of Minnesota and the regulations and ordinances of the County of Houston.

This license is subject to suspension, revocation and/or substantial penalties for failure to comply in all regards with the provisions of the HOUSTON COUNTY SOLID WASTE MANAGEMENT ORDINANCE, the Minnesota Pollution Control Agency (MPCA) and is subject to suspension or revocation for failure of payment of fees incurred for disposition of wastes at the Xcel Energy Refuse Derived Fuel Processing Facility (RFD Facility), located in La Crosse County, Wisconsin, as directed by the HOUSTON COUNTY SOLID WASTE MANAGEMENT ORDINANCE.

This license obligates the licensee to submit to MPCA the tonnages transported from Houston County to the Excel Energy Incinerator and to the La Crosse County Landfill by February 1st. Report the actual tonnage of acceptable waste generated within Houston County and was delivered to the Facility during the previous calendar year.

*Chairperson
Houston County Board of Commissioners*

**HOUSTON COUNTY
SOLID WASTE COLLECTION AND TRANSPORTATION
LICENSE APPLICATION**

Northwoods Refuse LLC does hereby apply for a license for a term of twelve (12) months, from January 1, 2023 to December 31, 2023 to conduct the business of solid waste collection and transportation, and to that end represents and states as follows:

That said applicant makes this application pursuant to the requirements and provisions of the HOUSTON COUNTY SOLID WASTE ORDINANCE, and hereby agrees to observe and obey the same.

Dated 4-24, 2023

Kahtan Alkaisy
(Signature of Applicant)

Kahtan Al-Kaissy
(Applicant's Name)

Address W6012 County Rd 5 Onalaska WI 54650
(P.O. or Street) (City) (State) (ZIP)

VERIFICATION AND INDEMNIFICATION

STATE OF MINNESOTA
COUNTY OF HOUSTON SS.

Kahtan Alkaisy, being duly sworn, on oath states: that s/he is authorized to make this verification and indemnification; that the statements made in this application and accompanying documents are true; and that, should such license be issued, that the Board and Houston County, their directors, officers, employees, and agents shall be indemnified and held harmless from and against any and all claims or causes of action that may arise as a result of acts or omissions of the licensee; and further that this obligation to indemnify and hold harmless the Board and Houston County shall include the obligation to reimburse the Board and Houston County for reasonable attorney's fees, costs and disbursements that it may incur as a result of having to defend itself against any claim or cause of action brought against the Board and Houston County as a result of such acts or omissions.

La Crosse County
NOTARY PUBLIC

(Signature of Applicant)

{SEAL}

Subscribed and Sworn to Before Me this
24th day of April, 2023

Amber J. Jolly
Amber J. Jolly

State of Wisconsin

my commission expires 1/9/2027



APPLICATION FOR A HOUSTON COUNTY COLLECTION AND TRANSPORTATION LICENSE

APPLICANT INFORMATION SHEET

1. Applicant: Northwoods Refuse LLC
Firm Name

Business Address: W6012 County Rd 5
Street

Onalaska
City

WI
State

54650
ZIP

Business Phone Number: 608-313-4132

Owner(s) of Firm: Kahtan Al-Kaissy
Name(s) of Person(s) or Firm(s)

Owner's Address: W6012 County Rd 5
Street

Onalaska
City

WI
State

54650
ZIP

Owner's Phone Number: 608-313-4132
Business

952-843-3806
Home

2. Types of Materials for which Collection and Transportation License is requested:
(See definitions in Solid Waste Ordinance and check all that apply)

Acceptable Waste



Construction and Demolition Debris



Major Appliances



Mixed Municipal Solid Waste



Non-Processible Waste

Problem Materials

Recyclable Materials

Unacceptable Waste

Yard Waste



Other Solid Wastes

APPLICATION FOR A HOUSTON COUNTY COLLECTION
TRANSPORTATION AND DISPOSAL LICENSE

APPLICANT INFORMATION SHEET – (Continued)

3. Types of Generators from which Materials will be collected and transported:
(Check all that apply)

Residential



Commercial Businesses



Industries

Farms

Hospitals, Medical, Dental or
Veterinary Clinics

Schools, Churches, Government
Offices or other Institutions



4. Attach schedule of rates and charges.

5. Vehicle fleet to be covered by license: (Attach additional report if necessary. Update
when new vehicles are acquired.)

Make	Model	Year	License #	Capacity (cu yd)	Type (Compactor, Roll-off, other)
Ford	F350	2005			TRUCK
Dodge	Ram 2500	2020			TRUCK

6. Describe routes that will be followed in license year between collection area and disposal
facility for regular collection services (for example between Hokah and the RDF facility
in La Crosse). If different routes will be used for different types of generators this must
be included in the report (for example residential compared to commercial pick-ups).

N/A

**APPLICATION FOR A HOUSTON COUNTY COLLECTION
TRANSPORTATION AND DISPOSAL LICENSE**

APPLICANT INFORMATION SHEET – (Continued)

7. **Insurance Coverages: Attach copies of certificates, policies or other instruments demonstrating insurance coverages required by Section 6.3 of the Solid Waste Ordinance.**
8. **Annual License Fee of \$50.00 must be submitted with this Application.**
9. **Solid Waste Collection and Transportation licenses are non-transferrable.**
10. **County Solid Waste Collection and Transportation licenses do not supersede the need for and requirements of municipal licenses in the County.**

70513290.2

Houston County

Agenda Request Form

This form is not intended for the general public. It is intended for use by county department heads, representatives of other governmental units or vendors/agencies who contract with Houston County. Members of the public may address the Board during the Public Comment Period. (See Policy for Public Comment Period).

Date Submitted: 5/31/2023 for 6/6/2023

Person requesting appointment with County Board: Martin Herrick

Issue:

IUP Approval/Denial:1)Brad Olinger -to have a temporary farm dwelling in Crooked Creek Township.
CUP Approval/Denial:1) John & Karyl Diersen - Expansion of a feedlot to 461.5 animal units and to include manure storage over 20,000 gallons in the agriculture protection district.

Justification:

Final Approval by the County Board. (Agenda, Hearing Notices, Findings and Board Packets are attached.)

Action Requested:

For County Use Only

<u>Reviewed by:</u>	_____ County Auditor	_____ County Attorney	_____ Zoning Administrator
	_____ Finance Director	_____ County Engineer	_____ Environmental Services
	_____ IS Director	_____ Other (indicate dept)	

Recommendation:

Decision:

All agenda request forms must be submitted to the County Auditor by 4:00 p.m. on Monday in order to be considered for inclusion on the following week's agenda. The Board will review all requests and determine if the request will be heard at a County Board meeting.

**HOUSTON COUNTY
BOARD OF ADJUSTMENT AND
PLANNING COMMISSION
Thursday, May 25, 2023**

Hearings are in the Houston County Commissioner's Room.
Please enter through the west entrance. Doors will open at 4:45 pm.

BOARD OF ADJUSTMENT

Approve Minutes for April 27, 2023

VARIANCE HEARING:

- 5:00 pm ***Aaron Franta & Jennifer Lahmann – La Crescent Township***
- 1) Variance to allow an accessory building to be located nearer the front property line than the principal building on the lot (29.14 subdivision 1 (2)).
 - 2) Variance to reduce front yard setback requirements for a proposed shed on a corner lot (15.6 Subd. 3).
 - 3) Variance of setback requirements to reduce side yard setbacks for a proposed shed (15.7 Subd. 1).

PLANNING COMMISSION

Approve Minutes for April 27, 2023

INTERIM USE HEARING:

- 5:30 pm ***Brad Olinger – Crooked Creek Township***
- Interim Use Permit to place a temporary farm dwelling (14.4 Subdivision 1 (6)).

CONDITIONAL USE HEARING:

- 5:50 pm ***John & Karyl Diersen – Mayville Township***
- Conditional Use Permit to expand a feedlot over 300 animal units (14.3 Subdivision 1 (3)) and to build a manure storage structure with a capacity over 20,000 gallons (14.3 Subdivision 1 (18)).

NOTICE OF PUBLIC HEARING

PLEASE TAKE NOTICE:

That an application has been made by Brad Olinger, 15497 Crazy Corner Rd, Caledonia, MN 55921, for an Interim Use Permit for a Temporary Farm Dwelling (Section 14 – 14.4 Interim Uses, Subdivision 1, Subsection 6) in Crooked Creek Township on the following premises, to-wit:

FRAC N1/2 SW1/4 & NE1/4 SW1/4 SW1/4, Section 19, Township 102, Range 4,
Houston County, Minnesota.
(Parcel #04.0071.000)

Said applicant standing and making application is as fee owner of said described lands.

A hearing on this application will be held at the Houston County Commissioner's Room, City of Caledonia, Minnesota at 5:30 p.m. on Thursday, May 25, 2023.

All persons having an interest in the matter will be given the opportunity to submit comments relative to the granting or denying of said application. Comments should be mailed to the Environmental Services Dept., 304 South Marshall Street, Caledonia, MN 55921, or emailed to martin.herrick@co.houston.mn.us, and must be received by Wednesday, May 17, 2023. Comments in regard to the petition received by this date will be part of the public record and will be made available for review by the Planning Commission prior to the meeting.

HOUSTON COUNTY PLANNING COMMISSION

By Martin Herrick
Zoning Administration

ADV: May 15, 2023



HOUSTON COUNTY

ENVIRONMENTAL SERVICES

Solid Waste • Recycling • Zoning
 304 South Marshall Street – Room 209, Caledonia, MN 55921
 Phone: (507) 725-5800 • Fax: (507) 725-5590



STAFF REPORT

5/11/23

Hearing Date: 5/25/2023
 Petitioner: Brad Olinger
 Reviewer: Martin Herrick
 Zoning: Ag Protection
 Address: 15497 Crazy Corners Caledonia
 Township: Crooked Creek
 Parcel Number: 04.0071.000
 Submitted Materials: IUP Application

OVERVIEW

REQUEST

The petitioner is seeking an Interim Use Permit (IUP) for a temporary farm dwelling. The temporary dwelling will be used exclusively for farm help.

SUMMARY OF NOTEWORTHY TOPICS

The applicant resides in the single-family dwelling on this 91.86-acre parcel in Crooked Creek Township. There is an additional parcel with an open quarter-quarter for a dwelling to be placed but he would like to utilize existing infrastructure as much as possible. The proposed interim temporary dwelling is within the same quarter-quarter as the permanent dwelling and will allow for use of existing utilities except for the septic system. A new holding tank with an approved design will be used for the septic system. The temporary dwelling shall be removed when the occupant is not actively engaged in farming Parcel ID 04.0017.000 or the conditions of the permit are no longer met.

There is precedence for permitting temporary farm dwellings.

The ordinance language for temporary farm dwellings is found in Section 29.20 subd. 1 and notes one of the five conditions must be met but precedence has been to require all five conditions to be met. As a temporary dwelling, it is reasonable that it be considered an accessory dwelling and the applicant can meet the five requirements.

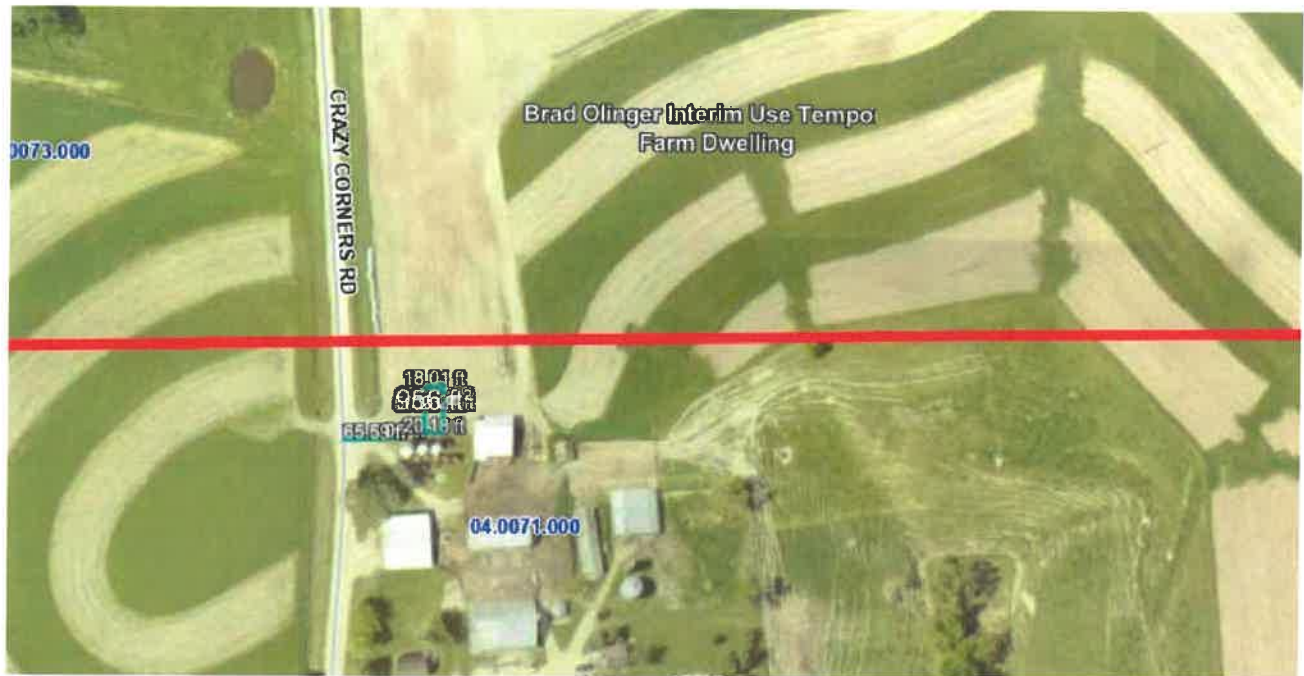


Figure 1. Proposed location of the manufactured home.

Relevant HCZO language:

14.4 INTERIM USES.

Subdivision 1. Interim Uses. *In the Agricultural Protection District, the following uses may be allowed only after obtaining an Interim Use Permit in accordance with the provisions of this Ordinance.*

(6) Temporary Farm Dwelling – Manufactured Home.

(a) Manufactured homes meeting standards set forth in this Ordinance, if determined by the zoning administrator to meet the requirements of a “Temporary Farm Dwelling” as defined in section 29 of this Ordinance.

29.20 TEMPORARY FARM DWELLING

Subdivision 1. Temporary Farm Dwelling. *A manufactured home may be permitted in an Agricultural District if the Zoning Administer finds one of the following conditions satisfied:*

- (1) The manufactured home will be an accessory dwelling unit located on a farm.*
- (2) The manufactured home will be occupied by persons who are:*
 - (a) Members of the family of the persons occupying the principal dwelling house on the premises.*
 - (b) Engaged in the occupation of farming on the premises as partners or other business associates or employees of the persons living in the principal dwelling house on the premises.*
- (3) The permit is so conditioned that it will expire and terminate at such time as the persons occupying the mobile home are no longer engaged in farming or on the premises as required by paragraph 2. b. above.*
- (4) At the time of termination of the permit, the mobile home temporary farm dwelling shall be removed from the premises, within sixty (60) days when practical.*
- (5) The permit is conditioned so as to be reviewed annually by the Zoning Administrator.*

TOWNSHIP AND NEIGHBORHOOD COMMENTS

Crooked Creek Township and the ten nearest property owners were notified. No comments were received.

SITE CHARACTERISTICS

This is an existing farmstead consisting of a dwelling and multiple outbuildings. It has a feedlot, but the family is exempt from feedlot setback regulations for their facility. There is no mine within 1,000 feet.

Slopes within the farmstead are under 8% and they will utilize a flat area that is high traffic and no longer viable for crop use. The proposed location has infrastructure except for a septic system.

While there are no soil requirements for this application, the soil is prime agricultural land, but it has been substantially disturbed and altered by high traffic use.

No floodplain, wetland or shoreland concerns exist on site.

EVALUATION

Section 11.05 of the Houston County Zoning Ordinance requires the following:

Subdivision 1. Findings. The Planning Commission shall not recommend a conditional use permit unless they find the following:

1. That the proposed use conforms to the County Land Use Plan.

Staff Analysis: By limiting this proposal to a temporary dwelling, it will keep this parcel in compliance with the density limitations set forth in the Land Use Plan. In addition, preserving agriculture is the primary goal of the Land Use Plan and this proposal provides needed additional labor for the farm.

2. That the applicant demonstrates a need for the proposed use.

Staff Analysis: The applicant identifies that the farm requires additional labor.

3. That the proposed use will not degrade the water quality of the County.

Staff Analysis: The new septic system will require an approved design and other existing utilities will be used minimizing construction disturbance.

4. That the proposed use will not adversely increase the quantity of water runoff.

Staff Analysis: No impact is anticipated. The slope is under 8% and the proposed temporary dwelling will not substantially increase the amount of runoff from the site.

5. That soil conditions are adequate to accommodate the proposed use.

Staff Analysis: Soils are 103B and 103C2 with land capability classifications of 2e and 3e respectively making the location prime agricultural land. The disturbed soils in the area would limit septic designs other than the proposed holding tank.

6. That potential pollution hazards have been addressed and that standards have been met.

Staff Analysis: The largest potential pollution hazard will be a septic system. The applicant will be required to have a certificate of compliance for the SSTS prior to the issuance of a building permit for the temporary dwelling.

7. That adequate utilities, access roads, drainage and other necessary facilities have been or are being provided.

Staff Analysis: This site will utilize the existing driveway and utilities except for the SSTS. Utilities are present in this location, but if any new requirement arises it is the responsibility of the applicant.

8. That adequate measures have been or will be taken to provide sufficient off-street parking and loading space to serve the proposed use.

Staff Analysis: There is adequate space within the farmstead to accommodate parking and loading space.

9. That facilities are provided to eliminate any traffic congestion or traffic hazard which may result from the proposed use.

Staff Analysis: N/A

10. That the Interim Use will not be injurious to the use and enjoyment of other property in the immediate vicinity for the purposes already permitted.

Staff Analysis: The surrounding property is utilized as agricultural. The proposal will not remove tillable acreage from production or impact the ability to utilize that acreage for production nor will it affect neighboring residences as this is an existing residential property.

11. That the establishment of the Interim Use will not impede the normal and orderly development and improvement of surrounding vacant property for predominant uses in the area.

Staff Analysis: The surrounding predominant use is agricultural. This proposal will not impact the development of surrounding property any more than the existing conditions.

12. That adequate measures have been or will be taken to prevent or control offensive odor, fumes, dust, noise and vibration, so that none of these will constitute a nuisance, and to control lighted signs and other lights in such a manner that no disturbance to neighboring properties will result.

Staff Analysis: No nuisances are anticipated. This proposal is for a second dwelling unit that will not include offensive odors, fumes, dust, noise or vibration.

13. That the density of any proposed residential development is not greater than the density of the surrounding neighborhood or not greater than the density indicated by the applicable Zoning District.

Staff Analysis: This is a mechanism to allow a greater density than allowed by the zoning district, but only on a temporary basis. Conditions require that it be removed within 60 days of such time that the applicant ceases to occupy the dwelling.

14. That the intensity of any proposed commercial or industrial development is not greater than the intensity of the surrounding uses or not greater than the intensity characteristic of the applicable Zoning District.

Staff Analysis: N/A

15. That site specific conditions and such other conditions are established as required for the protection of the public's health, safety, morals, and general welfare.

Staff Analysis: There are no anticipated issues affecting the public's health, safety, morals and general welfare.

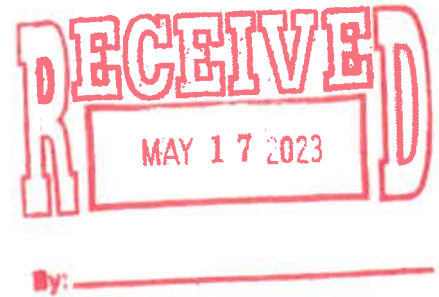
RECOMMENDATION

The Planning Commission must consider the criteria above. Should the permit be granted, staff recommend requiring the following conditions:

1. The Permittee shall comply with all federal, state, and local laws and regulations.
2. The County may enter onto the premises at reasonable times and in a reasonable manner to ensure the permit holder is in compliance with the conditions and all other applicable statutes, rules, and ordinances.
3. The permit shall be reviewed annually by the Zoning Administrator; any substantial changes to the proposal as presented and approved will require an amendment to the permit.
4. The permit shall expire when no farm labor for Parcel 04.0017.000 resides in the temporary dwelling.
5. The existing farm dwelling may only be inhabited by immediate family members (spouse and children) or an employee of the primary dwelling resident, who is actively engaged in farming Parcel 04.0017.000.
6. At the time of termination of the permit, the temporary farm dwelling shall be removed from the premises, within sixty (60) days when practical.

Proposed motion: To recommend approval of the temporary farm dwelling with the aforementioned conditions.

This will go to the Board of Commissioners for final approval on June 6, 2023.



May 13, 2023

Martin Herrick
Environmental Services Dept
304 South Marshall St
Caledonia, MN. 55921

Re: Brad Olinger Hearing 05.25.2023

I think Brad Olinger should be given a permit to complete his building project as applied for.

We have known Brad Olinger for at least 25 years, and before him, his father and grandfather. During that time they have continually proven to be good stewards of their farmland.

Our Walnut Plantations land, is the property adjacent to his farm, lying immediately downhill from him.

I have witnessed that he and his family have used good farm practices as demonstrated in how he rotates his field usage and animal pasture for the long-term health of his land.

I encourage this board to approve all the necessary permits for him to complete his proposed project.

Respectfully,

A handwritten signature in blue ink, appearing to read "Brian Rajala".

Brian Rajala
Walnut Plantations, Inc

Interim Use Request
2023-IUP-115274

Fees Paid
\$746.00

Applicant
Brad Olinger

Created
April 19, 2023

Number
2023-IUP-
115274

OLINGER,BRAD | 040071000 |
Submitted by Brad Olinger on
4/19/2023



Applicant

Brad Olinger

brad.olinger28@gmail.com

Search Parcel Data

 Completed On 4/19/2023 8:50 AM EST by AmyS

ParcelID	Address	City	OwnerName	Acres
040071000	15497 CRAZY CORNERS RD	CALEDONIA	OLINGER,BRAD	91.860

INTERIM USE INTRO

 Completed On 4/19/2023 8:50 AM EST by AmyS

An Interim Use is a land use or development that would not be appropriate generally but may be allowed with appropriate restrictions as provided by official controls upon a finding that specific criteria are met, as outlined in Section 7.7 of the ordinance. Interim use permits must specify a termination event or date, and are nontransferable.

When submitting an application, the information requested in this form is required. You may be asked to provide additional information as deemed necessary by the Zoning Office, the Planning Commission, or the County Board.

A non-refundable application fee and recording fee are required before an application is considered complete.

Prior to completing this form, a pre-application meeting with County Zoning is strongly recommended.

Application Fee:

Interim Use Application Fee

\$700.00

Recording Fee:

Recording Fee

\$46.00

Application Type:

Interim Use

APPLICANT INFORMATION

 Completed On 4/19/2023 8:51 AM EST by AmyS

Applicant Name

OLINGER,BRAD

Telephone Number

507-458-0219

Address

15497 CRAZY CORNERS RD

City

CALEDONIA

Zip

55921

Parcel Tax ID

040071000

Legal Description

FRAC N1/2 SW1/4 & NE1/4 SW1/4 SW1/4 DOC #240993 DOC 259865; DOC 262043 4

Section-Township-Range

19-102-004

Do you own additional adjacent parcels

Yes

Township of:

Crooked Creek

Applicants are required to inform township boards of their application. Please reference the table below and contact the official for your township.

I understand I am required to inform my township of my application.

Yes

Township Contacts

TOWNSHIP	NAME	PHONE
Black Hammer	Clayton Johnson	507-450-6384
Brownsville	Christine Novak	507-459-0636
Caledonia	Donise Becker	507-724-5163
Crooked Creek	David Winnes	507-542-4515
Hokah	Delayne Vogel	608-397-6516
Houston	John Beckman	507-896-3106
Jefferson	Anne Falken	320-493-8629
La Crescent	Jason Wieser	507-429-0133
Mayville	Erin Hammell	608-225-1830
Money Creek	Adam Florin	608-797-2515
Mound Prairie	Colleen Tracy	507-459-3573
Sheldon	Wayne Runnigen	507-450-0065
Spring Grove	Mike Wiste	507-450-4638
Union	Craig Frederick	608-769-9541

Wilmington	Melissa Schroeder	608-780-3998
Winnebago	Luke King	507-725-8816
Winnebago	Joyce Staggemeyer	507-542-4637
Yucatan	Deb Dewey	507-896-3566

INTERIM USE REQUEST Completed On 4/19/2023 8:54 AM EST by AmyS

[Click here to view the Houston County Zoning Ordinance](#)

Describe in detail your request.

Adding an Amish cabin to house farm hand.

Citation of Ordinance Section from which the Interim Use is requested:

14.4 1 (6)

Requested Dimension:

18X50

Please upload any supporting documents:

INTERIM USE FINDING OF FACTS Completed On 4/19/2023 9:02 AM EST by AmyS

[Click here to view the Houston County Zoning Ordinance](#)

Findings Required:

The Planning Commission shall not recommend an Interim Use Permit unless they find that the requirements below are satisfied. As the applicant, it is your responsibility to demonstrate that your proposal satisfies these requirements. For each of the 15 criteria, please select the appropriate response and provide a detailed explanation.

1. That the proposed use conforms to the County Land Use Plan.

Yes

Comments:

It's common to have a second dwelling for farm help in the ag district.

2. That the applicant demonstrates a need for the proposed use.

Yes

Comments:

We need extra help around the farm.

3. That the proposed use will not degrade the water quality of the County.

Yes

Comments:

This will have a holding tank.

4. That the proposed use will not adversely increase the quantity of water runoff.

Yes

Comments:

There will be field buffering the cabin.

5. That soil conditions are adequate to accommodate the proposed use.

Yes

Comments:

Currently the space is all gravel.

6. That potential pollution hazards have been addressed and standards have been met.

Yes

Comments:

Holding tank will be installed.

7. That adequate utilities, access roads, drainage and other necessary facilities have been or are being provided.

Yes

Comments:

Power and water are accessible.

8. That adequate measures have been or will be taken to provide sufficient off-street parking and loading space to serve the proposed use.

Yes

Comments:

It's already a loading area for cattle.

9. That adequate facilities are provided to eliminate any traffic congestion or traffic hazard which may result from the proposed use.

Yes

Comments:

This is not a congested area.

10. That the interim use will not be injurious to the use and enjoyment of other property in the immediate vicinity for the purposes already permitted.

Yes

Comments:

There are no close neighbors.

11. That the establishment of the Interim Use will not impede the normal and orderly development and improvement of surrounding vacant property for predominant uses in the area.

Yes

Comments:

Dwellings are common in the ag district.

12. That adequate measures have been or will be taken to prevent or control offensive odor, fumes, dust, noise and vibration, so that none of these will constitute a nuisance, and to control lighted signs and other lights in such a manner that no disturbance to neighboring properties will result.

N/A

Comments:

N/A

13. That the density of any proposed residential development is not greater than the intensity of the surrounding uses or not greater than the intensity characteristic of the applicable zoning district

N/A

Comments:

N/A

14. That the density of any proposed commercial or industrial development is not greater than the intensity of the surrounding uses or not greater than the intensity characteristic of the applicable zoning district.

N/A

Comments:

N/A

15. That site specific conditions and such other conditions are established as required for the protection of the public's health, safety, morals, and general welfare.

Yes

Comments:

This will not adversely affect the public.

SITE PLAN INFORMATION

Completed On 4/19/2023 9:05 AM EST by AmyS

A site plan MUST accompany all Applications. You can either hand draw your site plan and submit it via scanning and attaching the document, or by using the interactive map below.

Upload Site Plan

Use the Interactive Map to a Create Site Plan. Map tools: Click the plus and minus buttons in the upper left of the map window, to zoom in/out. Navigation Mode - Scroll up to zoom in, scroll down to zoom out. Click and hold to pan around map. Text Mode - To place text on the map, click on the "Add Text" tool, click the place on the map where you would like the text to be displayed, then enter the text in the box that appears at the top of the screen, click ok to display the text on the map. Draw a point - Click once on the map where you would like the point to be. Draw a Line - Click once on map to start drawing a line, double click to stop drawing line. Draw a Polyline - Click once on map to start drawing a polygon, click map at each vertex and double click to finish polygon drawing. Draw a Rectangle - Click once on the map where you would like the rectangle to be. The rectangle will appear on the map. Click on the Select tool and click on the rectangle to resize (click an outside square and drag to resize), rotate (click, hold and drag the circle on top of the rectangle to rotate) or delete (click the rectangle and hit the delete button). Measure - Click once on map to start draw a line with a measurement, click map at each vertex and double click to finish drawing. If you double click near starting point area measurement will also be calculated. Undo Last Edit - Click tool to undo last drawing edit. Undo All Edits - Click tool to undo all drawing edits.

☐ Sketch Layer

☐ Reference Layer

☒ Mapproxy



Powered by Esri

APPLICATION SUBMITTAL Completed On 4/19/2023 9:05 AM EST by AmyS

By checking this box, I grant Houston County access to my property for the purpose of evaluating this application.

Yes

By checking this box, I certified that I have notified my town board of my application.

Yes

By checking this box, I certify that the information provided in this application is true and accurate to the best of my knowledge.

Yes

Signature

Date Signed:

4/19/2023

Check this box if Staff Signature on behalf of Applicant.

Yes

External Notes

Documents

Internal Notes

Documents

CRITERIA FOR GRANTING INTERIM USE PERMITS

NAME OF APPLICANT: Brad Olinger DATE: May 25, 2023

I.U.P. REQUESTED: To place a temporary farm dwelling in the agricultural protection district.

The Planning Commission shall not recommend an interim use permit unless they find the following:

FINDINGS OF FACT

Section 11.05 of the Houston County Zoning Ordinance requires the following:

1. That the proposed use conforms to the Houston County Land Use Plan.

Staff Analysis: By limiting this proposal to a temporary dwelling, it will keep this parcel in compliance with the density limitations set forth in the Land Use Plan. In addition, preserving agriculture is the primary goal of the Land Use Plan and this proposal provides needed additional labor for the farm.

Board agreed to the finding by a unanimous vote.

2. That the applicant demonstrates a need for the proposed use.

Staff Analysis: The applicant identifies that the farm requires additional labor.

Board agreed to the finding by a unanimous vote.

3. That the proposed use will not degrade the water quality of the County.

Staff Analysis: The new septic system will require an approved design and other existing utilities will be used minimizing construction disturbance.

Board agreed to the finding by a unanimous vote.

4. That the proposed use will not adversely increase the quantity of water runoff.

Staff Analysis: No impact is anticipated. The slope is under 8% and the proposed temporary dwelling will not substantially increase the amount of runoff from the site.

Board agreed to the finding by a unanimous vote.

5. That soil conditions are adequate to accommodate the proposed use.

Staff Analysis: Soils are 103B and 103C2 with land capability classifications of 2e and 3e respectively making the location prime agricultural land. The disturbed soils in the area would limit septic designs other than the proposed holding tank.

Chairman Hammell asked Marty to explain. Marty explained that installing a full drain field would be tough because the soils have been so consolidated by things such as truck traffic.

Board agreed to the finding by a unanimous vote.

6. That potential pollution hazards have been addressed and that standards have been met.

Staff Analysis: The largest potential pollution hazard will be a septic system. The applicant will be required to have a certificate of compliance for the SSTS prior to the issuance of a building permit for the temporary dwelling.

Board agreed to the finding by a unanimous vote.

7. That adequate utilities, access roads, drainage and other necessary facilities have been or are being provided.

Staff Analysis: This site will utilize the existing driveway and utilities except for the SSTS. Utilities are present in this location, but if any new requirement arises it is the responsibility of the applicant.

Board agreed to the finding by a unanimous vote.

8. That adequate measures have been or will be taken to provide sufficient off-street parking and loading space to serve the proposed use.

Staff Analysis: There is adequate space within the farmstead to accommodate parking and loading space.

Board agreed to the finding by a unanimous vote.

9. That facilities are provided to eliminate any traffic congestion or traffic hazard which may result from the proposed use.

Staff Analysis: N/A

10. That the Interim Use will not be injurious to the use and enjoyment of other property in the immediate vicinity for the purposes already permitted.

Staff Analysis: The surrounding property is utilized as agricultural. The proposal will not remove tillable acreage from production or impact the ability to utilize that acreage for production nor will it affect neighboring residences as this is an existing residential property.

Board agreed to the finding by a unanimous vote.

11. That the establishment of the Interim Use will not impede the normal and orderly development and improvement of surrounding vacant property for predominant uses in the area.

Staff Analysis: The surrounding predominant use is agricultural. This proposal will not impact the development of surrounding property any more than the existing conditions.

Board agreed to the finding by a unanimous vote.

12. That adequate measures have been or will be taken to prevent or control offensive odor, fumes, dust, noise and vibration, so that none of these will constitute a nuisance, and to control lighted signs and other lights in such a manner that no disturbance to neighboring properties will result.

Staff Analysis: No nuisances are anticipated. This proposal is for a second dwelling unit that will not include offensive odors, fumes, dust, noise or vibration.

Board agreed to the finding by a unanimous vote.

13. That the density of any proposed residential development is not greater than the density of the surrounding neighborhood or not greater than the density indicated by the applicable Zoning District.

Staff Analysis: This is a mechanism to allow a greater density than allowed by the zoning district, but only on a temporary basis. Conditions require that it be removed within 60 days of such time that the applicant ceases to occupy the dwelling.

Board agreed to the finding by a unanimous vote.

14. That the intensity of any proposed commercial or industrial development is not greater than the intensity of the surrounding uses or not greater than the intensity characteristic of the applicable Zoning District.

Staff Analysis: N/A

15. That site-specific conditions and such other conditions are established as required for the protection of the public's health, safety, morals, and general welfare.

Staff Analysis: There are no anticipated issues affecting the public's health, safety, morals and general welfare.

Board agreed to the finding by a unanimous vote.

Jim Wieser made a motion to accept the findings as presented. Greg Myhre seconded. A roll call vote was taken. All were in favor. Motion carried.

Larry Hafner made a motion to accept the proposed conditions. Wayne Feldmeier seconded. All were in favor. Motion carried.

Larry Hafner made the motion to recommend the Houston County Board approve the Interim Use application for a temporary farm dwelling with the following conditions:

1. The Permittee shall comply with all federal, state, and local laws and regulations.
2. The County may enter onto the premises at reasonable times and in a reasonable manner to ensure the permit holder is in compliance with the conditions and all other applicable statutes, rules, and ordinances.
3. The permit shall be reviewed annually by the Zoning Administrator; any substantial changes to the proposal as presented and approved will require an amendment to the permit.
4. The permit shall expire when no farm labor for Parcel 04.0017.000 resides in the temporary dwelling.
5. The existing farm dwelling may only be inhabited by immediate family members (spouse and children) or an employee of the primary dwelling resident, who is actively engaged in farming Parcel 04.0017.000.
6. At the time of termination of the permit, the temporary farm dwelling shall be removed from the premises, within sixty (60) days when practical.

Wayne Feldmeier seconded. Roll call vote was taken. All were in favor. Motion carried.

NOTICE OF PUBLIC HEARING

PLEASE TAKE NOTICE:

That an application has been made by John & Karyl Diersen, 8245 County 3, Caledonia, MN 55921, for a Conditional Use Permit to expand a feedlot to from 363 animal units (a.u.) to 461.5 a.u., consisting of dairy cattle (Section 14 – 14.3, Subdivision 1, Subsection 3) and to build a manure storage structure with a capacity over 20,000 gallons (Section 14 – 14.3, Subdivision 1, Subsection 18). The facility will consist of the following components:

- 1) Existing 60' x 160' freestall barn;
- 2) Existing 32' x 70' partially confinement barn with 60' x 100' open lot;
- 3) Existing 48' x 80' total confinement barn;
- 4) Existing 32' x 35' parlor;
- 5) Existing 140' x 108' freestall barn;
- 6) Existing 8,343 sq foot open lot;
- 7) Existing calf hutches
- 8) Proposed 154' x 268' x 14' manure basin (2.89 million gallons)

all in Mayville Township on the following premises, to-wit:

N1/2 NE1/4 & E 5/8 S1/2 NE1/4; Section 10, Township 102, Range 5,
Houston County, Minnesota. (Parcel #09.0097.000)

Said applicants standing and making application are as fee owner of said described lands.

A hearing on this application will be held at the Houston County Commissioner's Room, City of Caledonia, Minnesota, 55921 at 5:50 p.m. on Thursday, May 25, 2023. All persons having an interest in the matter will be given the opportunity to submit comments relative to the granting or denying of said application. Comments should be mailed to the Environmental Services Dept., 304 South Marshall Street, Caledonia, MN 55921, or emailed to martin.herrick@co.houston.mn.us, and must be received by Wednesday, May 17, 2023.

Comments in regard to the petition received by this date will be part of the public record and will be made available for review by the Planning Commission prior to the meeting.

HOUSTON COUNTY PLANNING COMMISSION

By Martin Herrick
Zoning Administration

ADV: May 15, 2023



HOUSTON COUNTY ENVIRONMENTAL SERVICES

Solid Waste • Recycling • Zoning
304 South Marshall Street – Room 209, Caledonia, MN 55921
Phone: (507) 725-5800 • Fax: (507) 725-5590



STAFF REPORT

5/9/2023

Application Date: 4/19/23
Hearing Date: 5/25/2023
Petitioner: John and Karyl Diersen
Reviewer: Amelia Meiners
Zoning: Ag Protection
Address: 8245 County 3
Township: Mayville
Parcel Number: 090097000
Submitted Materials: CUP Application, Supplemental information

OVERVIEW

REQUEST

The Petitioner is seeking a Conditional Use Permit (CUP) for the expansion of an animal feedlot that will generate 300 or more animal units of manure and a CUP for the construction of a manure storage structure with a capacity over 20,000 gallons.

SUMMARY OF NOTEWORTHY TOPICS

The site is located slightly more than three miles east of the City of Caledonia off County 3. The farm is operated by John and Karyl along with their sons, Josh and Jayson. John and Karyl live onsite. They have expanded slightly over the years and are now at a capacity that requires a conditional use permit. The feedlot permit application identifies the expansion will contain up to 295 dairy cows, 95 dairy heifers, and 40 dairy calves. It also identifies 528.1 acres of land available for manure application. The proposed manure basin will be 154 feet wide by 268 feet long by 14 feet deep with a capacity of 2.89 million gallons. This is estimated to be twelve months storage. It's proposed the basin will be regularly emptied on an annual basis, likely in October and November.

The manure storage is proposed on the southwest corner of the farmstead. Currently manure is scraped to a pad and pushed over to a loading area. There is some runoff from that location. Milk house waste is currently stored in a holding tank within an animal holding area. Any flow from the adjacent open lot/holding area will be directed to the basin. Open lot runoff from the lot east of the round roof barn is managed with a vegetated filter strip.

A feedlot inspection was completed by Houston County staff in April and the petitioners have since applied for an Interim Feedlot Permit for construction. Review of the feedlot permit materials is still in process, but

liquid manure storage areas are required to comply with various location and design standards contained within the state feedlot rules. A review of their manure management plan will be completed as well.

The Comprehensive Nutrient Management Plan (CNMP) developed for the Diersen's included an air emissions and odor management plan that notes the following methods for reduction of emissions: plan to establish adequate separation distances; maintain clean, dry floors to eliminate manure build up; eliminate manure buildup under gates, feeders, etc.; promptly clean up any spilled feed and reduce feed waste/water losses. The following strategies were identified in the complaint response protocol: reduce nutrient waste with diet manipulation and the addition of chemicals to manure to reduce odor/emissions.

Below are relevant sections of the Houston County Zoning Ordinance (HCZO):

Animal Feedlot. *"Animal feedlot" means a lot or building or combination of lots and buildings intended for the confined feeding, breeding, raising, or holding of animals and specifically designed as a confinement area in which manure may accumulate, or where the concentration of animals is such that a vegetative cover cannot be maintained within the enclosure. For purposes of these parts, open lots used for the feeding and rearing of poultry (poultry ranges) shall be considered to be animal feedlots. Pastures shall not be considered animal feedlots under these parts.*

Manure Storage Area. *"Manure storage area" means an area where animal manure or process wastewaters are stored or processed. Short-term and permanent stockpile sites and composting sites are manure storage areas. Animal manure packs or mounding within the animal holding area of an animal feedlot that are managed according to MR part 7020.2000, subpart 3, are not manure storage areas.*

14.3 CONDITIONAL USES

Subdivision 1. Conditional Uses. *In the Agricultural Protection District, the following uses may be allowed only after obtaining a Conditional Use Permit in accordance with the provision of this Ordinance.*

(3) *Animal Feedlots. New or the expansion of existing animal feedlots that generate 300 or more animal units of manure.*

(18) *Manure Storage. New, or the expansion of existing manure storage structures with a capacity over 20,000 gallons.*

33.14 FEEDLOT PERMIT APPLICATION

Subdivision 1. Information Required for a Feedlot Permit Application. *In general, the following information is required for review prior to the issuance of a 2-year Interim Permit; a Construction Short Form Permit; a State Disposal System Permit, or a National Pollution Discharge Elimination Systems Permit:*

(1) *A completed State of Minnesota Permit Application as set forth in MR, 7020.0505.*

(2) *A Good Neighbor Plan as defined in this Ordinance.*

(3) *In some instances, because of site specific or operational considerations, the feedlot officer may require additional information.*

(4) *A plan for disposal of dead animals that is consistent with the Minnesota Board of Animal Health regulations.*

(5) *The Feedlot Advisory Committee may be requested to conduct an on-site review of any new feedlot, or the expansion of an existing feedlot. The committee will provide to the planning commission findings of fact and make recommendations regarding setbacks, location concerns, the need for vegetative screening, or any other technical information deemed necessary.*

33.24 LIQUID MANURE STORAGE AREAS

Minnesota Rules part 7020.2100 describes site restrictions and requirements for design, construction, maintenance, and operation of liquid manure storage areas. An owner shall submit a permit application, as applicable, under MR, part 7020.0405, subparts 1 and 2. Except as required in subpart 2, all liquid manure

storage areas must be designed, constructed, and operated in accordance with subparts 3 to 7. An owner of a liquid manure storage area that has been unused for a period of three years or more shall, prior to using the structure for storing manure or process wastewater, have a design engineer evaluate and prepare a report on the condition of the liner and include this report with a permit application submitted according to MR, part 7020.0405.

TOWNSHIP AND NEIGHBORHOOD COMMENTS

Mayville Township and the ten nearest neighbors were notified. One comment was received by the Zoning Office.

SITE CHARACTERISTICS

The site is an existing dairy facility approximately three miles east of the City of Caledonia. The site consists of confinement buildings, open lots, runoff controls and feed storage.

Slopes are under 10% throughout the farmstead. The site is in the Crooked Creek Watershed with the closest intermittent stream, Ballpark Creek, located just over 1,000-feet away to the east. Crooked Creek is approximately 4.6 miles via Ballpark Creek or 2 miles via Shamrock Creek, an intermittent stream approximately 2,000-feet west of the site.

There are no dwellings within a quarter mile of the proposed basin and eight within a half mile. All eight dwellings within a half mile are considered farm dwellings (accompanied by over 40 acres of land) with seven of those lying on the same parallel or north (either east or west) of the site. Approximately a quarter mile south of the property is another large dairy operation.

The well at this location is approximately 350 feet from the proposed basin and it is not located in a Drinking Water Supply Management Area. There are no indications of karst features in the immediate vicinity of this operation.

Prevailing winds measured in Preston and Rochester are from the south and northwest, thus winds are not anticipated to substantially increase odor at any of the neighboring properties. An OFFSET (Odors From Feedlots Setback Estimation Tool) was completed during the CNMP process and rates the site at 96% annoyance free. Staff ran an independent OFFSET which rated the site at 96% which included the proposed manure storage to the extent possible.



Windrose Plot for [FKA] PRESTON (AWOS)
Obs Between: 13 Jun 2002 08:55 AM - 21 Mar 2023 02:55 AM America/Chicago

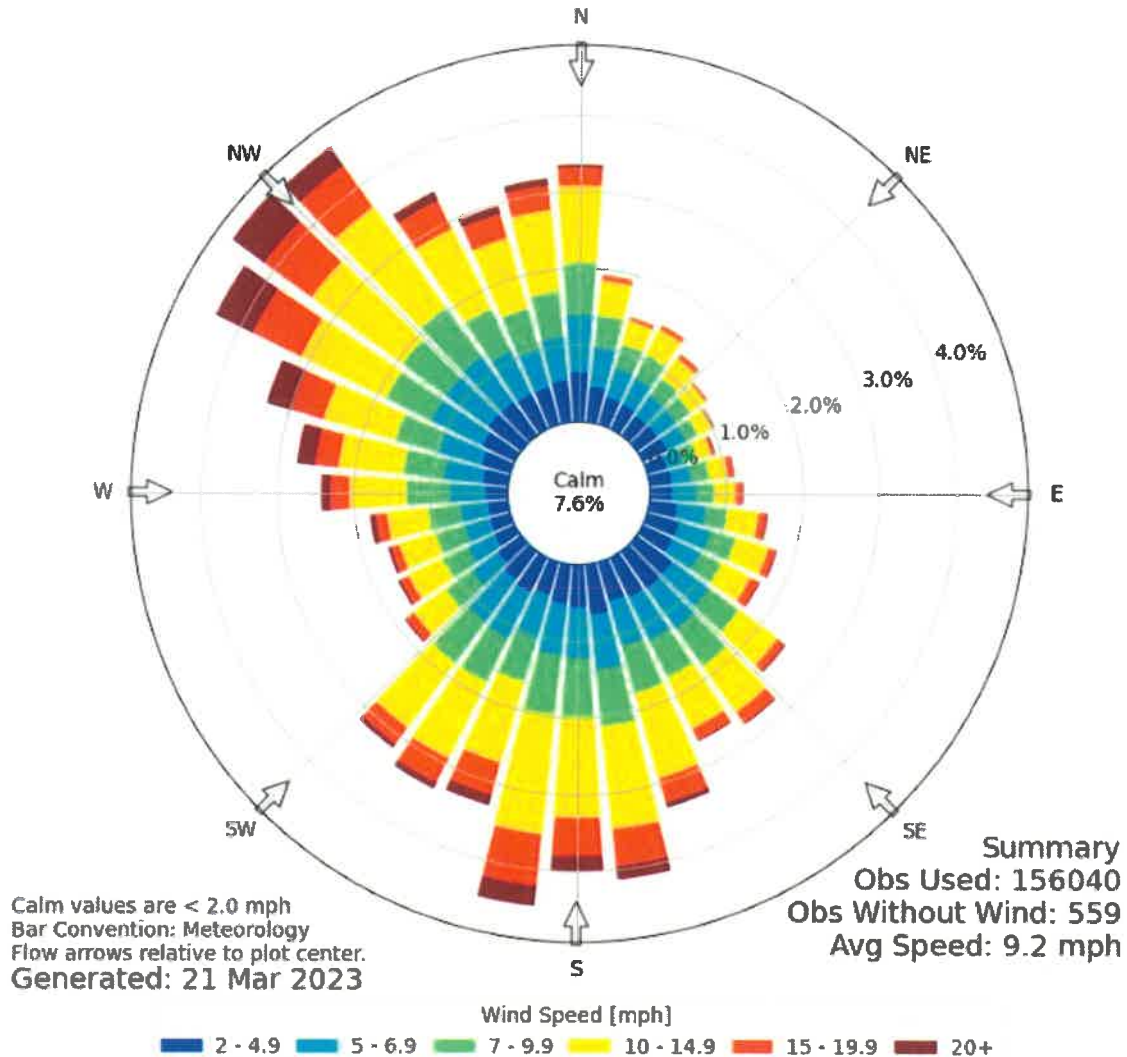


Figure 1. Wind Rose for Preston, MN. Source: Iowa State University

EVALUATION

Section 11.05 of the Houston County Zoning Ordinance requires the following:

Subdivision 1. Findings. The Planning Commission shall not recommend a conditional use permit unless they find the following:

1. That the proposed use conforms to the County Land Use Plan.

Staff Analysis: The Comprehensive Plan prioritizes support of commercial agriculture. For instance, Part 0100.0501 recognizes: “Goal 1. To preserve commercial agriculture as an essential long-term, permanent land use in the county”. For dairy operations to remain viable it often times requires expansion and along with that a manure basin allows them to more responsibly handle manure.

2. That the applicant demonstrates a need for the proposed use.

Staff Analysis: The petitioners currently operate a daily scrape and haul operation and manure storage will allow them to limit land application of manure to the fall as well as the opportunity to be more selective in respect to appropriate weather conditions for land application.

3. That the proposed use will not degrade the water quality of the County.

Staff Analysis: This project is ultimately to help protect water quality by providing the producer with the ability to handle manure only when conditions are appropriate.

4. That the proposed use will not adversely increase the quantity of water runoff.

Staff Analysis: All water that falls within the manure basin will be contained and clean water diversions will ensure stormwater is directed around the new project. Runoff controls exist in the open lot area and won't be affected by this construction.

5. That soil conditions are adequate to accommodate the proposed use.

Staff Analysis: Feedlot permits require soils to meet specific standards for approval as well as minimum bedrock separation requirements.

6. That potential pollution hazards have been addressed and that standards have been met.

Staff Analysis: A complete review of the liquid manure storage basin design and plans will be completed along with a manure management plan review before the feedlot permit is granted. This is to ensure that the project will meet specifications in place to minimize any pollution concerns.

7. That adequate utilities, access roads, drainage and other necessary facilities have been or are being provided.

Staff Analysis: This is an existing dairy facility, so the necessary public infrastructure and utilities are present at this location. Any rerouting within the site of utilities, access roads, drainage, etc. as part of the project will be the responsibility of the producer.

8. That adequate measures have been or will be taken to provide sufficient off-street parking and loading space to serve the proposed use.

Staff Analysis: N/A

9. That facilities are provided to eliminate any traffic congestion or traffic hazard which may result from the proposed use.

Staff Analysis: N/A

10. That the Conditional Use will not be injurious to the use and enjoyment of other property in the immediate vicinity for the purposes already permitted.

Staff Analysis: Manure storage is commonly found in the agricultural district and proper management will reduce any adverse effect to neighboring properties. This area consists of farming operations with farm dwellings and the Ordinance clearly states that neighboring properties in this district may be subjected to inconveniences, including odor, from "normal and accepted agricultural practices".

11. That the establishment of the Conditional Use will not impede the normal and orderly development and improvement of surrounding vacant property for predominant uses in the area.

Staff Analysis: The predominant use in this area is agriculture. There is another large dairy facility south of this farm, but the addition of a basin at this location will not impact neighboring agricultural operations.

12. That adequate measures have been or will be taken to prevent or control offensive odor, fumes, dust, noise and vibration, so that none of these will constitute a nuisance, and to control lighted signs and other lights in such a manner that no disturbance to neighboring properties will result.

Staff Analysis: Manure handling does create odors, but the addition of the basin is an improvement since they will not be hauling daily. Their Good Neighbor Notice identifies they will try to haul when wind is not an issue and will hire a custom applicator to inject the liquid manure.

13. That the density of any proposed residential development is not greater than the density of the surrounding neighborhood or not greater than the density indicated by the applicable Zoning District.

Staff Analysis: N/A

14. That the intensity of any proposed commercial or industrial development is not greater than the intensity of the surrounding uses or not greater than the intensity characteristic of the applicable Zoning District.

Staff Analysis: N/A

15. That site specific conditions and such other conditions are established as required for the protection of the public's health, safety, morals, and general welfare.

Staff Analysis: This project aims to reduce manure runoff potential, eliminate groundwater pollution hazards, improve soil health, and therefore protect the public's health, safety, morals, and general welfare.

RECOMMENDATION

The Planning Commission must consider the criteria above. Should the permit be granted, staff recommend requiring the following conditions:

1. The Permittee shall comply with all federal, state, and local laws and regulations.
2. The Permittee shall obtain all permits and approvals required under Minnesota Animal Feedlot Rules prior to commencing work on the manure pit;
3. The County may enter onto the premises at reasonable times and in a reasonable manner to ensure the permit holder is in compliance with the conditions and all other applicable statutes, rules, and ordinances.

Staff recommend granting the Conditional Use Permit for expansion of a feedlot over 300 animal units and manure storage over 20,000 gallons with the aforementioned conditions.

SITE SKETCH

Landowner: John Diersen Project ID: RR 1855

**Practice: Manure Storage Facility, 12 Months Storage
2.89M Gal, 14ft Deep Sloped Sides**

Location: NE ¼ of section 10, Mayville Township, Houston County MN



GOOD NEIGHBOR PLAN

Manure management

By: Houston County

How do you plan to control odor?

try to haul when wind is not an ~~issue~~
issue

How will you handle manure application?

Have a Custom Hauler
drag line some
solids haul out or help with

How will you address weight restrictions in the spring on local roads?

Haul in Ball after crops are off

APPLICANTS SIGNATURE:

John A. Dier

Date:

4/20/23

Doc Type: Permit Application

Feedlot permit no.

Page 1 of 2

Response to Documented Exceedance(s)

(Minn. R. 7020.0505, subp 4.B(1)(b))

Initial here: JD,

by initialing here I indicate that I have read, understand, and agree to the requirements/procedures outlined below. (initial is required for all facilities using this form)

In the event testing/monitoring conducted by the MPCA/County identify emissions in excess of standards set in applicable Minnesota Rules, Statutes, or other directives, the facility/ownership agrees to submit a plan of action following MPCA's request, which provides technical documentation that one (or more) of the following technologies will effectively control emissions in the short term as well as into the future:

Liquid Manure Storage Areas

- Chemical additions to the LMSA
- Maintain natural crusting (blow straw to promote crusting if necessary)
- Maintain a straw cover
- Permeable synthetic cover (floating geo-textile, etc.)
- Impermeable synthetic cover (floating HDPE, etc.)
- Anaerobic digester
- Treatment of escaping air with odor control technologies

Solid Manure Storage Areas

- Cover manure stockpiles with synthetic covers
- Remove manure packs more frequently
- Eliminate stockpiling by more frequent land application
- Incinerate solid manure for electricity
- Composting solid manure

Animal Holding Areas

- Utilize bio-filters or other odor control technology for power ventilated buildings
- Decrease the amount of manure buildup in the animal holding areas

Dead Animal Handling/Processing Areas

- Utilize enclosed and refrigerated dead animal holding area prior to rendering pick-up
- Animal mortality composting

The MPCA will, at its discretion, consider alternatives to the technologies listed above provided proper technical documentation is submitted that illustrates the alternative will undoubtedly minimize the emissions. The MPCA reserves the right to disapprove of the alternative if the MPCA deems the technical documentation incomplete or inaccurate or if the MPCA deems the alternative unsuitable for the unique circumstances at the facility.

The plan of action must identify when the technology will be installed and fully operational and should also identify what temporary measures can be taken to minimize emissions in the event the chosen technology will take a significant amount of time to install and make fully operational. The plan of action will be immediately implemented following approval by the MPCA and become part of this air emission and odor management plan and subsequently an enforceable part of the facility's NPDES/SDS Permit.



Minnesota Pollution Control Agency

520 Lafayette Road North
St. Paul, MN 55155-4194

Emergency Response Plan

NPDES and SDS Permit Program

Feedlot Program

Doc Type: Permit Application

Applicability: This *Emergency Response Plan* is to be used in case of an emergency spill, leak, or failure at the production facility or land application area and to assist with response to catastrophic animal mortality events (barn fires, tornadoes, etc.). You must submit this form as part of an application for National Pollutant Discharge Elimination System (NPDES) or State Disposal System (SDS) feedlot permit coverage.

Facility name: Minnigan Hills Farm

Feedlot registration no.: _____

Owner/Operator name: John Diersen

Feedlot permit no.: _____

List of critical phone numbers and contacts

	Contact person (or Company)	Phone number	
Emergency contacts			
• Fire/Ambulance		911	
• County Sheriff	Mark Inglett	507-725-3379	
Agency contacts			
• Minnesota Duty Officer		1-800-422-0798	Provide the Minnesota Duty Officer: <ul style="list-style-type: none">• Your contact information• Incident location, date, and time• For spills<ul style="list-style-type: none">- spill type- spill amount- surface water or field tile impacted• Progress made in response to the spill or catastrophic mortality event
• Minnesota Pollution Control Agency (MPCA) Field Office	Mark Gemes	507-206-2643	
• County Feedlot Officer (CFO)	Amelia Meiners	507-725-5800	
• Board of Animal Health Contact	Terry Sistad	218-355-0015	
Other contacts			
• Insurance company			
• Gopher State One Call		1-800-252-1166	
•			
Local vendors for spill and/or catastrophic mortality response assistance			
• Manure pumper	Undecided		
• Manure loading equipment	Owner/Operator		
• Earth moving equipment			
• Tiling equipment			
• Containment/Absorption materials (hay, straw, cornstalks, sawdust)	Owner/Operator		
•			

Manure Spill Emergency Response Procedures*

- Immediately stop the source of a liquid manure leak or spill:
 - Turn off pumps or valves
 - Clamp hoses or park tractor on hoses
- Contain spilled manure:
 - Use skid loader or tractor with blade to make berms
 - Install bale checks and block downstream culverts
 - Insert sleeves around tile intakes (or plug/cap)
 - Use tillage equipment to work ground ahead of spill
 - Use absorptive materials
- Make necessary phone calls as listed in the chart above:
 - Notify Minnesota Duty Officer at 1-800-422-0798
 - Notify sheriff's office if spilled on public roads or right-of-ways
- Cleanup:
 - Clean up spill immediately from road and roadside
 - Clean up all material, including the contaminated soil, as soon as possible by scraping, or by other means
 - Land apply manure at agronomic rates or place manure back in the manure storage area/ solid manure stockpile
 - Follow recommendations of MPCA staff and/or CFO
 - Restore site to its original conditions
 - If rain is expected prior to completion of cleanup; actions need to be taken to contain manure contaminated runoff from solid manure spills
- Document your actions:
 - Keep records of all actions related to the spill and follow up activities

*A detailed site map should be displayed on site to assist employees identify sensitive receptors near the facility (surface water, wells, tile intakes, etc.).

Catastrophic Animal Mortality Response

- Make necessary phone calls as listed in the chart above:
 - Notify Minnesota Duty Officer at 1-800-422-0798
 - Notify Minnesota Board of Animal Health
 - Notify MPCA and CFO
- Cleanup
 - Dispose of mortalities according to recommendations of MN Board of Animal Health Representative
 - Locate disposal area for mortalities to prevent impacts to surface and/or groundwater (consult MPCA/CFO)
- Document your actions
 - Keep records of all actions related to the animal mortality disposal activities

If burial of animal mortalities is necessary, the burial site must meet the following:

- Located 1000 feet from lakes and 300 feet from rivers and streams
- Mortalities are not buried within 5 feet of the seasonal water table
- Mortalities are not buried within 10 feet of karst susceptible bedrock
- Soils are not sandy or gravelly

Describe approximate location(s) of potential burial site(s) below:



MINNESOTA

ANIMAL MORTALITY PLAN

Carcass Disposal is regulated by: Minnesota Statute 35.82; Minnesota Rules chs. 1719.0100 - 1719.4600 and the Minn. Board of Animal Health; Minn. Pollution Control Agency and Minn. Department of Natural Resources

Farm Name:	Minnigan Hills Farm	Feedlot Registration Number:	
Owner:	John Diersen	Operator:	John Diersen
Location:	Section 10	Township	Mayville
		County	Houston

PLANNED METHOD OF ANIMAL DISPOSAL					
Animal Type	Bury	Incinerate	Render	Compost	Other
Cattle	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
If other, explain					

For each animal type, indicate dead animal handling methods to be used at your facilities. The minimum requirements for each management option are described below. Show locations of burial sites, incinerators, temporary mortality storage, and/or compost areas on your production facility maps.

SPECIES	LEGAL METHODS OF DISPOSAL				
	Bury	Incinerate	Render	Compost	Exempt by Law
Poultry	√	√	√	√	
Swine	√	√	√	√	
Cattle	√	√	√	*	
Horses	√	√	√	*	
Sheep/Goats	√	√	√	√	
Household Pets					√
Wild Animals					√
Game Farm/ Exotic Animals	√	√	√	*	

*Call Minnesota Board of Animal Health 651/296-2942, Ext. 27 or (800) 627-3529 for additional information.

Carcass must be disposed of as soon possible within 48 to 72 hours. Any vehicles or containers transporting carcasses must be: leak-proof, covered, inspected and permitted by the Minn. Board of Animal Health (except if owner is transporting his own dead animals).

BURIAL

Burial requires great care in site selection because decomposing carcasses release materials that can pollute ground water. This practice is most suitable for small amounts of material (e.g. less than 2000-lb./burial pit/acre). This practice is not suitable for large facilities or catastrophic losses and is difficult to implement in winter.

Burial requires that the carcass be five feet above the seasonal high-water table and covered immediately with enough soil to keep scavengers out (at least three feet). Do not bury in sandy or gravelly areas. Maintain a vertical separation of 10 feet between dead animals and bedrock. Do not bury near streams, rivers, lakes, ditches etc. Do not bury in areas subject to flooding. Immediate burial is recommended.

COMPOSTING

Composting is the process of placing carcasses in layers with a carbon source and manure to allow the natural heating process to break down the carcass. It can be practiced year-round; destroys pathogens and insect larvae; is environmentally sound and is one of the best practices to handle catastrophic losses.

Composting is an "art" that must be practiced. It is best to have the same person doing the composting to ensure compost performance.

The owner of the compost facility must have a written protocol for the operation containing at least the minimum steps listed below and instructing all employees to follow the protocol:

- Mortalities must be processed daily;
- A base of litter is required. The carcasses or discarded animal parts and litter plus bulking agent are added in layers so that the carbon to nitrogen ratio is in the range of 15:1 to 35:1 (optimal 23:1)
- The carcasses or discarded animal parts must be kept six (6) inches from the edges and sealed with litter each day;
- The temperature must be taken and recorded on site daily. The compost temperature must reach a minimum of 130 degrees Fahrenheit. Approximately seven (7) to ten (10) days are needed in each heat cycle to process carcasses and kill pathogens. A temperature drop indicates the time to mix and move the compost to generate a new heat cycle. A minimum of two (2) heat cycles are required.
- The finished compost must not contain visible pieces of soft tissue and must be handled, stored, and used according to all other applicable rules.

In addition, composting facilities must be:

- Built on an impervious, weight-bearing pad that is large enough to allow equipment to maneuver
- Covered with a roof to prevent excessive moisture on the composting material, but if sawdust or other water-repelling material is used as the bulking agent, a roof may not be necessary
- Built of rot-resistant material that is strong enough to withstand the force exerted by equipment
- Large enough to handle each day's normal mortality through the endpoint of the composting which consists of a minimum of two (2) heat cycles.

INCINERATION

Incineration can be used year-round and is a good cold weather alternative. The incinerator must be capable of producing emissions not to exceed 20 percent opacity; fitted with an afterburner that maintains flue gases at 1200 degrees Fahrenheit for at least 0.3 seconds; and ash from the incinerator must be handled to prevent particulate matter from becoming airborne. Incineration can be expensive for larger carcasses.

Recommendations

- Place your incinerator out of sight or enclosed with a decorative screen
- Consider the wind direction and time of the day, so as to least effect your neighbors

Do:

- Purchase MPCA-approved incinerator
- Purchase unit large enough to handle each day's mortality
- Properly maintain unit
- Incinerate mortality daily

RENDERING

Rendering offers the grower the chance to create a recyclable feed product if it is submitted to the renderer with proper handling. Rendering is a year-round option but is not available in all areas or for all species.

Carcasses left at an off-site pickup point must be in an animal-proof enclosed area that is at least 200 yards from a neighbor's buildings. Carcasses must be picked up within 72 hours, except if the enclosed area is refrigerated to less than 45 degrees Fahrenheit, then the carcasses must be picked up within seven days

Recommendations

- Get on an annual contract with the renderer rather than a "per call" charge
- If large enough farm, get on a scheduled weekly or twice weekly pick-up route
- Use off-site pick up points for biosecurity purposes
- Consider refrigerated off-site pick up points

Do:

- Know what substances the animals were exposed to in order to avoid residue problems in the rendered product
- Be aware of potential disease spread from a rendering truck.

ALTERNATIVE METHODS

The Board of Animal Health may permit alternative methods of carcass disposal that are effective for the protection of public health and the control of livestock diseases. **All alternative methods require a permit from the Board of Animal Health (651) 296-2942.**

Odors From Feedlots Setback Estimation Tool

Farm Name	John Diersen
Address or County	8245 County 3
Evaluator	Amelia Meiners
Date	5/18/23

[Clear All](#)

OFFSET Ver 2.0
University of Minnesota
1/21/2017

OFFSET
Annoyance-free
96%

Source Edge to Nearest Neighbor (ft)	1204
Source Edge to Property Line (ft)	320

Building Sources

Building Type	Width (ft)	Length (ft)	# of Similar Sources	Total Area (sqft)	Control Technology	% air treated
Dairy - free stall ▼	160	60	1	9600	None ▼	
Dairy - free stall ▼	140	108	1	15120	None ▼	
Dairy - loose housing ▼	32	70	1	2240	None ▼	
Dairy - loose housing ▼	80	48	1	3840	None ▼	
None ▼				0	None ▼	
None ▼				0	None ▼	
None ▼				0	Biofilter ▼	

AREA SOURCES

Source Description	Shape	Width (ft) (or Dia)	Length (ft)	Area (sqft)	Control Technology
Open lot Dairy or Beef ▼	Rectangle ▼	60	100	6000	None ▼
Open lot Dairy or Beef ▼	Rectangle ▼	83	100	8300	None ▼
Earthen manure storage ▼	Rectangle ▼	154	268	41272	4" straw or natural crust ▼
None ▼	Rectangle ▼			0	None ▼
None ▼	Rectangle ▼			0	None ▼
None ▼	Rectangle ▼			0	None ▼
None ▼	Rectangle ▼			0	None ▼

Building Sources	
Add Source Type	
Name of Source	
Odor Flux (ou/s/m2)	
H2S Flux (ug/s/m2)	
NH3 Flux (ug/s/m2)	
Documentation	
Add a Control Technology	
Name of technology	
Odor reduction (%)	
H2S reduction (%)	
NH3 Reduction (%)	
Documentation	

Area Sources	
Add a Source Type	
Name of Source	
Odor Flux (ou/s/m2)	
H2S Flux (ug/s/m2)	
NH3 Flux (ug/s/m2)	
Documentation	
Add Control Technology	
Name of technology	
Odor reduction (%)	
H2S reduction (%)	
NH3 Reduction (%)	
Documentation	

Amelia Meiners

From: Brian Pogodzinski
Sent: Wednesday, May 17, 2023 8:48 AM
To: Amelia Meiners
Subject: RE: Diersen CUP

No concerns. Their operation has not impacted our county highway and I do not see their expansion creating any significant new impacts.

Brian K. Pogodzinski, P.E.
Houston County Engineer

From: Amelia Meiners <amelia.meiners@co.houston.mn.us>
Sent: Monday, May 15, 2023 9:24 AM
To: Brian Pogodzinski <Brian.Pogodzinski@co.houston.mn.us>
Subject: Diersen CUP

Brian,

John & Karyl Diersen are seeking a CUP for manure storage and expansion over 300 au. They are located at 8245 County 3 (PID 09.0097.000). Do you have any comments/questions/concerns you would like brought up at the hearing?

Thanks!

Amelia Meiners
Environmental Specialist
Houston County Environmental Services
304 S. Marshall St., Room 209
Caledonia, MN 55921
(507) 725-5800 (office)
(507) 500-1909 (cell)

Conditional Use Request
2023-CUP-115494

Fees Paid
\$746.00

Applicant
John Diersen

Created
April 19, 2023

Number
2023-CUP-
115494

DIERSEN,JOHN D & KARYL J |
090097000 |
Submitted by John Diersen on
4/19/2023



Applicant

John Diersen

507-724-2330

minnigan@hotmail.com

Search Parcel Data Completed On 4/19/2023 1:48 PM EST by AmyS

ParcelID	Address	City	OwnerName	Acres
090097000	8245 COUNTY 3	CALEDONIA	DIERSEN,JOHN D & KARYL J	126.420

CONDITIONAL USE INTRO Completed On 4/19/2023 1:48 PM EST by AmyS

A Conditional Use is a land use or development that would not be appropriate generally but may be allowed with appropriate restrictions as provided by official controls upon a finding that specific criteria are met, as outlined in Section 6.5 of the ordinance.

When submitting an application, the information requested in this form is required. You may be asked to provide additional information as deemed necessary by the Zoning Office, the Planning Commission, or the County Board.

A non-refundable application fee and recording fee are required before an application is considered complete.

Prior to completing this form, a pre-application meeting with County Zoning is strongly recommended.

Application Fee:

Conditional Use Application Fee

\$700.00

Recording Fee:

Recording Fee

\$46.00

Application Type:

Conditional Use

APPLICANT INFORMATION Completed On 4/19/2023 1:50 PM EST by AmyS

Applicant Name

DIERSEN,JOHN D & KARYL J

Telephone Number

507-724-2330

Address

8245 COUNTY 3

City

CALEDONIA

Zip

55921

Parcel Tax ID

090097000

Legal Description

N1/2 NE1/4 & E 5/8 S1/2 NE1/4 EX 3.202A HWY R/W IN N1/2 NE1/4; DOC 254969 8

Section-Township-Range

10-102-005

Do you own additional adjacent parcels

Yes

Township of:

Mayville

Applicants are required to inform township boards of their application. Please reference the table below and contact the official for your township.

I understand I am required to inform my township of my application.

Yes

Township Contacts

TOWNSHIP	NAME	PHONE
Black Hammer	Clayton Johnson	507-450-6384
Brownsville	Christine Novak	507-459-0636
Caledonia	Donise Becker	507-724-5163
Crooked Creek	David Winnes	507-542-4515
Hokah	Delayne Vogel	608-397-6516
Houston	John Beckman	507-896-3106
Jefferson	Anne Falken	320-493-8629
La Crescent	Jason Wieser	507-429-0133
Mayville	Erin Hammell	608-225-1830
Money Creek	Adam Florin	608-797-2515
Mound Prairie	Colleen Tracy	507-459-3573
Sheldon	Wayne Runningen	507-450-0065
Spring Grove	Mike Wiste	507-450-4638
Union	Craig Frederick	608-769-9541

Wilmington	Melissa Schroeder	608-780-3998
Winnebago	Luke King	507-725-8816
Winnebago	Joyce Staggemeyer	507-542-4637
Yucatan	Deb Dewey	507-896-3566

CONDITIONAL USE REQUEST Completed On 4/19/2023 1:53 PM EST by AmyS

[Click here to view the Houston County Zoning Ordinance](#)

Describe in detail your request.

We are hoping to build a manure pit for 1 year of storage. This will be roughly 2 million gallons.

Citation of Ordinance Section from which the Conditional Use is requested:

14.3 (18)

Requested Dimension:

TBD

Please upload any supporting documents:

CONDITIONAL USE FINDING OF FACTS Completed On 4/19/2023 2:01 PM EST by AmyS

[Click here to view the Houston County Zoning Ordinance](#)

Findings Required:

The Planning Commission shall not recommend a Conditional Use Permit unless they find that the requirements below are satisfied. As the applicant, it is your responsibility to demonstrate that your proposal satisfies these requirements. For each of the 15 criteria, please select the appropriate response and provide a detailed explanation.

1. That the proposed use conforms to the County Land Use Plan.

Yes

Comments:

Manure pits are common in the ag district.

2. That the applicant demonstrates a need for the proposed use.

Yes

Comments:

We need more storage to avoid everyday hauling and being on the field at the wrong time.

3. That the proposed use will not degrade the water quality of the County.

Yes

Comments:

We are building this to prevent runoff.

4. That the proposed use will not adversely increase the quantity of water runoff.

Yes

Comments:

We are building this to prevent runoff.

5. That soil conditions are adequate to accommodate the proposed use.

Yes

Comments:

Soil borings have been completed.

6. That potential pollution hazards have been addressed and standards have been met.

Yes

Comments:

We are building this to prevent pollution.

7. That adequate utilities, access roads, drainage and other necessary facilities have been or are being provided.

Yes

Comments:

Roads are and will be provided.

8. That adequate measures have been or will be taken to provide sufficient off-street parking and loading space to serve the proposed use.

N/A

Comments:

NA

9. That adequate facilities are provided to eliminate any traffic congestion or traffic hazard which may result from the proposed use.

N/A

Comments:

NA

10. That the conditional use will not be injurious to the use and enjoyment of other property in the immediate vicinity for the purposes already permitted.

Yes

Comments:

This will be out of the public eye as it will be located behind the rest of the farm. It should not affect the public.

11. That the establishment of the Conditional Use will not impede the normal and orderly development and improvement of surrounding vacant property for predominant uses in the area.

Yes

Comments:

This is common in the ag district.

12. That adequate measures have been or will be taken to prevent or control offensive odor, fumes, dust, noise and vibration, so that none of these will constitute a nuisance, and to control lighted signs and other lights in such a manner that no disturbance to neighboring properties will result.

Yes

Comments:

Odors will only be a concern when pumping.

13. That the density of any proposed residential development is not greater than the intensity of the surrounding uses or not greater than the intensity characteristic of the applicable zoning district

N/A

Comments:

NA

14. That the density of any proposed commercial or industrial development is not greater than the intensity of the surrounding uses or not greater than the intensity characteristic of the applicable zoning district.

N/A

Comments:

NA

15. That site specific conditions and such other conditions are established as required for the protection of the public's health, safety, morals, and general welfare.

Yes

Comments:

There will be fencing to protect safety and this will not be easily accessed at the back of our farm.

SITE PLAN INFORMATION Completed On 4/19/2023 2:03 PM EST by AmyS

A site plan MUST accompany all Applications. You may either upload a drawing or use the interactive map below.

Upload Site Plan

Use the Interactive Map to Create a Site Plan. Map tools: Click the plus and minus buttons in the upper left of the map window, to zoom in/out. Navigation Mode - Scroll up to zoom in, scroll down to zoom out. Click and hold to pan around map. Text Mode - To place text on the map, click on the "Add Text" tool, click the place on the map where you would like the text to be displayed, then enter the text in the box that appears at the top of the screen, click ok to display the text on the map. Draw a point - Click once on the map where you would like the point to be. Draw a Line - Click once on map to start drawing a line, double click to stop drawing line. Draw a Polyline - Click once on map to start drawing a polygon, click map at each vertex and double click to finish polygon drawing. Draw a Rectangle - Click once on the map where you would like the rectangle to be. The rectangle will appear on the map. Click on the Select tool and click on the rectangle to resize (click an outside square and drag to resize), rotate (click, hold and drag the circle on top of the rectangle to rotate) or delete (click the rectangle and hit the delete button). Measure - Click once on map to start draw a line with a measurement, click map at each vertex and double click to finish drawing. If you double click near starting point area measurement will also be calculated. Undo Last Edit - Click tool to undo last drawing edit. Undo All Edits - Click tool to undo all drawing edits.

☐ Sketch Layer

☐ Reference Layer

☒ Mapproxy



Powered by Esri

Use the space below to include site plan comments, if necessary

See architectural plan.

APPLICATION SUBMITTAL Completed On 4/19/2023 2:04 PM EST by AmyS

By checking this box, I grant Houston County access to my property for the purpose of evaluating this application.

Yes

By checking this box, I certified that I have notified my town board of my application.

Yes

By checking this box, I certify that the information provided in this application is true and accurate to the best of my knowledge.

Yes

Signature

Date Signed:

4/19/2023

Check this box if Staff Signature on behalf of Applicant.

Yes

External Notes

Documents

Internal Notes

Documents

CRITERIA FOR GRANTING CONDITIONAL USE PERMITS

NAME OF APPLICANT: *John and Karyl Diersen* DATE: *May 25, 2023*

C.U.P. REQUESTED: *Expansion of a feedlot to 461.5 animal units and to include manure storage over 20,000 gallons in the agriculture protection district.*

The Planning Commission shall not recommend a conditional use permit unless they find the following:

FINDINGS OF FACT

Section 11.05 of the Houston County Zoning Ordinance requires the following:

1. That the proposed use conforms to the Houston County Land Use Plan.

Staff Analysis: The Comprehensive Plan prioritizes support of commercial agriculture. For instance, Part 0100.0501 recognizes: "Goal 1. To preserve commercial agriculture as an essential long-term, permanent land use in the county". For dairy operations to remain viable it often times requires expansion and along with that a manure basin allows them to more responsibly handle manure.

Board agreed to the finding by a unanimous vote.

2. That the applicant demonstrates a need for the proposed use.

Staff Analysis: The petitioners currently operate a daily scrape and haul operation and manure storage will allow them to limit land application of manure to the fall as well as the opportunity to be more selective in respect to appropriate weather conditions for land application.

Board agreed to the finding by a unanimous vote.

3. That the proposed use will not degrade the water quality of the County.

Staff Analysis: This project is ultimately to help protect water quality by providing the producer with the ability to handle manure only when conditions are appropriate.

Board agreed to the finding by a unanimous vote.

4. That the proposed use will not adversely increase the quantity of water runoff.

Staff Analysis: All water that falls within the manure basin will be contained and clean water diversions will ensure stormwater is directed around the new project. Runoff controls exist in the open lot area and won't be affected by this construction.

Board agreed to the finding by a unanimous vote.

5. That soil conditions are adequate to accommodate the proposed use.

Staff Analysis: Feedlot permits require soils to meet specific standards for approval as well as minimum bedrock separation requirements.

Board agreed to the finding by a unanimous vote.

6. That potential pollution hazards have been addressed and that standards have been met.

Staff Analysis: A complete review of the liquid manure storage basin design and plans will be completed along with a manure management plan review before the feedlot permit is granted. This is to ensure that the project will meet specifications in place to minimize any pollution concerns.

Board agreed to the finding by a unanimous vote.

7. That adequate utilities, access roads, drainage and other necessary facilities have been or are being provided.

Staff Analysis: This is an existing dairy facility, so the necessary public infrastructure and utilities are present at this location. Any rerouting within the site of utilities, access roads, drainage, etc. as part of the project will be the responsibility of the producer.

Board agreed to the finding by a unanimous vote.

8. That adequate measures have been or will be taken to provide sufficient off-street parking and loading space to serve the proposed use.

Staff Analysis: N/A

9. That facilities are provided to eliminate any traffic congestion or traffic hazard which may result from the proposed use.

Staff Analysis: N/A

10. That the Conditional Use will not be injurious to the use and enjoyment of other property in the immediate vicinity for the purposes already permitted.

Staff Analysis: Manure storage is commonly found in the agricultural district and proper management will reduce any adverse effect to neighboring properties. This area consists of farming operations with farm dwellings and the Ordinance clearly states that neighboring properties in this district may be subjected to inconveniences, including odor, from “normal and accepted agricultural practices”.

Board agreed to the finding by a unanimous vote.

11. That the establishment of the Conditional Use will not impede the normal and orderly development and improvement of surrounding vacant property for predominant uses in the area.

Staff Analysis: The predominant use in this area is agriculture. There is another large dairy facility south of this farm, but the addition of a basin at this location will not impact neighboring agricultural operations.

Board agreed to the finding by a unanimous vote.

12. That adequate measures have been or will be taken to prevent or control offensive odor, fumes, dust, noise and vibration, so that none of these will constitute a nuisance, and to control lighted signs and other lights in such a manner that no disturbance to neighboring properties will result.

Staff Analysis: Manure handling does create odors, but the addition of the basin is an improvement since they will not be hauling daily. Their Good Neighbor Notice identifies they will try to haul when wind is not an issue and will hire a custom applicator to inject the liquid manure.

Board agreed to the finding by a unanimous vote.

13. That the density of any proposed residential development is not greater than the density of the surrounding neighborhood or not greater than the density indicated by the applicable Zoning District.

Staff Analysis: N/A

14. That the intensity of any proposed commercial or industrial development is not greater than the intensity of the surrounding uses or not greater than the intensity characteristic of the applicable Zoning District.

Staff Analysis: N/A

15. That site-specific conditions and such other conditions are established as required for the protection of the public's health, safety, morals, and general welfare.

Staff Analysis: This project aims to reduce manure runoff potential, eliminate groundwater pollution hazards, improve soil health, and therefore protect the public's health, safety, morals, and general welfare.

Board agreed to the finding by a unanimous vote.

Larry Hafner made a motion to accept the findings as presented. Wayne Feldmeier seconded. All were in favor. Motion carried.

Greg Myhre made a motion to accept the proposed conditions. Jim Wieser seconded. All were in favor.

Josh Gran made the motion to recommend the Houston County Board approve the Conditional Use application for expansion of a feedlot to 461.5 animal units and manure storage over 20,000 gallons with the following conditions:

1. The Permittee shall comply with all federal, state, and local laws and regulations.
2. The Permittee shall obtain all permits and approvals required under Minnesota Animal Feedlot Rules prior to commencing work on the manure pit;
3. The County may enter onto the premises at reasonable times and in a reasonable manner to ensure the permit holder is in compliance with the conditions and all other applicable statutes, rules, and ordinances.

Wayne Feldmeier seconded. Roll call vote was taken. All were in favor. Motion carried.