

Planning Commission Meeting Minutes

January 4, 2024

Completed by: Sue Bertrand, P&Z Staff

Site visits conducted by Adam Ossefoort and Jim Pratt on 11/30/2023.
Additional site visit conducted by Adam Ossefoort and Arnie Boie on 12/28/2023

Meeting attended by board members: Chair Jim Pratt, Vice Chair Ken Hovet, Lloyd Graves, Arnie Boie, Roger Hendrickson and Commissioner's Liaison Tim Denny.

Staff members: Adam Ossefoort and Sue Bertrand.

Other members of the public: Sign-in Sheet is available for viewing upon request.

Jim called the meeting to order at 6:00 p.m. The Pledge of Allegiance was recited as a collective group.

Introduction of the staff and board members by Jim.

Ken motioned to have the December 7th, 2023 meeting minutes approved. Arnie seconded the motion. Voice vote, no dissent heard. Motion carried.

Jim stated there are no changes to the agenda.

1. AGENDA ITEM 1: Reorganization of the Board and review Business Rules:

Adam stated there have been no changes to the business rules from 2023 to 2024 and a copy was included in the board packets, so unless the board would like to propose any changes, you can move to adopt as proposed.

Arnie motioned to adopt the Business Rules as proposed, Roger seconded, voice vote, no dissent heard, motion carried.

Election of officers, Adam stated he had previously talked to both Jim and Ken and they are willing to be Chair and Vice Chair again if someone would like to nominate them.

Roger nominated Jim for Chair, motion by Ken to elect Jim for Chair for the year, seconded by Roger. Voice Vote. No dissent heard, motion carried.

Roger nominated Ken to be Vice Chair, motion to cease nominations and cast a unanimous ballot, Arnie motioned, Lloyd seconded, voice vote, no dissent heard, motion carried.

Jim stated with the number of people present, when it comes to public comment, you will have three minutes to say what you would like to say and at two and half minutes he will let you know to wrap it up. He also stated at some point we will be taking a break. He informed the public when it is their time to speak, to please come up to the podium, sign in and state your name, where you are from and if you are representing any group or

cattleman's association, that would be helpful. He also stated if you need more time than allowed, your neighbor can give you their time, but please sign the sheet stating who forfeits their three minutes.

AGENDA ITEM 2: Highway 27 Salvage – PID 21-0008601 – Round Prairie Township

Request to establish an auto salvage yard in AF-1 and Commercial Zoning.

Shannon was present as the applicant. Shannon stated

Staff Findings: Adam read the staff report. The staff report is available for viewing upon request in the Planning & Zoning Office.

Proposed Condition(s):

1. Existing southern fence shall be moved to achieve a 50' setback from private wells.
2. Perimeter fence shall be maintained to provide sufficient screening from all public roads. Perimeter fence shall be no less than 10' in height measured from the ground surface.
3. Perimeter fence shall be fully established no later than August 1st, 2024.
4. Applicant shall obtain MPCA Industrial Stormwater Permitting and provide verification of permitting to the County.
5. Accumulation of scrap material shall not be visible from US Highway 71.
6. Applicant must abide by all applicable federal, state, and local standards.

Correspondence received: Yes. Pipo's attorney, Mark Thieroff with Siegel Law. This letter may be viewed in full, upon request, at the Planning and Zoning Office.

Public comment:

Pat Porter, owns Pat Porter Automotive which is next door to Hwy 27 Salvage, stated he's got a couple of statements from prior Conditional Use Permits. A ten-foot-high fence to be constructed on the west and east sides of the property, prior to moving cars on the property, and the rest of the fence is to be constructed by June 1, 2008. A plan for fluids disposal is to be submitted to the office. The CUP needs to be reviewed in July of 2008 and it was never complied with. He stated the next one is a CUP approval of the application is presented with the condition on: 1.) The south side perimeter fence to be back 25 feet from the property line. On the south side between perimeter fence and lot line, plant trees for screening of the fence (tree screening plan to be approved by the Planning and Zoning Office). Applicant must notify Planning and Zoning when the MPCA permit is received and if it is ever revoked they must notify the office and the permit would be pulled. There are areas here that apply to the 2022, 2023 "Junk yard Act" of the state of Minnesota, copied right out of the laws: "any yard within the right of way of any US or State Hwy are notified they must be following the rules and regulations set forth. The EPA laws are applied and are enforceable with a ten-foot fence and trees to be maintained". Pat stated he believed this should not be granted at all. It's causing problems with the air and water and with the wetlands there, sooner or later, it's going to cause problems.

Kerry Pipo, stated he only has a couple of things to add. At the last meeting there was discussion of forcing Pipo to allow Shannon to trespass to build a fence on his property, he stated he has trees and landscaping in place that on his property, and asked why he should have to lose property so Shannon can build an illegal fence. He didn't understand. In him having a CUP for a property that he doesn't intend on using, as he said it several times on record, that further restricts him on what he can do. He has a fifty-foot setback on that line,

to build a pole shed or whatever. Putting it on the line is just like putting a pole shed on the line. Which he has done too behind Farm Right. The other thing he would like to address is he has been continually called a liar about him smoking Pipo out of his own house. There is a police report that backs that up with pictures and documentation. Todd County just decided he didn't need to be charged with it, even though it's a felony. Another thing is the fence height, he, in his opinion cheeped out, and went with the shorter tin. He claims there is six inches underneath it. Pipo stated he has \$100.00 if you can show him one spot that has a six-inch gap underneath it. He saved a few thousand dollars by going shorter. Another thing, any future fence that goes up, is it going to look as bad as the one that's there now? The ten-foot fence is twenty-five feet back, he didn't even get the tin on there straight, and it's only seven-feet tall in one spot, perfect so he has to view everything. The danger of the closest fence, if you need a security fence, chain link. It's not that big of a deal, and you don't have to leave eight-foot poles. He's already had a kid try and climb it. What happens if they try and climb it, get over and cut themselves up, and he can't get in there to get them? The fact that the board would even consider granting this, and taking away Pipo's right to use that chunk of land where he has stuff stored, so if you grant it, does he have to move his stuff from his property further in? Does he not have to plant the trees and flowers that he's ordered for this year period, until he gets the project done? What's with that? Pipo stated he is going to lose the use of his property, that he is using, for a CUP that Shannon doesn't intend on using. Stated this isn't Russia. You can't just decide "I'm going to get a CUP, and take the neighbor's rights away".

Board discussion:

Arnie stated there are very little specifics, as to what ordinances and so forth, here, that are supposed to be followed, and stated he would like to see a little more clarity.

Roger stated he says he doesn't plan on utilizing it. Ten years ago, we granted the CUP permit to put up a ten-foot fence, twenty-five feet from the existing line and plant trees within twenty-five feet. After it was given to him, he started building the fence on the line, never planted any trees. He stated he can't see why we should give him a permit, again, that we took away from him, until he shows he can do what he was told to do. He had ten years to do it, and never did any. He hollers that it's sand, well, Jennie O. is up hwy. 71, planted trees when they put their building up, that's sand, they lost a few.

Shannon stated #1 the only reason he didn't finish was his shop burned down, so he had to direct his efforts to other things and that was after he started building the fence and why it was only partially built. #2 Pretty hard to pump water 2,000 feet to water trees, on sandy soil, that won't grow anyway. That whole area hasn't been touched since then, and there are two or three trees there that are deformed because they don't grow. He stated he would have to buy a water truck or something and spend two, three hours a day watering trees. As far as the ordinance goes, he should be allowed to put a fence right on the line and it should have been a ten-foot fence. He stated the board approved that at the time, but what changed it was the County Commissioners. He stated they are the ones who changed it and said he had to put trees there and he'd had to be there everyday to water them, and he wasn't going to do that, two or three hours a day.

Jim stated the commissioners always have the final say, the Planning Commission just makes recommendations.

Shannon stated he understands that.

Roger stated there was no attempt was made to even plant a tree.

Shannon agreed he didn't do it because his shop burned down and had to build a shop and stuff.

Roger stated that was ten years ago.

Shannon agreed, yes, something like that. When he started to again, the permit ran out, and they sent him here again. He also pointed out he has the paper work from the MPCA that he does not need a stormwater run-off permit for that piece of property, if the board wants to see the paperwork, he has copies and he handed them out. He explained he has a ten-foot fence around the yard and it borders Pat Porters property with his other ten-foot fence, it should be put on the border all the way around, and if it doesn't get put on the border, people are going to go on his property, and it's going to be a liability for himself. That's why he put the six-foot fence on the south end, right away, to keep people out of there. He stated it's legal to put up a six-foot fence without a permit. He would just as soon have a ten-foot fence there, as Pipo is talking about his kids getting hurt on it, they would never get hurt if it was a ten-foot fence, because they wouldn't be able to climb it.

Roger stated once again, you had ten years to do things and you didn't, so he didn't know why the board should give you another permit, and thinks the County Commissioners will probably look at it about the same way and deny it anyway.

Shannon stated his permit ran out and he had to start over anyway, and it just doesn't make to sense to try and water trees every day. He would have to pump water 2,000 feet to get water up there.

Adam asked Jim if he could insert something, to which Jim granted, and Adam stated this correspondence that Shannon had given them, at no fault of Shannon's, reference a construction storm water permit and believed the permit a salvage yard would obtain, is an Industrial storm water permit. Adam stated he thinks he may not have been led to the right folks.

Shannon stated he told the gal all of that and explained to her what type of business he is running, a salvage yard right next to it, that this lot was empty, and he was just putting up a fence and that is what she gave him.

Jim reminded him he was applying for a salvage yard permit.

Shannon agreed, basically to add on to his salvage yard. He also stated he never said he wasn't going to use it, he said he hasn't used it so far. That doesn't mean he doesn't plan on using it, some day, he doesn't know. He doesn't know what the future is going to bring. He also wants to do it for the liability reasons.

Jim stated he was right, but if that is the case, he doesn't need a CUP to put a fence.

Shannon stated if it's over six-feet he does.

Jim agreed.

Shannon added this property has been a salvage yard for over 50 years. Tractor salvage, machinery salvage, stuff from before from Long Prairie Machinery and Long Prairie Tractor parts. It's been a salvage yard forever.

Jim addressed Adam and asked about the storm water permit he needs.

Adam stated it is an Industrial storm water permit, not a construction stormwater permit is what his understanding is.

Shannon again, stated he told the gal he had a salvage yard next to it, and believed her name to be Madison.

Ken have you had a chance to read through the proposed conditions, as far as the conditions that will be attached with the Conditional Use Permit?

Shannon thought we had already come up with the conditions last time.

Ken went on, one of them is the existing southern fence maintain 50-foot setback from the wells, and that he indicated he would have no problem with that?

Shannon clarified and stated he remembered they talked about putting the south fence right on the line, and where the well is put a 50-foot circumference around it, on his own side.

Ken asked again, if that would okay?

Shannon stated yes.

Ken said the next stipulation is that a perimeter fence be maintained to provide sufficient screening from all public roads. He recalled last meeting Shannon said that would be fine.

Shannon agreed.

Ken continued, also a perimeter fence should be no less than 10 foot in height and recalled he had said that was fine.

Shannon agreed.

Ken continued another condition is that you need to obtain an industrial storm water permit. Apparently, the MPCA thought what you were obtaining is a construction storm water permit.

Shannon again stated he had explained everything to her.

Ken understood that it got messed up, but somewhere along the line, he had gotten that done.

Shannon stated he could get a hold of her again and get the right paperwork, that it is not a problem.

Ken continued, another condition is any accumulation of any scrap material shall not be visible from US 71, and last time you said that would be no problem. He went on another condition was that you need to abide by applicable federal state and local standards, and not sure if the stipulation that the perimeter fence be done by August first was talked about, and he is okay with that?

Shannon agreed, and stated he has done everything right, contrary to what Pat Porter had said about him. Stated he has been at this location for fifteen years, and done everything right, drains every vehicle that comes in, every tractor, everything, and does it legally. "He's the one who has junk cars all over his yard that have never been drained, and he is worried about me". Shannon added he uses it for heat in his shop, does the best he can and stated his yard is clean inside and outside, and everybody who comes in there says the same thing.

Ken stated if you are amenable to all of those?

Shannon stated he was fine with that, but wanted to say one thing, if anyone wanted to come out to his place and check it out, they are welcome to, invited anyone, he has got nothing to hide.

Jim asked about the South property line and cannot give him permission to go on his property to build the fence.

Shannon stated that is up to Mr. Pipo, as he would have to put it up on the outside so it looks decent.

Jim stated he realizes that but we can't give him permission to go on his property.

Shannon stated Pipo could give him or the contractor permission. He stated if he wants it to look good and be safer for his kids, if he really cares about that, he'll make it look good, but he will need a couple days to do it.

Jim stated that doesn't sound like that is going to happen, so your plan is to put the steel on the inside then?

Shannon stated he would have to, that he doesn't want to. He didn't understand the statement of Pipo not being able to use all of his property. Didn't know what that was all about because, Shannon's fence is not on Pipo's property, it's on the line. Pipo can use his, just as well as Shannon can use his. Shannon stated it is Pipo's choice to let Shannon in there to put the steel on the outside and make it look decent.

Jim asked if he was agreeable to going back about eight feet or so, so he can put the steel on the outside and realizes he would be giving up property?

Shannon stated he would have to pull all of the posts and all the lumber off, and re-do it again.

Jim stated it was just an idea he would throw out there.

Shannon stated it is a lot of expense. He stated he wished he had had it done ten years ago, so he wouldn't have this problem.

Ken stated so there is no room between the fence and his property to work on the fence.
Shannon stated, no.

Roger stated at the time of the first permit, it was supposed to be 25 feet off the line, and he had started it on the line then went back in there and did more on the line...

Shannon stated he put a six-foot fence on the line, it is legal to put a six-foot fence on the line.

Roger stated but you were told to put your fence twenty-five feet...

Shannon interrupted he was putting that one up too, that also is in there. That was put up at the same time.

Roger asked if you had pressure because of time, why put it on the line, when you were told to put it at twenty-five feet?

Shannon stated he didn't finish either one of them, they were driving the holes and putting the lumber up and his shop burned down and he had to direct his funds and everything to something else.

Roger asked why he went ahead and put it on the line if you were under time constraints?

Jim clarified, he had two fences.

Shannon clarified, as well, he had two fences, and to show the picture that you can see them both, which Adam did.

Roger stated he had posts up but did not have the steel up on the one on the line.

Shannon stated he had partial on both, actually.

Roger stated he didn't have steel up, you had a little bit of steel up on the west end of it.

Shannon stated he didn't know his shop would burn down, but he was planning on doing it all at once.

Roger stated he had two buildings burn down in the last two years so he knows what it is to have a fire.

Shannon pointed to a photo overhead, the white six-foot and on the inside is the higher one, that was put up. When they are drilling the holes, they are going to drill them all at the same time, put the lumber up...

Roger, the one on the line, you started on the west end of it and then when you got the permit for the twenty-five feet, you went ahead and did the rest of it on the line, and never planted any trees, that you were told. If you would have put it at twenty-five feet and planted the trees, we would not be here talking about it tonight.

Shannon stated he never finished either one of them. Not the inside one or the outside one. He didn't have time.

Roger, no, if you wouldn't have done the outside one, you maybe could have gotten the inside one done.

Shannon stated nobody plans that stuff. When you drill holes, you are drilling holes, when you put the lumber up, you put the lumber up, to be efficient.

Jim asked Lloyd if he has anything?

Lloyd stated if it is legal to put it on the line, he didn't know what the problem was.

Shannon stated it says right in the ordinance it is legal to put it right on the line.

Arnie stated he didn't think we should keep going back on the history of everything that happened on that fence. But somebody said in the beginning, where that fence should have been, and it didn't happen.

Adam read out of Section 9:02 of the ordinance, public nuisance part D, fencing, it does not make a statement about whether it can be placed right on the property line explicitly or not, but it does say fences shall not exceed six feet in residential districts, or ten feet in height for commercial and industrial districts. Fences higher than these shall require a variance.

Lloyd stated not sure he should ask, but does Pat Porter have a permit for his business?

Jim stated that is irrelevant to this application. He stated so it can be ten feet, but it doesn't necessarily have to be on the property line.

Shannon stated if it isn't on the line, it is going to create a liability for him, and stated to be honest, he doesn't trust him.

Arnie stated he was prepared to make a motion and deny this application, based on the fact the applicant has not, in good faith, done what he has said he is going to do.

Seconded by Roger.

Roll call vote commenced as follows:

Board member	Vote (yes or no)
Ken Hovet	No
Roger Hendrickson	Yes
Lloyd Graves	No
Arnie Boie	Yes
Jim Pratt	No

Motion failed.

Jim asked Shannon if he would agree to put it back ten feet so he can put the steel on the outside? Or eight feet? So, you have room to work, because obviously you can't go on his property.

Shannon stated he guessed he'll have to.

Jim added he realized he would be giving up property, but we have to work with options.

Shannon stated if he does that, he is going to leave the six-foot fence on the line. He again said, he doesn't have a choice, for liability reasons he has to. Just doesn't make any sense to move another one ten feet in. Just does not make any sense. If he doesn't give him permission to put it on the outside, then...

Jim reaffirmed he will put a 50' setback from the well.

Shannon, right.

Jim added if you ever pile scrap out there, it must stay fifty feet away from the well.

Shannon, yes.

Ken asked what did we decide on here, ten feet, or eight feet or six feet or where are we going?

Adam stated he typed it up as eight feet, and again he can amend that condition at the board's discretion.

Jim stated he thought we were talking about ten, but...

Ken stated he heard a lot of numbers.

Adam stated he rewrote condition number one, tough to see up there, with a ten foot... and offered to read all of the conditions if they wanted.

Shannon stated he only needs four to six feet to put the fence up, and would like to use as little as possible.

Ken added he was going to suggest four.

Shannon stated that was fine with him.

Jim agreed that's fine, too.

Ken asked if that was still workable for him.

Shannon, yes.

Jim added, enough to get the steel on the outside and not be standing in his flowers.

Adam asked what the number was we were talking.

Jim stated four feet.

Adam offered to read the conditions, once more.

Jim, sure go ahead.

Adam proceeded, as written right now:

1. Existing southern fence shall be moved to achieve a 50' setback from private wells. Fence shall be set back no less than four feet from the southern property line.
2. Perimeter fence shall be maintained to provide sufficient screening from all public roads. Perimeter fence shall be no less than 10' in height measured from the ground surface.
3. Perimeter fence shall be fully established no later than August 1st, 2024.
4. Applicant shall obtain MPCA Industrial Stormwater Permitting and provide verification of permitting to the County.
5. Accumulation of scrap material shall not be visible from US Highway 71.
6. Applicant must abide by all applicable federal, state, and local standards.

Shannon asked Adam to read the first one again.

Adam began: Existing southern fence shall be move to achieve a 50' setback from private wells...

Shannon asked just the circumference around where the well is, right?

Adam stated you have to meet the fifty feet setback to wells.

Shannon, just where the well is, right? Not the rest of the fence, right?

Adam to whatever wells, and asked Jim if he should split condition one into two, for clarity purposes?

Jim stated no.

Shannon stated he just didn't want to move the whole fence back fifty feet.

Ken made a motion to approve with the six conditions as stated, seconded by Lloyd.

Conditions:

1. Existing southern fence shall be moved to achieve a 50' setback from private wells. Fence shall be setback no less than 4' from the southern property line.
2. Perimeter fence shall be maintained to provide sufficient screening from all public roads. Perimeter fence shall be no less than 10' in height measured from the ground surface.
3. Perimeter fence shall be fully established no later than August 1st, 2024.
4. Applicant shall obtain MPCA Industrial Stormwater Permitting and provide verification of permitting to the County.
5. Accumulation of scrap material shall not be visible from US Highway 71.
6. Applicant must abide by all applicable federal, state, and local standards.

Roll call vote commenced as follows:

Board member	Vote (yes or no)
Ken Hovet	Yes
Roger Hendrickson	No

Lloyd Graves	Yes
Arnie Boie	No
Jim Pratt	Yes

Motion carried. Jim noted the application will be presented to the County Board of Commissioners on January 16th, 2024.

AGENDA ITEM 3: Dairy Ridge LLC – PID 18-0040700 – Long Prairie Township

1. Request to expand the existing feedlot in AF-1 Zoning:
 - a. Increase from 1695 head of dairy cows (2373 AU) to 2395 head of dairy cows (3353 AU) over 1000 lbs. (NPDES permit application).
 - b. Construct two 276’ x 128’ total confinement barns
 - c. Expand a current barn by 116’ x 90’
 - d. Construct a 995’ x 335’ x 16’ earthen LMSA and a 20,000 cf concrete LMSA.
 - e. Expand the feed storage area by 85,294 sq. ft.

David and Myles were present as the applicants.

Staff Findings: Adam read the staff report. The staff report is available for viewing upon request in the Planning & Zoning Office.

Proposed Condition(s):

1. Applicant must obtain NPDES permitting prior to issuance of land use permits.
2. Applicant must obtain MN DNR waters withdrawal permitting and provide verification of permitting to Todd County.
3. Air quality exemption notices shall be provided to Todd County prior to all future manure application events.
4. Liquid manure storage structure shall have capacity for no less than 12 months storage. All manure storage shall be constructed prior to stocking of additional animal units.
5. In the event of a manure spill or other discharge, applicant must notify the County and the Minnesota Duty Officer immediately upon discovery of said discharge.
6. Applicant must abide by all other applicable federal, state, and local standards.

Explanation of conditions if the permit is approved:

1. The project does not move forward unless the applicant can provide verification to the County that the NPDES permit has been approved by MPCA.
2. The project does not move forward unless the applicant can provide verification to the County that the correct and appropriate permit is obtained from DNR.
3. This allows the County to be aware of manure application events.
4. The storage capacity matches County Ordinance requirements, but also requires that the correct manure storage structures are in place prior to additional animals onsite.
5. Allows for quick response to spill incidents.
6. Requires applicant to abide by any and all other requirements that may not have been addressed during the CUP process.

Shannon confirmed the staff report was accurate.

Correspondence received: Yes, just today, and Adam asked if the board is okay to reading into the record, to which Jim stated yes, and Adam added the last one was read into the record at the last meeting, from the DNR. Adam read the letter from Traut Water Laboratory technician, Kelsey Kerfeld. This letter may be viewed in full at the Planning and Zoning office upon request.

Jim invited Mark Anderson to provide some information on the report the board had received last meeting, from the DNR.

Mark Anderson introduced himself as the area hydrologist from the DNR, and apologized for not making it last meeting. He began, ultimately this groundwater technical review report can be summarized by the first two bullets. That's the most important thing, and the rest of the documentation is supporting the two bullet points. The very first bullet point is ground water sustainability. Issues can be expected. What we are dealing with here, right by Dairy Ridge, is a very confined and small aquifer, that has a limited capacity. The DNR noted that in 2021 when they had five well interferences, when a well went into use without a permit. That has since been taken care of, but, they still have concerns about increased use out of this particular aquifer or water source. The well interferences can continue to be expected, if we continue to authorize additional use out of that particular aquifer, and that is really where their concern is. He stated he wanted to bring that to the board with a request that a condition be put on the CUP that all permitting through the DNR be completed prior to any land use permits being issued for any construction or expansion. He is here to field any questions.

Ken asked, if Dairy Ridge continues to pump the same amount of water each year out of that aquifer, like they have been, what can we expect that aquifer to do in three years, five years?

Mark stated what they have been seeing, and it states in the report, over the last twenty years is twenty-five to thirty feet of drop, so we can continue to expect to see that. We have a lot of variables at play here; we have climatic conditions, we have land use, we have so much going on it's hard to predict what is going to happen in the future. One of the items that we have done out at Dairy Ridge with that well that went in (2021) is we did receive monitoring data from this past irrigation season. Mark stated he would suspect that that monitoring condition will continue to be in place for a number of years and then we can start to "trend" it a little bit better, because we have such limited information.

Ken stated, so everything now is based on averages, even though we don't get many average years.

Mark agreed, not anymore.

Jim stated, so in the report, he read Dairy Ridge has only pumped about one third of what they are allowed, and wondered if that was correct.

Mark stated in the 1993 permit that was issued for agricultural irrigation for 200 acres, they are authorized 82 million gallons a year. He stated the highest use that he has seen is just yesterday, was in 2023 where they used 37 million gallons. He stated he believed in 2021 it was 31 million, around there.

Jim stated it was more than one third but not half.

Mark, right.

Jim, so with their permit, they could have pumped twice as much water as they did?

Mark, they could have tried, yes.

Jim, another question, if neighboring wells go dry, what are the options? He stated it looks like there is nothing deeper.

Mark confirmed, in this particular location, there is nothing deeper, nothing shallower, they have one option, sitting underneath that Dairy Ridge area. So, all of the domestics, Dairy Ridge irrigation, livestock water, all come out of that small confined aquifer. So, in 2021, correct him if he is wrong, most of the changes that were made were dropping the pump lower, if it was sitting at ninety feet, drop it down to 120, so you have a little extra capacity there. Other options would be limiting other high-water appropriations in the area.

Ken asked if we know for sure there is no other aquifer under there.

Mark answered, in Todd County they have a geological survey, and that part is mapped with nothing there.

Jim asked if he was correct in stating Dairy Ridge does not have an existing permit for the water being used at the Dairy?

Mark stated they do have an application in for that, for the existing number of 1695 head. He stated they will be taking care of that and it has been in use for, he didn't know how long Dairy Ridge has been there, but at least twenty years. If this CUP is approved, then the DNR would do an amendment to that particular application and that amendment would go through the same type of ground water technical review, so it would be sent down to St. Paul where ground water specialists and professional geologists take a look at it, then they consult with Inez and Dan Whitney, here.

Jim, is it possible they would not get a permit for more water?

Mark stated there is a possibility. When we have five well interferences right there, because we had increase usage, that one year, that give them a lot of concern. Mark stated his biggest concern is issuing irrigation permits is running somebody out of water.

Jim, right, that's why he is asking some of these questions.

Mark stated that is their number one goal is not to limit agricultural irrigation, not to limit livestock operations, it's to ensure that Bob down the road has water in the morning.

Roger asked what is his best estimation if the DNR will offer a permit to pump more water knowing what they know now? The DNR works in funny ways sometimes.

Mark stated it would go through a full technical review. There is no doubt about it. He's had conversations with Dan Whitney here, there was some talk about irrigating out of the manure storage basins and that is going to reduce water usage. We talked of some type of water balance and get an idea of what's the safe yield for that aquifer is and make sure that we stay under that.

Jim asked if it is a possibility they would get approved to pump water in from somewhere else.

Mark, yes, that's one of the parts in the technical report, not sure it's in this report, but in visiting with staff from their technical support down in St. Paul, there is a much more robust aquifer to the West, that could be utilized. It would just be a matter of having the right property ownership and getting the water to the location. He stated he has seen that done on other large dairy operations, where the facility just didn't have the water capacity and ended up pulling from an irrigation system that was three quarters of a mile away.

Roger asked if there was any sign of regeneration into that aquifer, or are the soil types between top and bottom indicating there is not going to be much regeneration into there?

Mark answered that is part of what their lack of data is. They don't have that really good trend data, because they don't have that really good observation well information. Dairy Ridge did put in an observation well in 2023, and that was monitored during this irrigation season, and we would take 2023, 2024, 2025 and get some type of "trend" line, so we have confidence in what's going on there.

Lloyd asked it also makes a difference in how much rain we get, right?

Mark, yes.

Roger stated that might make a difference on the usage on the irrigation, but not on the recharge.

Mark, potentially. For example, the 82-million-gallon permit for 200 acres, typically it is around 15 million gallons a year, but 2021, during our draught year it was 31 million gallons, and in 2023 another draught year it was 37 million gallons. So, your precipitation and your heating degree days definitely play a role.

Arnie suggested a break so Jim stated we will re-convene in ten minutes.

David Tomsche, one of the owners of Dairy Ridge, joined here with his nephew, one of the other owner's, Myles Tomsche. He stated he would like to thank the committee and Mr. Anderson for their thoughtful efforts here, and they are trying very hard to find a win-win solution and are really working towards that, and would like to explain what the "water use" mitigation, issued voluntarily, and implemented over the years and what they represent for water savings in the aquifer.

He continued, first of all the water appropriations application has been submitted, and apologized for that error on his part. If the expansion is approved, Dairy Ridge will also be building a larger storage lagoon, the combination of the old lagoon and the two new stages in the new lagoon, will allow manure solids to separate out, and the third and final stage will be water that can be repurposed from the aquifer. The above efforts will decrease water drawn from the aquifer by 18 million gallons per year. If we add 700 cows, new additional use

will be 7.7 million gallons, and as a result we will see a net decrease of 10.1 million gallons of water from the aquifer annually. In 2021, when we had the episodes with the neighbor's wells, Dairy Ridge proactively and voluntarily added technology to all of our pivots, to allow night time irrigation. The only pivots which water during the day are those that share a well with another pivot, thereby, reducing the dry down in the aquifer near each of the wells. Night time irrigation can provide water savings up to 20% – 30% compared to watering during the day. The water losses for day-time irrigation can be up to 10%, which are triple the water losses than night-time irrigation. In the absence of any out of water conditions during the 2023 draught growing season, truly shows in our opinion, the benefits of Dairy Ridges water reduction management strategies, thus far.

Number three, Dairy Ridge is currently seeking a permit to allow five-sevenths, which is 71% of the permitted 82 million gallons from this aquifer, on pivot one, to be sourced from a different aquifer. This will be an annual savings of 58.6 million gallons of ground water on a maximum use year. All of the above measures have been taken proactively and voluntarily. Any harm to the aquifer in questions impacts the dairy as well. Therefore, it is imperative for Dairy Ridge to implement these practices to minimize the potential impacts to the aquifer.

David Becker, own property adjoining Dairy Ridge to the west, and they just got a water analysis back from Traut Wells, saying their nitrate levels are three and a half times over the limit. It says they couldn't get a mortgage on their property with those limits. He stated he was thinking it might be coming from Dairy Ridge to be specific, and he has not run out of water, it is just not drinkable. The guy called and said he doesn't usually do this (they usually send you a note) but this was so bad, and he hadn't seen one this bad for a long time. Do not drink it, and do not give it to kids. Not only is the water table a consideration, but it is the quality of water. They may have enough acreage to spread manure on, but they are spreading it right behind the barn. Why not, it's cheap, it's close. It's just not doable and it's not sustainable. Even at the present level, much less at an advanced level. It is just not conscionable.

Dan Peyton stated he was at the last meeting and was hearing about water being piped in from the airport location, and that's great. He believed that is getting side tracked, as water for these animals comes from underneath the barn location. As far as he knows, you cannot pump fresh water through the same pipe as used for manure. Plus, there is no guarantee that this water is always going to be used in this manner, so it is hear say. Talked to a Jake Weldman (sp?) from the Minnesota Irrigation Association, he stated handling of the well issue was handled correctly on both parties. If the DNR gets involved, it will take about a year, possibly fines stacked on top of the problem. How the entity paid for it is not my concern. Safety on the road should be addressed. There are two private driveways exiting this entity, and with 41% increase in traffic and no stop signs. Manure pit: always a major concern. Having three pond sites sounds interesting. He believes it is a cost savings to the barn, but, being close to the barn he is not in favor, plus this liquid through the center pivot is only going to increase the smell. It is like a good friend or neighbor coming over to your house and the first thing they do is let a good fart your living room every time, so this doesn't take time to think differently. With these three manure pits, majority of them still have to be pumped during the fall, to remove the solids and have enough storage to get through the winter. The state took the family farm description from many years ago. At first there were four categories now there are five. With the largest category being commercial, 1,000 animal units. This is a commercial operation, should be treated as a commercial operation, and should be held to the highest standards. Remember the measure of a large farmer is measured by the length of his pants belt. There is a report that is being bypassed in all of this, and believes it should clear up a lot of confusion. It

is called an EAW. Environmental Assessment Worksheet, mandatory after 1,000 animal units. In three years, we could go back through this same issue as we are going through right now.

Sandy Wienhold, reading on behalf of Jesse Becker Sogge, who was unable to be here. "I grew up on rural route 2, Box 77, now 220th Street, in an old brick house with a few head of dairy cattle, two dogs and the best well water for drinking a person could ask for. I am not telling you this because I want you to care about my upbringing, instead, I am telling you this because I want the same for my children, my neighbors and my neighboring families. Even ahead of getting the written results, we received a call from the testing lab who advised us that our water analysis failed significantly, and that it was not safe for consumption, and especially by infants, children and adults with compromised immune systems. The very people who are using it and plan to be using it in the future. The well water analysis sheet provided to you show the nitrates are three and a half times the maximum contaminated level allowed by the Safe Drinking Water Act. The MCL standard is less than 10. Ours tested at 33.961. From what I have been told, nitrates will test well below the standard at usually 10 or less. A quick google search of high levels of nitrates in drinking water immediately will bring up a warning. That the volume over the recommended limit is unsafe and must be dealt with accordingly. What was explained to me by the water analysis lab tech is that when nitrates enter the bloodstream, and deprive the blood of oxygen. Health effects of nitrates in drinking water are most significantly linked to blue baby syndrome. Further the lab technician stated that there were studies that suggested that there were **carcinogens** in there. There may be an increased risk of colon, kidney or stomach cancer with high intake of nitrates. I was told that the water test is required for certain types of mortgages and loans and that our current levels I would not be approved for those loans to build on this property. I expect others will speak of this, but the last meeting and the application submitted I did not see any need demonstrated. Need for the proposed expansion of nearly double the head of cattle. Desire yes. Need no. My dad was a small business owner in this County for thirty years, and now I am a business owner as well, and how that came to be through expansion and acquisition of our farm, and I have nothing against business owners and have nothing against wanting to grow, but it has to be done the right way. It has to be done to pursue the rules and regulations of this County and manner that keeps our citizens safe, healthy and the land inhabitable for generations to come".

Ray Becker, stated he has the same report that Mark released, and as far as he is concerned, we are in trouble here. That aquifer is not suitable for this huge expansion. As far as he is concerned, what we already under stress. He didn't believe it until his well went dry in 2021. That was a good well. He stated they had water twenty feet of the top, just a year and a half prior to that, because he had the well flushed and put a new pump down, and even the well driller says, "Becker, you'll never have to worry about them on the hill drying you out", but guess what, he got in trouble. His well went dry along with many of his other neighbors. That is just a few of us now, he stated. Give them another year, the way this is going, we are all going to be dried out, including those guys. They can say they can pump all this water from the prairie and all this and that, no, that is not going to work. Even running cow urine and stuff into that lagoon and back on the field, that's nitrates. He stated he wanted good fresh clean water. He sent his water sample in last Tuesday and hasn't gotten the results back yet and is knocking on wood and hopes it comes back clean, because his cousin David's water is not fit to drink. That worries him and that worries his family. That is their estate. When he is gone from here, it belongs to his kids. He has turned it all over to his kids already. That's my intent. Does one of his grandkids or one of his kids want to live there if there is no water? He doesn't think so. What are you going to do? They are not guaranteeing him they are going to give him another well. Oh yeah, we'll fix it, we'll drop the

pump. That's a short-term band aid fix. He is worried he is going to go dry one of these mornings. He said he is sitting on top of the screen of a 100 foot well. It is no fifty-footer or less. But they are getting down to the aquifer already, they are at 156 feet on the number three well. That's right at the bottom, so don't tell him they are not going to dry him out, because they will.

Cary Hudalla, 24107 220th St., his concern is this is the second time through again, is the nitrate. That is the problem in his book. Ten fifteen years ago, he stated, you people from the County and Health shut Midway bar and grill down and said they can't use their ice machine. Twelve parts per million. Same time, they checked his and found twelve parts per million. Karl Goodbell, the same. Cleaned up a little bit over the years, but this little letter you sent only went out a quarter mile. Midway Bar and Grill is six miles from here. This system is failing. So how can the board come to life or justice and approve this when you can't even clean up what we have now. Timmer had 7-800 head of cattle, now they're at 1416. Now you want to double that? Where are you going to ship it to? Grey Eagle, Burtrum, Flensburg? People have to think.

Dan Whitney, hydrogeologist out of Wadena, MN and is hear to address the concern on the water quantity side of it. What Mark had mentioned earlier is there is a sustainability concern and that's valid. If you are concerned about long term sustainability, the direction the water levels are heading, are in the wrong direction, if you will, and we need to flatten that slope out. What David brought up, is pretty much is the key to long term sustainability. It's the water use management and the water conservation and also taking the stress off of that aquifer. Right now, there are some irrigation wells completed in that aquifer and was just talking to Mark at break that it would probably be a good idea to do a modification permit and pull from another aquifer. One of the reports that has been mentioned by the groundwater technical unit, they looked at the water levels in the aquifer to the West and to the South. Dan stated he had also looked at the water levels and found they've been very steady since the mid-eighties. Which is encouraging, because you don't want to create a problem in a new aquifer system, if you will. It's just vitally important, and David pointed that out, that Dairy Ridge is going to implement a lot of water conservation to reduce water usage from that aquifer, and will definitely be working with Mark and the DNR and like Mark mentioned, there will be a ground water technical unit review of modifying and adjusting those permits to take the stress out of the aquifer of concern.

Roger Dukowitz, Moran twp. on zoom spoke up. Mentioned he'd like to come down in person and harass the board in person, but he can't. Had a couple of questions, in this world, 17% of the land is irrigated and produces over 50% of the food, and that's what we have to, in the long run, consider. He had a question, it was mentioned there was well interference in 2021, for the wells that had issues, were they basically installed to the bottom or the aquifer, or the top? He stated often times when that happens, and he does not know the depth of that aquifer, let's say it's forty feet, if you install a well, just into the top of that aquifer, naturally that water is going to up and down. He doesn't know how much this aquifer does, but if you have a well that's at the bottom of the aquifer and other people, due to cost of installation or thinking they had enough water, is much shallower, they are going to have issues and when that happens, when they have nitrate issues, they're usually at the top of the aquifer because that is mostly where the action is in the water flow. Maybe Dan can clarify that more. Maybe it has been monitored around those wells, in a lateral direction how far away from those wells is there an actual cone of depression when they are pumping water? He stated he has two wells that he pumps from, that are 600 feet apart, and needs both wells to run the pivot, and because there is not enough water, but because the sand is too fine for the water to circulate. So therefore, you end up with a

cone of depression. You can run the one pump until you get no water and the well six hundred feet away, the water surface of the aquifer isn't faded. So, there are a lot more things that need to be looked at when it comes to the aquifer with geologists and the DNR and so forth. The manure, in an operation that size, you can only apply the permitted amount of nutrients per acre, according to the permit. You don't dare exceed that. It's not like it was thirty, forty years ago, when you went out and dumped a pile of manure out in the middle of the field and left it there. You need to control that, it's tested, the manure he's sure is tested due to the nutrients and whatever. The alternative is chemical fertilizer. (member of the public gave Roger his minutes) Do you want food or do you want fertilizer? He hoped he was making his point, that there are a lot of issues there, and in creating this zoning ordinance, and the feedlot setbacks and all of this, it was to promote agriculture and industry in the County. He also heard earlier this scrap yard thing, well, he stated he hated to call people names, but all too often, we have NIMBYs (Not in my back yard). They want whole milk, they want cheese, they want to take their beer cans somewhere to salvage, but they don't want it in their back yard. Unfortunately, he stated, he is old enough and mature enough to realize the doggone airplane spraying the chemical on the potatoes across from my pasture is a fact of life, because he like taters too and he will close with that.

Alisha Dorman, maiden name Peterson, probably don't know me, she stated, probably know her grandpa. She guesses she is Bob down the road because her well had to be redone in 2021. Her dad passed away after being retired in less than a year. He wasn't the healthiest specimen, but was sure the water had something to do with it. She doesn't have a problem with farms and running cattle, but when you are a detriment to the people around you and the general public, you cannot keep pumping that water. General cow: thirty to sixty gallons per day, per head, don't tell me we are going to have enough water. She stated that is all she had to say.

Jeff Bowmann, Anez Consulting out of Wilmar, and have been working with Dairy Ridge on this project and have put a lot of time and effort into this project after that last meeting, and even prior to that, they looked at a number of different things, how can they make this the best for the area? Originally, they were looking at a two stage: the original basin and then one large one, and discussions with the Dairy Ridge Team. Why don't we go to a three stage and land apply that third stage, during season, on alfalfa ground and alfalfa is a large user of water, to relieve pressure on the aquifer, and spread out the application time that it takes. Cutting of alfalfa comes on, water is applied out of that basin. He stated this is something that they have spent a lot of time looking at and for the record, the NPDES permit is very restrictive. The manure must be tested and taken every year, it is required by rule, and cannot exceed the nitrogen limits that are place on by the State of Minnesota. Those things are in place and those are the rules they have to follow. He stated he has been working with them for a few years now, and making sure everything has been compliant, and everything is reported and on time and done. He just wanted to make sure that everyone is aware that there are a number of rules that an NPDES permit has to follow that if you are under a thousand animal units, you don't follow the same rules.

Amanda Zigan, made sure the board knew five neighbors have given her their minutes, so Adam stated she has eighteen minutes total. The names are on the public comment sign in sheet available upon request in the Planning and Zoning office. She asked if they were ready? She stated "Let's party!" She began, she is a dairy farmer in Todd County, and was asked that she speak on behalf of these people, based on her knowledge of being a dairy farmer and to speak on some numbers that she is going to go through today. Referring to the

staff report from the last time, #2 point was made already that the establishment of the CUP would not impede the normal and orderly development of the surrounding property, and Mr. Becker said, and two other comments that were made, with a water test like that, no buildings can be made or mortgage can be made. So, there is a strike against that one. #3 of the staff report, the applicant, in the opinion of the planning commission, has demonstrated a need for the proposed use. Thoughts on this one: is it a need like a hospital is a need, or a school is a need? Is it a need because the animals are overcrowded and you need to grow? Is it a need in that sense? She is not seeing that. Is it a business decision? Yes, great. She stated you can't slight anybody for wanting to grow as a business, she is not here to do that at all. But, is there a need for this? #4 these will not create an excessive burden on infrastructure. It has been observed by many neighbors and community members of trucks and trailers hauling on township and County roads with weight restrictions on. That's a burden on infrastructure and breaking the rules. To that note, as well, a 41% increase in traffic will come right along with the 41% increase in animals. #5 on that staff report, are there detrimental environmental effects both during and after construction? Degradation of surface waters and ground water supplies or an impact on water supply? She thought those had been answered. The DNR report for the water supply, and had many comments on... it's not going to fly, if we have to keep pulling water out of the aquifer. The fact that more monitoring should be in place is more reactive than proactive. Let's watch it go down instead of we already know it's going down. It's already stated that several times in there, and there's proof that we have issues, the wells are not strong and there's maps to show that. Detrimental environmental effects: and she asked Adam to pull up the DWSMA (Drinking Water Supply Management Area) map, she was looking at that map as well as the proposed property map of Dairy Ridge. This map shows the sensitive area and wells close to the city of Long Prairie. She pointed out the back edge of Dairy Ridge's property butts up against the DWSMA. She pointed out where the pit is supposed to go and stated it looks like it goes into the DWSMA area, and showed where the property line is, and how it looks like it either is in it or darn close to it, which should be a huge concern because now it is a public welfare and safety thing for the city of Long Prairie. #6 of staff report, says there is no expected impact to traffic or parking issues. Traffic is going to go up quite a bit. Harvest and doing the math on acres (she stated she has background on this because her husband does this job. During harvest he is gone and she and the kids run the farm at home) per their math, it is anticipated about 1,800 semi-loads of feed are going to come into those driveways, within a 7 to 10-day timeframe. That's a pretty huge increase of traffic, and just a note there, however the board wants to handle that. Traffic is going to go up. 287 is a really busy road. There are busses going through and traffic going to Melrose, Melrose employs a lot of people from Long Prairie and vice-versa. The next packet she addressed is the minutes. There was a comment about irrigating at night. She questioned it and stated they do not have pivots, and she doesn't know much about them, but had to ask the question: Does irrigating at night really save water or is it just more beneficial to the plants, because now they are not fighting sunlight, it's not getting absorbed, now they can get more of that water? Or are you getting more bang for your buck or are you pumping out less? In reference to the 10 million gallons of the water they said they were going to separate, from the first meeting has now turned to 18 million gallons, and not sure what that is about, although she knew they had talked about changing some plans, but from 10 million to 18 million, that's a lot of gallons, and her question is... she stated she realized it's not the boards job, it should be covered in the permitting, but is there enough land to handle 18 million gallons of ishy nutrient water? You don't want to get splashed with that, it's gross. There was a situation where that was going on, on a field right next to Zigan's, they were applying it at 8,000 gallons an acre, and it was leaking into their field. They called Deja on it, she came out, she did a staff report. That is a high rate, that it was causing some run-off, and they took it down to 6500 gallons an acre. At the rate of 10 million gallons, you need 1500 acres of land to put that on, do they have it? She stated she did not know, but

that's a lot of land. Again, she stated, hopefully someone else is governing that, but it's questions that we need to have eyes on and be aware of. Can the soil handle it? There is soil testing that can be done to know how much manure and stuff can be applied without saturating the soil and causing other problems. Minutes from last time, Ken asked, will that 10 million cover the extra usage of the extra cattle? David said easily. She questioned that. Even today, the comment was, they are going to be using 7.7 million gallons. Take wash water out of that, which is probably, in a year, about 250,000 gallons, so you are only allowing your cows about 7.5 million gallons, so divide that out and it will get your cows about 30 gallons of water a day. That is a conservative number. Per her vet, that number should be about 60 gallons a day, so double this. For easy numbers, he's saying 7.7 rounded to 8, times two is 16 plus put in your wash water and stuff that you need for that, is really close, if not tipped in the other direction. Lely, per their website says, a cow who milks 110 lbs. a day, needs 92 gallons of water. That means for 700 cows you are pulling 23 million gallons of water, just for cows to drink. What numbers do you want to use? Do your own math if you need to. She stated in her research and her knowledge, more water is going to be used than put back, and we are pulling from the aquifer that we know is not good already. (second packet done). In reference to the animal feedlot, or the manure storage area permit application, it is stated in there in Part 12, notification of public meetings, notice to residents and property owners within five thousand feet of the proposed project. The last time we were told a ¼ mile. So which one is correct?

Adam stated two different applications. She was referencing an MPCA form and Adam is referencing County Ordinance of ¼ mile for CUP's.

Amanda asked if people need to get notified of the MPCA application?

Adam clarified you will get notification of the NPDES permit in a whole separate notice based on those noticing distances.

Amanda asked if we have to do this all over again?

Adam stated not here. That's a state permitting process going through public notice, and told her maybe he could answer more questions after.

Amanda asked if he could answer that now, because, she stated, I think the people here are going to be looking for this, because obviously there is concern.

Jim stated we will go over that later.

Amanda referred to an e-mail from the DNR submitted, a highlighted note, in 2020, 2021 Dairy Ridge put in additional irrigation wells without an approved amendment. Let's follow the rules. It doesn't put a good taste in anybody's mouth if we are doing stuff without the proper permits first, then trying to fix it later. Again, how much are they taking out? How much are the cows actually drinking? That higher number at 92 gallons per cow, per day was at 23 million gallons of water consumed. The lower end of that, 60 gallons of water per cow per day brings us to that 18 million gallons. Back to DNR report, again, ground water sustainability issues are expected, well interference is expected, a recommendation is to monitor. Don't we already know? Wells have gone dry, it says B1 aquifer is limited and thin, they even know that. Wells 1 and 2 are losing capacity and no

longer able to meet the needs of water for the permittee, that's why they dug well 3. Do we need more monitoring or do we need to stop and let it replenish? Amanda also questioned, the permitted 82 million gallons, 52 million gallons, even though they didn't use that, what would happen if they did would have? So, do we need to adjust allowed gallons? Domestic wells that experience water supply in 2021 may at risk for future water supplies, again, a public health, safety and welfare issue here. Reading from the DNR report, it says, using these criteria, six are high risk wells, four moderate and three low risk, and that is just the wells that are listed, because there is a map that goes with it. The community has looked at that, and many of the community's members wells are not on that map. In the feedlot ordinances, letter (i.), a land use permit and feedlot inspection are required for all expansions of buildings or lots that increase the animal unit numbers. She stated she believed that a farm with more than 1000 animal units, they are governed by the MPCA, double checking that MPCA inspections are done, this is a CAFO (Concentrated Animal Feeding Operation) and this is kind of a big deal. When you are a hilltop away from two lakes, on top of a DWSMA and neighbors. If you were in South Dakota and no neighbors, didn't want to say not as much care should be taken, this affects a lot of people, we're in a really small space and we have to figure out how to share, and not hurt anybody in the process. Another thing with the MPCA inspection, one of the rules for a CAFO farm is you cannot spread manure on frozen ground, that was witnessed here last Sunday. She stated she is aware there are exceptions to rules with CAFO farms, she doesn't know those exceptions or why that happened on Sunday, but it happened. Something to think about and look into. Spreading on frozen ground and driving heavy trucks on weight restricted roads, it's visible by the community. If you are thinking of something to hang your hat on whether to approve this CUP application or not, there is a Minnesota State Statute 103G.216 Water Allocation Priorities. The first priority for water allocation is domestic water supply. Second priority use of water that involves consumption less than ten thousand gallons and third is agricultural irrigation. So, based on this map, which is the one we kept referencing, wells within the circle, highlighted in the red wells are in trouble, the yellow are kind of in trouble, based on that if you are pulling more water, these guys have first priority, they shouldn't have to worry about "are they going to run out?". She stated she didn't know that the DNR should approve another permit, when there's already "at-risk" wells, and MN Statue states priority goes to domestic wells. Just remember, when you're figuring out what water is being used, cow consumption, make sure you a lot water for washing, washing pipe-line, washing bulk tanks, cleaning robots or whatever you have. Also remember irrigation, there is water consumption there too. 27 thousand gallons per inch, per acre. If you want her to do the math she stated she certainly can, she's a numbers person.

Russ Kleinschmidt grew up around the area, actually about $\frac{3}{4}$ of a mile away from Dairy Ridge to the East, and live in Staples, he has some dairy cows and a small farm, grew up on a century dairy farm, knows a lot of the neighbors that have spoken and a lot of the neighbors in the area. He stated frankly, he may tick a lot of people off on both sides, but, or maybe both sides will see some things that need to be considered. One thing he saw was a lot of numbers being thrown around, he just did some quick calculations on a few different numbers that were thrown around, maybe they're right maybe not, but have his doubts that some of the number that were thrown around on both sides are potentially incorrect, for instance unless he got that wrong, 37 million gallons on a high year for irrigation, which would have been 2023, which was an extremely dry year, on 200 acres he was going to go with, if it was, that's just under seven inches of water. There's no way they only irrigated seven inches of water on the crop fields this last year. So, he thought those numbers were low, but they were reported to the DNR. On the other end, 100 gallons of water per day per cow, he doesn't think so, 30 to 50 is probably more realistic. If the proposal to reduce the water use through what Dave Tomsche and what the hydrogeologist mentioned, through using different wells, maybe they can make

something work. He just thought there were a lot of numbers thrown around with a lot of ifs and maybes. He thought they need to really consider is this going to be something that can work and what teeth do you have in it? The other thing, is you have to consider in Todd County, he grew up on a small farm, and you have to realize you can't make a living on a small farm, like we could thirty, forty years ago. He realizes that, but on the other end you have to consider what the values of the surrounding properties might be in the future. And that DWSMA, he believes, is a ten-year flow path to the city wells. Those wells are going to be here pumping and the city is going to be here longer than ten years. So, is there any potential impact to city wells longer term, he doesn't know. Something to think about. The other part is, he would like to see dairy farms in general be able to expand and do what they need to, but he also realizes those folks who live right around them... he is out in the deer stand $\frac{3}{4}$ of a mile away and he can hear the equipment running pretty much all day. He understands, they have to get the work done. He doesn't know, noise issues have to be considered. The last point is the water quality, that's tough to know. Where did those nitrates come from? How long ago, is it still occurring? Is it in the past? Something that might need to be studied more. It could be those nitrates came from thirty forty years ago, from previous practices that are no longer impacting that. Or, it could be a continuing thing, and those nitrates could be going up. Very hard to model and very hard to understand. Those wells, like Roger mentioned, most likely those are a shallow wells, on confined aquifers, they are going to have high nitrates, and he is still not showing it's not pollution or whatever. Those are the things he wanted to bring up. Things he thinks everybody needs to consider before just running forward one way or the other.

Heather Holt, she grew up actually just north of Dairy Ridge and was very grateful because on her graduation party David didn't start a pit, and thanked him. She stated her first job was mowing lawn at Dairy Ridge and has a lot of good and wonderful things, and also business owners, so she has to respect that. She stated she wasn't at the previous meeting, and believed they had asked for 980 animal units' approval. She believed that if they had asked for 1000, that would have been a mandatory environmental study done. That sounded a little sketchy to her and that is where she had a problem with it. This is kind of border line so we are just going to skirt underneath this. That's a big impact on the environment. Her parents well did go dry and it was within a week of leasing water on the irrigation turn on. So, she believes there is a direct connection, along with all of the other neighbors. She purchased her grandparents farm and are planning to continue that. So, this is important to her because this is her future here. She doesn't want to stop any business growing. She also wants to make sure her kids are okay and everything for the future. She stated she believed there was no permit done for the water usage in 2021 irrigation system, which is kind of hard to hear when now we are asking really awesome ideas by way of water conservation. She stated she hears a lot of good things coming from conserving the water, and thinks that's awesome. This seems to be reactive of maybe a lot of upset neighbors and lack of following rules and regulations. So that is where she is at in her opinion.

Deja Anton, Browerville. She wants you to know there is a process in which all of these things get looked at. There are legal processes. There has been so many "I don't know" s tossed around by experts, by Dairy Ridge by everybody in this room. Too many "I don't know" s! Speculations, nitrates, we don't know where they're coming from, we need to find out where they are coming from. These people's wells... We need to find out where that's coming from. Dairy Ridge has a responsibility to agriculture to find out, but, so does the MPCA. All of these processes that are in place, DNR, you have a process. At this point, the conditions that were listed on there, make sure Dairy Ridge will go through those processes, before they are permitted. They must go through those processes before they are permitted by the MPCA, even if the board gives them the CUP and

says “hey ho”, “we’re okay with it”. Everybody will get protected by the rules and regulations that are in place, and that is all she has to say.

Chris Westerberg stated he would like to speak on behalf of the one well, the Sogge, the Becker well, as it seems it has been brought up so many multiple times. He used to party there a lot, when they used to have that as a rental house or trailer house they had there. He would like to call into question with no one living there, no well there, the well sits almost abandoned you could say. Is there quality concerns from it? How did they pull the test? Is it done properly?

Matt Holt, just wanted to make sure you remember what was stated here, sounds like this is getting to the end. Same thing, David, he respects wanting to do this business wise. He wanted the board to remember there’s been a lot of doing after-the-fact, and doing a lot of things past. That’s what you are hearing. There was a comment made about your social capital last time. A lot of this doing, and then coming back and saying “I did it for the betterment of whatever...” He stated he would rather David just tell them straight out, instead of coming in and beating around the bush. He gets it, but this water is a serious problem. You are talking about pulling water from another area. When this thing got started up again in the 90’s by Jim, that’s when the water dropped thirty feet. Right? We were going to go to another one that is really good, but this one was really good thirty years ago. He stated he gets what he’s doing and respects it, but at the same time think about the DWSMA, what it’s doing. There are a lot of businesses in town and a lot of people in town. There are things we thought about and it’s a tough decision, but he thinks there is a lot of things that are proving we shouldn’t be moving forward.

Adam asked Bob to clarify the noticing requirements separate from the County CUP process.

Bob stated that is correct, that it is two separate notices. The County would have their notice for the Planning and Zoning hearing. When a permit is applied to the state for an NPDES permit, or in some cases a Construction Short Form permit, a notice has to be given to property owners within 5,000 feet of the property. That could be done a couple different ways. One, is a notice in the paper, which in this case, would be the Long Prairie paper, and that would actually have to be done prior to the application being sent in to the state, because that is a requirement that the State has as part of that permit process (that you have to have it in as part of the application). The other way is certified mail. A certified letter can go out, or a face to face visit where they sign a form that states they had the visit. So those are the three ways it can be noticed. You have to choose one of those three.

Board discussion:

Roger stated he had something relating to infrastructure, roads and such. He stated Dairy Ridge owns a lot of land in Roger’s township. Whenever they are doing things and they do any damage to the road, he just calls his contractor, he repairs the road or whatever needs to be done and sends the bill directly to Dairy Ridge. It’s taken care of. He hasn’t seen yet, where it hasn’t been taken care of when there have been problems with what they have done. Sometimes when they are chopping, especially corn in the fall, it seems like, every time he sees the chopper go by his place, heading up there, it’ll start raining, sure as heck, and they are bringing mud out on the road, and they will take care of it. He stated he must say that for many years now, since David has been in there. One thing that Deja had mentioned about the MPCA, his honest opinion, and thinks maybe

Deja could agree with, sometimes the MPCA is not real swift, on getting things done, as far as checking on things or whatever needs to be done. We've seen some problems with them in the past. Seems like they are there to collect their money and don't care if they get anything done. Does not have too much faith in them. That's his professional opinion, as if he were a professional. Whether it be good or bad, either way.

Lloyd was wondering how much faith we should put in our governmental agencies, so far as whether we can trust without running into a big mess. Are we going to run out of water and then it's going to be a big deal? He just not really that convinced.

Dan Whitney (private consultant), that's a common question, can you rely on the DNR and the MPCA. What Mark had mentioned earlier, this is a ground water technical unit. They are hydrogeologists and hydrologists and they are down in St. Paul mainly, but they are offices throughout the state, like Bemidji, Fergus Falls and a couple other areas throughout the state. He has been involved in the permitting process for farmers and irrigators since about 2014. That's when things got pretty difficult, with respect, if you will, when trying to get your irrigation permit, and that's when this ground water technical unit was formed. They go through an almost too rigorous approach to when they start looking at: Mark sees a permit come in, and he does a scoring on it, so to speak, and sees it must go down to this technical unit, and they really, what he has seen, with all of the reports, they go through it in immense detail. It's almost over the top. But, it's been something that has barely been, well, since 2014, not that long ago. With the aquifer of concern that we are dealing with now, it's a good statement that we didn't know what was going on. The reason we didn't is because we just didn't have any observation wells in this given aquifer. The DNR puts a lot of observation wells in different aquifers, throughout the state. They have them in the aquifer off to the west, and to the south, and there is a water table observation well and there is a we call it the H-1 (the Hewitt formation). Just missed the boat on this one. If there had been an observation well, since then, Dairy Ridge, like Mark had mentioned, put in an observation well, right near one of the barns in 2023, and instrumented it with what they call a data-logger. That is showing things have been happening through spot checks, say since 2000 to now. Dan stated he is convinced had there been an observation well in that aquifer five years or ten years ago, DNR would have looked at it with the ground water monitoring unit and they would have detected something or that it was going in the wrong direction if you will. These out of water conditions could have been avoided. Easiest way to mitigate, and many times the pumps are just not deep enough. The well is deep enough, but the pump is not deep enough. So, the lowering of the dropped pipe, brings it down so it's below the "new" static water level. But, yeah, the water level has been going down in this aquifer and there has just been no monitoring of it. Now that we're monitoring it and Dairy Ridge has an observation well, looking at it for the next couple of years. Dairy Ridge will know if it is not going well for them because it is right in their operations. With all of the mitigation and water conservation, the ideas David brought up, and with taking the current stress off of that aquifer, that downward trend then starts flattening out. It's not going to completely go flat next year, but it will allow that aquifer to recharge and balance the water levels in the storage within the aquifer.

Arnie stated he is hearing mitigation things that Dairy Ridge is doing that is saving millions and millions of gallons of water a year and so forth, and is wondering if there are any requirements that people should do these smart things? If it's a good idea, why don't we see more legislation or things like that so we don't have everybody sucking out of the same aquifer while others are drying up.

Dan agreed and stated they are called best management practices are what they are referred to as. He added the University of Minnesota does a lot of studies on irrigation management and getting the right amount of water applied when the plant needs it and just that amount. You don't want to over apply because you'll lose your nutrients, from leaching after application. During the last ten years there has been a lot of improvement on irrigation management as well as nitrates and nutrient management as well. Some of studies he has done in recent research that was completed at Central Lakes College on one of their fields. It was extremely impressive, especially during the draught year. They were monitoring the nitrate movement, he calls it the nitrate front, and during the draught, they were collecting levels at the four- and six-foot level below the land surface every week. He couldn't believe it. The nitrate level was not going up. Which they had seen the previous years (it was a four-year study). Had the draught not happened he would not have believed how almost to the point of perfection that the application of the irrigation water and the nutrients when you are following these best management practices, it is right on. He stated he called the lab and told them to re-run the samples, because he couldn't believe, they were in July and there was no movement, and wanted make sure the lab didn't make a mistake. So, they really work. Mother nature will come along and put a downpour, and drive those nitrates down, because that is generally what happens and you can only control the controllables. None the less, those are the best management practices out there and it had amazed him as a researcher. He would have never believed it, if he had never saw it for himself, that they are that precise.

Arnie asked if we should we be as scared as he is about all of the information as he is hearing about how much water and all of that.

Dan stated as long as long-term sustainability, yes, at current rate is not there, based off of the trend we are seeing and that's why he brought that up to David's attention. He said they were concerned as well. They will run out of water, because they pump more, before any of the residents will run out of water, and he can't imagine having 2300 head of cows and then no water. That's where the watering at night does decrease the amount of water you need, because you don't have that evaporation taking place. Transportation decreases, as well. Then, the idea of applying water from the digester, having 18 million gallons, it all adds up. Taking the stress off. Looking to the adjacent aquifer to pull from that seems quite viable and very productive at this point. Of course, we already have monitor wells in there, so they will be able to monitor that as we go forward. Based on everything that he has looked at, it looks very productive. Those are the things that need to be done, going forward. Eventually the storage in that aquifer is not going to be there, so it's clear. That's what they hear Dairy Ridge wanting to do. They will have to work with the DNR to amend existing permits. He stated what they mean by that, is they will have to utilize water sources outside the area of the aquifer of concern.

Arnie asked if there was a real possibility that they will just run out of water?

No, not as long as they monitor. Given the Grace of God, we get precipitation every year, 22 to 26 inches of rain every year, all of the projections are that it is going to increase. We are getting more water than we have had in the past, out of the skies. As long as we get recharge minus discharge equals that change in storage. That plus or minus. As long as that discharge is not overly exceeding that recharge, then the aquifer maintains that storage. If the aquifer is going down in storage just means the water levels are dropping, so the discharge is exceeding the recharge. We won't run out of water as long as we stay on top of it. It would have been nice if there would have been a monitoring well in this aquifer at one time. Five ten years ago.

Roger asked if the DNR will shut down these irrigation pivots before these residents are dried out?

Mark from the DNR stated yes. As was mentioned before, there are certain priority users and their number one priority is domestic. That is their number one priority. They would look at methods of mitigation before they would shut down an operation such as Dairy Ridge, that would not be politically palatable. Yes, domestics have first order of use.

David Tomsche stated they would be very fine with that. The first thing they would do if this aquifer is falling down, is they would turn off the pivots that are attached to it. It's only logical. He added they are permitting to water from the airport area, and does believe that permit will be approved. That's 54 million gallons of savings from this aquifer. Then you add the 10 million gallons of reuse from the aquifer from the third stage of the manure pit, that's 64 million gallons. Then, they do have the night time irrigation which he hasn't had time to calculate, but has a scientific article that shows a 3% versus 10% evaporation from night time use. First thing they will do is turn off those pivots.

Roger asked if the pivots out at the airport are from a different aquifer.

David stated a completely different aquifer, they have good records from a number of years of test wells out there that the DNR has that shows it is a very robust aquifer through both of the last two draught years.

Roger brought up the concerns about the nitrates and stated that was his area. Talked about Midway not being able to use their water even for making ice. That has been for a long time, quite a few years before Dairy Ridge was pumping manure out there. You can take some of the land out there, that Dairy Ridge does not have, that they have been irrigating for years. He's been told the wells are about ninety feet deep, and there is nothing between the surface and the water but sand. Nitrogen that they put on, different things they put on, it goes down and it is going to end up in that aquifer. His opinion is that is where Midway's nitrates came from. He didn't think Dairy Ridges liquid manure is to blame for the nitrates out at the Midway. Not saying up by town, but by Midway.

Jim stated he needed to make a comment about highway 287 being a busy road. An operation like this, you have to have a busy highway, you can't be putting this off on little side roads. That's a moot point, because an operation like this has to be on a main highway.

David added every time they begin a harvest, they hold a meeting with their staff and any new drivers that they may have hired and talk about giving yield to everybody else and how to be respectful on the road and can't promise everybody does it all the time. He gives his solemn word this is what they do all of the time and how they want to be the best neighbors. He's very concerned about this aquifer discussion. When they ran into this problem in 2021, there was nobody more surprised than Dairy Ridge. Thought he reacted very neighborly. He called up Bobbie at Valley and asked how do you handle this when a neighbor's well goes dry? He stated you call them up and offer to pay 50% of a new well. David stated he made one offer to a guy to pay 50% and he didn't like it, so he thought to himself he wouldn't like it either and offered to pay for every body's well. That's what they did. He stated again, they will turn the pivots off if that's a problem on this aquifer. The permit that wasn't applied for on time, he apologized for that, and is immensely embarrassed about that.

He stated they have never applied for a permit on Dairy Ridge, they leave it up to the well driller and the pivot installer do that for them, and they dropped the ball. Of all the pivots that have been put in, they always do it. The first they knew that they hadn't was the notice from Mike Anderson that it wasn't permitted, and that was complete news to Dairy Ridge. He made a phone call to the right people to get the right permit applied for and it was done in a minute and they didn't know if it was a bookkeeping error and it wasn't. It was a blemish and the buck stops here, he stated. He apologized again. It wasn't an oversight and he is asking for forgiveness. They assigned this job to the well driller, and to Valley who put in the pivot and they dropped the ball between the two of them. He stated they will testify to that today.

Tim Denny stated he would like to add to Deja's comment, that everyone is talking about being reactive on Dairy Ridge. The proactive element is what Deja talked about, are in the conditions one and two. How they talked about the project does not go forward unless they have all the permits. He stated he agreed 100% with what Dan and Mark both spoke about and the layer of protection around Dairy Ridge is there. It's going to be there and they are like every body else. If they run out of water just like we do, then they are done. Why would they want to hurt themselves? That's why we have these conditions here, with the explanation of them, to be proactive in what we are trying to do here.

A member of the public stated her husband never had any meetings that were talked about, and he had been a driver for Dairy Ridge.

David stated he has been the majority owner for the last eight ten years, and can assure them, he has held those meetings since that point in time.

Roger asked if we can pass this and make sure they get the permits from the DNR?

Jim stated, yes, that is what the conditions state, or they don't get the CUP and they also need the NPDES permit.

Adam asked to add to that, and stated on the back side of that, on the County's end, we won't issue the permits that Dairy Ridge needs to put the structures up unless we have verification of those permits. That's the catch on the County's side now and on the other end of it, our office will not issue those administrative permits because of those conditions, until Dairy Ridge can provide evidence that they have met it.

Ken motioned to approve with the six conditions, Roger seconded with the six conditions as presented.

Conditions:

1. Applicant must obtain NPDES permitting prior to issuance of land use permits.
2. Applicant must obtain MN DNR waters withdrawal permitting and provide verification of permitting to Todd County.
3. Air quality exemption notices shall be provided to Todd County prior to all future manure application events.
4. Liquid manure storage structure shall have capacity for no less than 12 months storage. All manure storage shall be constructed prior to stocking of additional animal units.
5. In the event of a manure spill or other discharge, applicant must notify the County and the Minnesota Duty Officer immediately upon discovery of said discharge.

6. Applicant must abide by all other applicable federal, state, and local standards.

Roll call vote commenced as follows:

Board member	Vote (yes or no)
Ken Hovet	Yes
Roger Hendrickson	Yes
Lloyd Graves	Yes
Arnie Boie	Yes
Jim Pratt	Yes

Motion carried. Jim noted the application will be presented to the County Board of Commissioners on January 16th, 2024.

Arnie added one comment, in doing this motion, in the state agencies, he is hoping we are sending them to the right place.

David added, the board put a lot of faith in his reputation, and they have his solemn word that this will be done correctly.

AGENDA ITEM 4: Proposed Amendment to Todd County Planning & Zoning Ordinance:

Section 9.08: Sewage Treatment Standards

Jim asked for a motion to table this item until next meeting, as most folks are here for the feedlot Ordinance.

Motion by Ken to table until next month, seconded by Roger.

Roll call vote as follows:

Board member	Vote (yes or no)
Ken Hovet	Yes
Roger Hendrickson	Yes
Lloyd Graves	Yes
Arnie Boie	Yes
Jim Pratt	Yes

Jim, motion carried, tabled until next month.

Item #5, Proposed Amendment to Todd County Feedlot Ordinance:

Adam read the staff report. This may be viewed upon request at the planning and zoning office.

Public:

David Tomsche, he had one comment, stated Ottertail County did something recently, and he was told some of the other Counties that Adam had on his list, and added he appreciates Adam doing his homework. He had worked with Stearns County at the time they had set theirs up, and stated he thought it would behoove us to

one more series of phone calls to these other Counties to find out what the majority of their CUP's are because of the feedlot ordinance, so when we set up our new one, we could address that. Whether it's setbacks, count numbers or whatever it might be, because he understands some of them have been overwhelmed with CUP applications. Perhaps, when we set this up, we could avoid some of that future heart ache.

Roger Zastrow, stated one of the comments he would make, he thinks the current ordinance we have now is working very well. He was involved and went to a lot of meetings back when this was gone through, didn't know how many years ago, when they went through the ordinance, line by line. He recalled, it took close to a year, with meetings twice a month or so. He thought they did a pretty good job. There are a couple of conflicting deals in here that probably need to be addressed, but thought our current ordinance is very good the way it is and he hasn't heard many complaints about it. The one thing, with limiting animal size, things have changed a lot over the last twenty or thirty years. Agriculture is the largest business, basically, in our County, and income, and putting a limit on something that's going to affect something down the road... he means there aren't many dairy farms left. He's kind of glad that Dairy Ridge wants to expand, and anybody who wants to expand dairy, because we are down to like 1825 in the state. You take off the Amish that are included in that number, we're probably down to around 1500 dairy farms left. He stated he didn't think we want to do anything that's going to limit dairy farms. He doesn't know of any new ones starting up, but any one who is, would need encouragement. Putting limits on number of animal units... we don't have anyone pushing that in the County, and didn't think that would be a very wise move to do. If you have a business that wants to come into the County, you're going to want to welcome them with open arms, because of the money they bring in. What's going to happen if you put a limit on how much of a dairy or swine business we have in the County? What's that going to do to our economics if they can't expand? There aren't many new ones starting up, nor can afford starting up with the pollution control regulations on them now.

Jason Bock from Carlos, he's in Todd County but only by about that much. A couple of things he had, just as thoughts, he has a square 160 acres he dairy farms on. He currently has housing on three of the four sides of him. So, if you do some of these setbacks, and his son comes home and they try to expand, it's going to be just about impossible for him to expand. If you have a 660 ft. setback from all three of those houses, he is stuck 40 acres in, on three of his four sides, where he could not put feedlots, and that's owning a square 160. For him to expand after those houses are there, it just about impossible, and he had existing feedlots before all but one of those houses showed up. They are nowhere near any of those recommendations from his line, which would mean my feedlot line would have to move in from his borders. So, he does not think we should be doing setbacks. The other question he had was if a second house onto the farm, and they are living off the farm, but they live there and he is his son, does that count as being part of the farming operation or are they a separate entity that's not part of the feedlot? With that being said, having an existing feedlot, any house that's built around that property should have to have the setbacks which the board would impose, so he could still build on his permitted feedlot.

Cory Lamb, and is in a very similar situation as Jason Bock. Cory moved here from Douglas County. Because, he started a dairy farm from scratch, saved for seventeen years driving truck. There is no way he could have done now, what he has done, in Douglas County. Living around Nelson, he grew up around dairy on both sides of his family. He couldn't be where he is, if it wouldn't be for the way Todd County has been. He has a second location now. He is in the city of Browerville. He has very good neighbors and tries very hard to keep a good relationship with them. If one passes away or one moves out, that could change just by dropping manure on

the road. That could happen and he is tip toeing around the way it is now, already, and doesn't know why we are here and what is the fire that is going to be put out. He's a lot like Jason. He's done a lot of growing, he has six kids. If his kids want to farm, the amount of cattle it would take to support six possible families, that's a lot of numbers and that's going to take a lot of acres and a lot of time. It's going to take some growth. When the neighbors can come in and buy land next door and put a house up, and the money they can pay... he cannot pay that kind of money, on dairy wage, not on \$15.00 milk, this is some hard times coming. What we are going through and what we've been through and what we are coming through more. He stated he doesn't know why they are competing with housing. We can't compete. We cannot compete, he stated. If you want dairy in your agriculture in Todd County, you can't put us up against each other. It's got to be a fine line. There's no... he stated he can't compete.

Russ Kleinschmidt stated he has a feedlot, so to speak, and he does grass-fed beef, but as you get more cattle, you are going to have some areas that have lots. He's been building slowly over time. He's got literally, three neighbors on three side of him, and the fourth neighbor on the fourth side of him, maybe 200 yards away, but the other three neighbors are literally, right across the line, within the minimum setback distance from the property line that they can be. He doesn't have any issues right now, but he doesn't think they realize he wasn't just going to have three or four cows for the next twenty-thirty years, either. Hopefully, he hopes he won't have any issues, but it is a concern of his. The other thing you need to look at is the rural economy. Just like the last two mentioned, it's really difficult to start farming. He can't make ends meet just farming alone. He has to have a full-time job besides. It's really difficult, and we you start getting people coming in, building very expensive houses on smaller acreages, and of course, that neighbor doesn't want to be right next to the other one, so now you got 2 ½- acre lot here, and a 5-acre lot there and whatever. Maybe some farmers trying to make money selling lots off too, but it makes it just that much more difficult for the next farmer to farm, because they have neighbors all around them, and he wants to go buy a piece of land, now all of a sudden, his tax values are higher, land values are higher, land prices are high enough that you can't even pencil it out economically to farm. So, if you want Todd County to remain economically viable for farming, the board needs to consider our land use and zoning laws and how we permit those and how many small lots you are going to allow on rural areas? Not saying people can't live in the country that aren't farming, but, if you're going to that, you should abide by the rules of Ag. They shouldn't have a complaint, in his opinion. Other wise we are not going to have a rural economy in Todd County that's agriculture. It's just getting very difficult already, so we need to consider that. It's a bigger picture. You can see where there's broadband and internet, people are loving that. They are going to come out here with their \$3-\$400,000 a year salary, and they can work from home and we're going to see a lot more of that. And maybe the commissioners are going to look at that and say, "Ooo, more tax base". But long term, you are going to be those other effects. See if you can see those other effects because agriculture is a big economic driver too. We're getting more people on this planet and food is not going to get cheaper, water is going to get scarcer, resources are going to be scarcer, and if you have, not against big farms, do you want ten huge farms? Or, do you want some big farms, some small farms and a lot of farms, that's a lot more resilient.

Roger Dukowitz (on zoom) stated he thought the board was somewhat aware of it, but several years ago, he was on a committee here, we took this ordinance apart (Roger Zastrow referenced it), went through it line by line, for quite a period of time. He stated we paid a guy \$50,000, from Pequot Lakes, to guide us through this and the present ordinance is what they ended up with. His stated his big concern is when you start picking it apart, and changing it, you don't know what's going to come out. You need to know what's on the other end of the road before you go out on a trip. There could be a big drop-off there. One thing that is getting bigger

and bigger, like Russ was talking about, is the cost of land. If his wife and him give the farm to one of the grandkids, or whatever, they cannot pasture beef cows on this farm as it is, and feed them from that land, as it is. The sand... it probably should go through the DNR, who knows? You need five or six acres to feed a beef cow. You have to pay \$2,000 per acre of land, you are looking at a twelve-thousand-dollar investment to feed a beef cow. How in the world, probably those kids, how in the world are you going to recover probably a \$12,000 investment on one beef cow? They are not. Now, if you continue, there's a lot of proposals in this ordinance. Probably about the biggest asinine suggestion what was almost in the proposal for a long time, was the 2640 ft. setback from the highway to a feedlot. Well, for cripe sakes, everybody should know in this County, that a section of land is a mile square. It's 2640 ft. no matter which way you go from the center. You would outlaw feedlots by definition, just by the ordinance. You'd be surprised, how many people were on that committee that thought that was a good deal. So, when you open up an ordinance that is working, there's going to (hopefully not) get a lot of problems surface. That's his big concern. Stated his grand-dad had a hard time teaching him you don't fix what isn't broken. Another one, is they wanted you to pile turkey manure 300 feet from a public road, well, jeepers, middle of winter time in Todd County MN, how are you going to back a semi-load into a field 300 feet and dump the manure? It ain't gonna happen. You'll be lucky if you can even get it off the road. So, they better get used to having a little poop here and there. That's just the way life is. In Texas, he had an opportunity to go down there on a discovery farm tour, quite a few years ago. They had 25,000 head of feeder cattle on that feedlot. It was five thousand acres. It was so advanced, that when they fed the cattle, there was a tag on the truck. If the camera, on the truck, picked out the wrong tag in the pen, it would not let them unload the feed. That's how precise agriculture is now. He went on, they were cleaning one of the large pens (didn't remember how many cattle were in there), and there were three semi's line up, to load up the manure. That manure was going to San Antonio to sterilize it, put it in bags, and sell it to green houses to put in your flower pots. Why can't that happen in Todd County if there is an issue with poop? It could, if people would get off their duffs, and quit complaining, and start doing something. He stated he was not that ambitious anymore.

Scott Moss, just east of Osakis. Just recently purchased his grandpa's farm, after he passed away. It's a 200-acre plot. He found out now, in 2004 (his grandpa was 90 yrs. Old), they cut his land in half leaving over half as residential and the rest agricultural. He noted, from the ordinance, it doesn't allow livestock in residential zones, which is confusing him because he has always been able to get feedlot permits. There has to be a mechanism here, that makes it easier to review this, as he was informed it was a \$500.00 application fee to have this reviewed. That's a huge chunk of money. How it happened to his grandpa, he didn't understand why it was done. It's two miles out of town, the reason he would like to know (may be a conversation for another day), if you are going to open this up, there has got to be a better way to review this, because a \$500.00 application fee to have this checked into is ridiculous.

Adam gave Scott his card, and stated he would have to look at his exact scenario to fully understand or answer, but did want him to know if it is an existing feedlot, then we would look at that as an existing, legal non-conformity. You don't meet the rule today, but that doesn't make it illegal. He would have to look at the scenario to fully answer, and invited him to give him a call.

Brad Thelan, he owns and operates Long Prairie Live Stock, Long Prairie, MN. Started it from ground zero, bought it from Joe Vonner. They were getting about fifty head a week at that time and he is now getting about a thousand head a week now, in Todd County. Like his dad said (passed away in 1996) "If it works, why change

it?" Brad asked what we were here for? He stated he has eight kids, a twenty-one-year-old all the way down to a pair of twins that are nine months old. His kids are in the business with him, all the way down to the babies. Like Cory said, there's no chance for anybody to step up, for their kids to get into the business because of the inflation, the interest rates, and everything above. Like before, why are we here? Good question.

Shawn Hollermann, lives out by Long Lake with a feedlot and also by Swan Lake, they have a second feedlot. He understands the reasons, why these concerns are coming, because we get a lot of complaints from lake people, it's other things, it's an ongoing thing that never ends. Anybody that has worked with Soil and Water knows what's already going on. Most of these people, if you are looking for an ordinance change, we are trying to please unpleasable people, and no matter how many ordinances we put in, it makes for more work for "us" more restrictions, when and what we can do, and we are not going to accomplish much because in the end, these are still unpleasable people. He just doesn't see how more changes and more regulations to an already unstable economy can make good for anybody.

Allen Halbersma lives in the Browerville area, looking over this, this is the first time to glance at it when they were handed out. He agrees with a lot of the people that are saying don't change something if it's working. But there's one section in here that would be a challenge, and thinks we should look at. It's the one about feedlots of ten animal units or greater, Section 9:11, j. in our statutes. When he says it should be changed, that is, Todd County is proud of agriculture and we have kids that want to be in the fair, and show animals. Ten animal units is pretty small to put a family through the red-tape of registering some kind of a lot. He's had kids, he's had them in the fair, if my grandkids ever get to. He hears other families of eight. Eight kids can't have even a horse or a cow, or your feedlot is too small. If the state is at 50, he thinks we have pushed that too low. It should be pushed up a little greater closer to the 25 animal units. So that a family, these ones that are moving out in the country and want to get their kids involved in it and they want to get them exposed, the can have a few animals out there and they are not going to harm the environment with twenty-five units. You know, if they have a forty to a hundred- and sixty-acre chunk there, and would challenge the board to raising that up.

Matt Holt agrees, why are we at ten when the state is at fifty? He didn't think we should be doing that, and that's what the board is here for, this is your job, unless the board is over worked and can't keep up with it? This is where it's at and this is what it's meant for. He doesn't know why we are looking at moving it. And even if you do decide to move it, he agrees with David's comment, start talking to these other Counties. Making sure that it isn't a burden on the County, when you do decide to do this. Otherwise, let it grow. If you want to grow, and that's what's going to happen and that's how it's going to go, let it grow. He is not about to stop businesses from growing, let it happen.

Mark Bunger, quite a few people know his situation, his past, one thing he hasn't heard discussed which, you start messing with this ordinance you are going to start messing with not only the farmers lives but also the ag businesses as well, because you start pushing ag businesses or these farmers out of Todd County. It's just like Hartz, press, anybody, when they go out, so do the employees. They gotta go out someplace else to make money. It's not going to be in Todd County. You go up and down Long Prairie's main street, and take a look at what that looks like. You need to keep ag in this County. That's what this County was built on. Yes, you got a lot of lakes and got a lot of stuff. But those people come and go in a week and you are supporting a small

industry there. The rest of this County is all dirt and livestock or a business that's related to it. Keep that in mind, you know you have to protect the farmer because they are the one's protecting the rest of your County.

Jason Jares, lives just south of hwy. 210, has a beef farm with his wife and kids. The thing he is looking at is it's almost ten minutes to ten, and his kids aren't the only kids here, he heard them out in the hallway. What are the people that are here that don't want to see nothing change? We're all farmers. Where are the people sitting there, complaining all of the time? He stated, we cared enough to show up and say something, and says a hell of a lot. He doesn't see any body else here complaining about anything else. We showed up because we care and this is our livelihood. If we want something for our kids to have, you can't have anything. We don't live in the cities and make hundreds of thousands of dollars. What we can do is hold on to what we have to hopefully give something to our kids. He stated he didn't care if he had to work his ass off the rest of his life and don't have nothin' if he can leave it to his kids to where they can sustain and not even be rich. Just earn a living. He told the board they can't be changing stuff that works. The world can change and it doesn't mean everything else has to. Don't forget about the farmers.

Cory Lamb, just a brief thing, he is here in Todd County because, like the northern part of the state with dairies and production, the trucking just doesn't want to come and get it. The beef cows probably do okay. To go get two or three farms, the trucking is outrageous. It's hard. You go farther south, the property taxes, the land value, it's kind of hard to go that far south. To be right off hwy. 71 with his Eagle Bend farm, to be within five miles, it's awesome! They don't buck him on trucking. To be right there in Browerville, half a mile off 71, his milk gets sold through First District, out of Litchfield, MN through the milk exchange. It actually goes to Bongards in Perham, so it saves on trucking, saves on expense. It gets us that cheaper product that gets us that cheaper outcome. He stated that is why he is here, in Todd County. That's why he's here, where he's at. He was able to start the way he did, as he was given some lenience through the milk company, everyone has probably heard, it's hard to get on, it's hard to get a market. He stated he has an exceptional product, and he has a good location and it made a difference. It's why we're here.

Amanda Zigan asked what happens next? Is there another opportunity to address this?

Adam stated, sure. He explained nothing has been drafted yet, and works at the direction of the Planning Commission who's working on behalf of the commissioners. What's next is giving some direction to himself to develop or not do anything or whatever the direction is from the planning commission. He suspects there are lots of thoughts that go into this, and there will be no decision tonight and that's why this is his last slide is talking about the next meeting and when that will be. There is a variety of things or multitude of options that could happen. The public comment here to tonight is going to give the Planning Commission the direction they need, to let Adam know the direction he needs, to move it forward.

Jim confirmed there will be no decisions made tonight on this, we are a long way from that.

Amanda made sure if she has a thought or a point that may need to be changed, that she will still have the opportunity to throw it in there, at some point.

Jim stated yes. It could take three or four months.

Adam stated he just got a call earlier today with that question of what is the time line on this sort of thing. He stated the solar ordinance change was just completed and that took six months. The septic ordinance we started last winter, put it on hold over the summer and just picked it up again this winter so we are going on five or six months with that one also. Jim is pretty good about allowing public comment at every upcoming meeting. Even at the close of the meeting tonight, it's a good job of allowing public comment at future meetings, as well.

Darren Helden not sure if the board could answer his question now, but #1, with Todd County being more farm oriented than say a County closer to Mpls.-St. Paul, why would we be so much lower on the number our animal units verses the state's? #2, he is sure Planning & Zoning did what they had to do for contacting everyone for this, but everyone in his area never even heard that this conversation was ever going to happen tonight. He had just heard about it on Saturday and talked to others. They had not heard either, not even his own township. He stated he was sure we put it through the papers.

Adam explained our local ordinance require us to notice the legal paper, goes to the Leader, the Independent News Harold and the Staples paper. We are also required to notify the chair and clerk of every township and every city. Those are where the required notices went to.

Supervisor for West Union confirmed that they received notification.

Darren stated he was under the impression that Moran twp. was not notified.

Dan from Verndale stated one of his farms is a fence line across Todd County, and heard about this down at the sale barn in Motley. Some of the people present in the room didn't come up to speak, so he will say it. He's never understood how somebody can buy a piece of ground next to his feedlot and then start complaining about it. That was there before you got here. So, how does that work? Why doesn't the board think about not letting someone build next to a feedlot? Or have a two-mile setback? That would eliminate a lot of trouble. That's what was brought up at the sale barn and it's smart and makes common sense, which means it may not happen. He asked why the board is letting someone come build a house or whatever, next to a farm or a feedlot and then they can come and complain, and we are having all of this trouble trying to keep a feedlot going or a dairy or whatever. Don't give them the permit. They have to be over two miles away from this farm.

Deja Anton stated she is here as a "former" farmer almost, as she is down to hobby size. She thanked everybody who was here tonight, and stated because you care about your County and that is very important, and includes the Planning Commission and Commissioners. She stated, in this room, besides farmers, you have truck drivers, people that work at Dan's Prize, people from the auction barns, Day Break probably somewhere in here, you've got Long Prairie Packing, yes, she worked there too, that was fun. You have so much here in this room for infrastructure, she could not believe it, and stated she came from the East coast. Couldn't believe the infrastructure for the ag community, the veterinarians, and now you look at: all of our kids go to school. You take ag infrastructure out of Todd, by taking the farms out of Todd, and now what do you have? You have schools that are struggling. So, when it comes down to her child, she thinks about that sort of thing, too. All of you support your community and do a dang good job at it, supporting your community. She stated she goes out there, slaps you on the wrist and you respond, because you care. She stated she is so glad you

are here expressing yourself. She doesn't want us to turn into England. She doesn't want us to turn into Idaho, where you go out into this vast agricultural valley, and they are completely filled with people who wanted to go out there and look at the mountains, and now they have to import everything. They have nothing left for feeding themselves. She added, in her opinion as a citizen, not as an employee, as a citizen, in looking at agriculture as the "asset" that it is, you are dang right, we are good for rocks and cows! That's what we are good for and we are going to keep doing it and ended with, "I just appreciate it, you guys, I just appreciate it!".

(applause)

David Tomsche stated when he was working with Stearns County on their committee, they had similar conversations. Then they migrated and all these people are coming up around these local farms and then they complicate farming as we have done it before. The thing you might want to consider, if you are going to continue this, is to consider your zoning in rural and residential areas like an A-20 or an A-40, as Stearns County has addressed that and it would be another column that he would do here, if he was comparing to what other people are doing, and what other Counties have done.

Dale Katterhagen, Sanoma County, California story, someone out in California is trying to outlaw all of the livestock, 100%. Couple years ago, it was on the ballot and failed. It was on the ballot again to outlaw all livestock in Sanoma County, California. He stated we live in Minnesota but sometimes he thinks we live in Minnefornia. Be careful what you ask for. What happens if there's no livestock in Todd County? Can we do it? He doesn't know, he doesn't think it is going to be a good plan. Careful.

Roger stated he had been reading about what Dale was talking about, and one of the headlines in one of the farm papers read: "Don't think it can't come to Minnesota".

Jim closed the public comment period and opened it up for board discussion and asked if anyone would prefer to table until next month, and think about it.

Ken made a motion to table until next month, and seconded by Roger, voice vote, no dissent heard, motion carried.

Adam wanted to add, there was an opportunity here, from some of the public's comments, to look at opportunities for creating some sort of public task force, get the planning commission, commissioners, get people here tonight involved. He thinks there are conversations to have with the commissioners on how far this is going to go.

Roger motioned to adjourn and Ken seconded. Voice vote to adjourn the January Planning Commission Meeting, no dissention heard. Motion carried and meeting adjourn 10:04 pm.