

The Wright County Board met in regular session at 9:00 A.M. with Husom, Sawatzke, Daleiden, Potter and Borrell present.

MINUTES

Potter moved to approve the 2-16-16 County Board Minutes as presented, seconded by Borrell. The motion carried 5-0.

AGENDA

Items were petitioned to the Agenda as follows: 9:03 A.M. Agenda Item, "Annual Federal Equitable Sharing Document" (Sawatzke); Aud./Treas. Item 3, "State Audit Letter" (Asleson); Items For Consid. #1, "Distracted Driving Speaker" (Sawatzke); Item For Consid. #2, "Fredrikson & Byron's 2016 MN Legislative Session Outlook" (Potter); Item For Consid. #3, "Wright County Courts Feasibility Study Interviews" (Kelly). Potter moved to approve the Agenda as amended, seconded by Daleiden. The motion carried 5-0.

CONSENT AGENDA

On a motion by Daleiden, second by Borrell, all voted to approve the Consent Agenda:

- A. ADMINISTRATION
 - 1. Position Replacement:
 - A. County Recorder
- B. ADMINISTRATION
 - 1. Schedule CIP/Finance Committee Meeting, 3-01-16 @ 10:30 AM
- C. ADMINISTRATION
 - 1. Claim - Madden, Galanter & Hansen, LLP, \$1,462.74
- D. ADMINISTRATION
 - 1. Authorize Attendance, AMC Conference On Mental Health Systems Reform, 3-02-16, 8:00 A.M., Maplewood.
- E. ADMINISTRATION
 - 1. Schedule the 3-03-16 Owners Committee Meeting as an Owners Committee Of The Whole Meeting.
- F. ADMINISTRATION
 - 1. Set Owner's Committee Membership as: Sawatzke, Potter (Daleiden)
- G. AUDITOR/TREASURER
 - 1. Approve Renewal of 2016 Tobacco License for:
 - A. City of Albertville: 152 Club, Inc. DBA 152 Club.
- H. AUDITOR/TREASURER
 - 1. Approve Claims as Listed in the Abstract, Subject to Audit, for a Total of \$518,408.57 with 214 Vendors and 364 Transactions.
- I. HEALTH & HUMAN SERVICES
 - 1. Position Replacement
 - A. Information Systems Specialist
- J. PARKS DEPARTMENT
 - 1. Authorize Signatures On Professional Services Contract With SGA Group To Provide Schematic Design and Design Development Plans For Phase I Development At Bertram Chain Of Lakes Regional Park, \$21,560, Funding Source Capital Improvement Plan.
- K. PLANNING & ZONING
 - 1. Authorize Board Chair signature on the 2015 County Feedlot Officer Annual Report and Performance Credit Report.

TIMED AGENDA ITEMS**LT. SEAN DERINGER, SHERIFF'S OFFICE**Annual Federal Equitable Sharing Agreement

Daleiden moved to authorize signatures on the Agreement, seconded by Husom. The motion carried 5-0.

BOB HIIVALA, AUDITOR/TREASURERApprove Resolution Supporting Request by Ridgemont Townhome Association to Acquire Tax Forfeited Common Element (City of Montrose).

Borrell moved to adopt Resolution #16-11, seconded by Potter, carried 5-0 on a roll call vote. The action recommends that the Minnesota Commissioner of Revenue convey PID # 112-040-000010 to the Ridgemont Townhomes Association, Inc. by quit claim deed.

Approve Resolution Supporting Request by Rock Brook Townhome Association to Acquire Tax Forfeited Common Element (City of Montrose).

Borrell moved to adopt Resolution #16-12, seconded by Daleiden, carried 5-0 on a roll call vote. The action recommends that the Minnesota Commissioner of Revenue convey PID #112-036-001190 to the Rock Brook Townhomes Association by quit claim deed.

Brian Asleson, Chief Deputy Attorney, explained that both resolutions apply to what is known as common interest communities. In both cases, the developer failed to deed common area to either the townhome or a homeowners association. The action will allow the property to be returned to the tax rolls, although it is likely that a tax statement will not be issued as it the tax is divided amongst the parcels.

State Audit Letter (Asleson)

Asleson referenced litigation with the Office of the State Auditor and the completion of the 2015 audit by the State Auditor's Office, which has at least the appearance of a conflict of interest. The Attorney retained to represent the County in the litigation suggests the County convey that concern and the potential to affect the bond rating to the State Auditor. Asleson said that the County Attorney's Office can't communicate directly with Rebecca Otto because of litigation. He suggested a letter from the County Board or Auditor/Treasurer.

Borrell asked that the letter request a meeting with the State Auditor's Office to confirm that litigation will not affect the audit. The County's bond rating could be in jeopardy with a finding or a sub note that Wright County is a party to a lawsuit. Even a slight change in the bond rating could have a major financial impact. Potter said that State Audit staff must adhere to principals and standards with regard to the audit. It was suggested that the letter sent by Wright County be patterned after one sent by Becker County as they are in litigation with the State Auditor's Office as well.

Daleiden made a motion to send a letter to the State Auditor reflecting the County's concern on the conflict of interest and the possible effects of the litigation on the County's bond rating. The motion was seconded by Husom. Borrell said he will vote for the motion if it includes a request to meet with the State Auditor's Office staff. If not, he will vote against the motion. He believes the litigation has a political motive and it needs to be questioned whether this is being pushed to staff. The motion carried 4-1 with Borrell casting the nay vote.

MIKE MACMILLAN, COURT SERVICES DIRECTORAcknowledgement of Suicide Awareness BenchSecond Bench

A Suicide Awareness Bench has been placed at the front entrance of the Government Center. MacMillan extended thanks for the donations received (private donations) and appreciation to those who worked on this effort. The remaining funds will be used to place an additional suicide awareness bench, potentially overlooking the lake.

VIRGIL HAWKINS, HIGHWAY ENGINEERApprove Agreement No. 15-52 for Installation of Dynamic Speed Limit Signs.

The signs will be placed along CSAH 30 in Delano at an estimated cost of approximately \$13,000 for two sign systems. Borrell moved to adopt Resolution #16-13 approving the Agreement, seconded by Daleiden, carried 5-0 on a roll call vote.

Approve Detour Agreement and Resolution for payment by MnDOT to Wright County for road life consumed during temporary detour on CSAH 12 & CR 138.

CSAH 12 and CR 138 will be used as a temporary detour for the MnDOT project along TH 25 in Buffalo. Potter moved to adopt Resolution #16-14 authorizing Wright County to enter into MnDOT Contract #1002294, seconded by Daleiden. In response to Husom, Hawkins indicated that the detour is scheduled to begin June 13, 2016 with a project ending date of approximately November, 2016. The motion carried 5-0.

****Note: Refer to the 3-01-16 County Board Meeting Minutes for changes made to the 1-19-16 Committee Of The Whole Minutes (not reflected in the Minutes below)****

SEAN RILEY, PLANNING & ZONING ADMINISTRATORApprove Minutes for the 1-19-16 Committee Of The Whole Meeting regarding the Feedlot Ordinance.

Borrell moved to approve the Minutes, seconded by Husom. Borrell and Husom amended the motion to include the following changes to the Minutes: Page 4, 4th paragraph, change from "Leland Wetter" to "Leander Wetter." A workgroup meeting will occur on 2-24-16 at 1:00 P.M. to discuss this issue further. The motion carried 5-0. The 1-19-16 Committee Of The Whole Minutes follow:

Chairman, Pat Sawatzke, called the meeting to order at 10:55 a.m. in the County Commissioner's Board Room at the Wright County Government Center. All five Commissioners were present. Also, Sean Riley, Wright County Planning & Zoning Administrator; Tracy Janikula, Feedlot Administrator; Greg Kryzer, Assistant County Attorney. In the audience were representatives of the Wright County Soil & Water Conservation District and several County residents.

Riley provided the County Board with the current Feedlot Ordinance as requested, along with minutes from the hearings in 2006 when amendments were made. The 1998 Feedlot Ordinance used the State rules and in 2000 those rules were expanded. In 2006 the County also adopted the updated rules. Wright County has been a delegated County since the 2000 Ordinance. The County has had regulations on animals prior to that time to address issues and conflicts with neighbors. He has had discussion with some of the Commissioners about some of the smaller issues, such as with chickens.

Borrell explained he brought this Ordinance up to the County Board so the concerns could be addressed in Committee. He was uncertain if they require an Ordinance change or just direction to Staff on how these issues should be interpreted. He met with Staff about six months ago and talked about pasture and the fact you would need a shelter out in the pasture and thought they had come to an agreement on it until his constituent came to him. An example is a seven acre parcel on Fountain Lake where an owner with seven acres wants a horse and was told he could not. He explained a pasture without a shelter and a supplemental feeding station should be exempt. It is less restrictive in Hennepin County where a horse is allowed on one acre; two horses on three acres. In speaking with Steve Dille (former Senator) who wrote the bill, he was told pastures are exempt and would agree you would not have a pasture without some shelter for the animals. He used an example with the Hennepin County where you could have density of 2000 cattle on 2,000 acres and find some areas of bare ground; that would not be a feedlot. An interpretation of no vegetation should be clarified, noting there is usually an area that is dirt and he would be okay as long as there is some vegetation. He has another constituent in Cokato Township who is present that wants to have six milking sheep. Janikula is going to say one chicken is a feedlot. It might be as simple as directing Staff how this will be interpreted. As the liaison on the Wright County Soil & Water Conservation Board he understands there are areas where there are some serious manure management problems. One is an instance of liquid manure spread just before a

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large rain event, resulted in the manure draining into Waverly Lake. However, felt they need to look at where the real problems are and address those.

Riley noted six months ago they had discussion with Borrell on interpretation and debate related to the interpretation of that definition. The Feedlot Administrator, Janikula, goes to the conferences, talks to the MN PCA, is involved in the organizations with surrounding Counties to be consistent with what other Counties are doing and what the PCA tells directs them to do. He has not spoken to Dille, but noted he was a person that was involved in the legislation, but it is the PCA that provides direction and audits the County to make sure they are operating properly, so they sent an example (air photo was displayed showing an example) to ask what is pasture. The definition of a Feedlot was read. The PCA responded back with that portion considered the pasture (photo displayed). This shows a situation where the pasture is exempt but the area where the animals concentrate, shelter, and feed are not pasture and is a feedlot. He noted a feedlot is not a bad thing and are allowed for a concentration of animals where they receive food and water. But in shoreland areas or properties that are not large enough new feedlots are not allowed, which is essentially everything where animals shelter, feed, and are concentrated. Pastures are exempt but only as defined by the PCA. Borrell asked why Staff did not send an example of a situation with a horse on a 2-2.5 acre lot. If in front of the shed there is no grass; that would be considered a feedlot. Riley agreed by definition that would be a feedlot. Further review of the wording of a feedlot followed. Borrell felt the problem is in the interpretation. If there is only a small area that does not have grass it is called a feedlot. He felt the County is reading the regulations wrong. Noting that as long as vegetation is maintained it is allowed. Riley clarified under Borrell's interpretation, the State has been providing the wrong direction. Exhibits to show what local units of government are doing were displayed. The definition from the State is what they are left with. Borrell asked if there is pending litigation from the PCA against Hennepin County, because they allow an animal unit on two acres and they are not calling it a feedlot. Riley stated the difference might be the minimum acres, Wright County has 4 acres. It is based on animal units; and, a horse is two acres and with four acres you could have two horses. Hennepin County might be allowing horses on less acres but that does not mean they are not a feedlot.

Sawatzke – asked what the threshold is for requiring a registered feedlot permit. Janikula ten in shoreland and 50 out of a shoreland district for a registered feedlot. Borrell added, in a shoreland district, which is a 1,000 feet from a lake, you cannot get a feedlot permit. Riley that is a new feedlot and not allowed. Sawatzke – he was on the Board when these regulations were first adopted. Riley stated they had four acres in the zoning ordinance as a minimum before Feedlot Ordinances were adopted; and the Feedlot rules had a minimum of 5 acres. They later adopted the change to go back to a minimum of 4 acres to be consistent with the zoning ordinance. Borrell felt the property with the chickens should be sent to the State for a determination. Sawatzke – asked for clarification from State that under 10 acres there were changes. Riley – State rules say no new feedlots in the shoreland district. There is a definition of both of a feedlot and of the shoreland district. Over time some local units of government had some of the same issues; and the State agreed if they were under ten animal units and not a registered feedlot, they would leave it up to the County in the shoreland district, but that they are still considered feedlots. Sawatzke – there could be a situation with an 80 acre parcel that would not allow ten chickens 900' from the lake. He felt that might be unrealistic. Those are some things that might be a problem.

Borrell – is concerned Wright County rules may be the most restrictive in the State. Janikula – disagreed, the County is following State Statute. The State did not change the rules, but in a letter said the County can allow less than ten animal units within the shoreland district. Borrell given the letter, County Ordinance could change and make it less restrictive. Sawatzke – so it is a letter that conflicts with State law. Janikula referred to Rule 7020 and the animal feedlot definition includes open lots used for the feeding of poultry should be considered animal feedlots.

Daleiden noted a few cities allow for a few chickens, including the City of Minneapolis. Janikula clarified that the County Ordinance does not affect land within city limits. Sawatzke did not know that originally they intended to restrict this. He questioned if they would want to limit a few chickens on a 2.5 acre "1 per 40" AG

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division. Riley that is a limited application, it would be zoned AG and not shoreland. In the City of Monticello it has a limit and does not allow roosters. In the City of Minneapolis you have to have 80% agreement from neighbors. The City of Houston has made it impossible to have chickens because they require a distance of 100' from any building. Wright County has three-quarters or more in agricultural; cities have to deal with it because they don't have agricultural land where feedlots can be done. Sawatzke noted one of the main purposes of the zoning restrictions are to avoid conflict between uses. There is a much greater conflict with having chickens on a city lot, vs. an agricultural lot in the township. Daleiden questioned how many chickens are an animal unit? Janikula stated 333.

Jane O'Shea- approached the Board and stated she purchased a 60-acre lakeshore property on Mud Lake. She spoke to the P & Z office and was told they could not keep animals in a barn that was 200' from the lake. They decided to buy the property anyway, build a new barn to comply and now find out that it may not be the case. The regulations as she is reading now indicate animals could be in that old barn. She could pasture animals down to the lake but not house them in that barn. She asked what has changed and why she was told this. Sawatzke asked how long the barn has been vacant. Potter noted if abandoned five or more years, that puts the barn into a different situation. Borrell stated what he is asking to be addressed is new ones. Janikula – could not be certain if she talked with O'Shea or not. There was a State Statute that changed and they would need an updated conversation. The rules say now with an old barn with a history of animals, no reference to timeframe, it is allowed. About the time she bought the property is when the statute changed. O'Shea – they have reroofed the barn, made major improvements to the property, planted prairie grasses and want to do the right thing for the lake and this property. She felt small hobby farmers should not be restricted to this extent. This is not a feedlot, which she sees as massive operations operating for a profit. Sawatzke explained what O'Shea had been told is right. Janikula stated the Statute is now different. Sawatzke asked if a change should be made to the County Ordinance to reflect that change. Riley they have had a number of calls and where there is a history of having livestock, it is now grandfathered in.

Borrell someone in the audience would like to address the Board. That owner has a seven acre parcel on Fountain Lake and wants to put up a shed for a horse or a few chickens. Sawatzke – the Board could change the Ordinance, even though Janikula is applying the State rule. Riley stated the questions that need to be addressed is how close would they allow it to a lake. Noted the house minimum setback is 200', sewer is 150' (NE lake standards). Daleiden stated the number of animals/poultry would have to be addressed. He would not want someone to have four acres with 330 chickens. Janikula stated on four acres they could have up to 670 chickens. Riley clarified the County is not seeing an issue with the producers. They have feedlots and this is about a horse or two or someone who wants a few chickens and does meet the acreage requirement or is within a shoreland or a residential zone where livestock has never been allowed. He asked what the limits would be. Borrell suggested two acres to have a horse and maybe require review by the Board of Adjustment. Riley they cannot go for a variance on use. Riley asked about a minimum useable area. Sawatzke – maybe less than four acres could not have a horse, but a few chickens or a goat. Borrell asked if they could establish a committee with a couple of the Commissioners to work with Staff. Sawatzke – felt if the Commissioners are in agreement that someone could have a few chickens or a goat yes; but, how do they address the shoreland and residential areas, an example is where they have 60 acres. Borrell stated the owner present that wants a horse, owns seven acres on a lake and would be willing to set the shelter back a certain distance (200') from the lake, closer to his home and fence it off and keep any waste from going into the lake.

Discussion on how it would be applied to the residential zoning districts. Riley noted the acreage of the parcel makes a difference. Borrell asked about the property zoned residential and happens to be in shoreland. Sawatzke stated it would have to be A/R and not a part of a Planned Unit Development district. Borrell felt these are limited, there are some isolated situations where they could allow them to bring in a horse or two. If allowed would add value to these lots.

Ben Dye – Franklin Township resident - understood if you call it a feedlot it has to be 1,000 feet from the lake. That issue goes back for years since he bought his land in 2003. At that time, he was given a drawing where he

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could put a shelter, told to go ahead and do it, unless a neighbor complains. He had proposed putting in an electric fence and bring a portable building that would have vegetation in it and bring his horses over, was told he could not because it would be classified a feedlot. He provided this scenario to the State and they said that would not be their definition. When asked, he said he did not get this in writing from the MN PCA. State Representative, Joe McDonald was present this morning and would provide something in writing. McDonald provided this scenario to the State who said he was in compliance and could have a shelter and would not be a feedlot. The State's definition is where this is going wrong. There are exemptions, a list of those were provided on a handout. Based on this, he argues he is not required to register as a feedlot. Sawatzke stated although he does not have to register, does not mean that it is not a feedlot, just small enough that he would not need to register it. Borrell and Sawatzke noted a larger number of animals on a smaller area would require registration. Sawatzke asked if this Board would agree an owner on 7 acres in shoreland could have one horse. He would be comfortable allowing that subject to certain requirements. Dye stated he keeps a buffer, even without animals of 40' and would be willing to keep a structure 200' back. If it is defined a feedlot, he would have to be more than 1,000 feet back from the shore.

Sawatzke – questioned the limit on a seven acre lot. Janikula 3.5 animal units. Sawatzke – asked if that ratio be different in a shoreland district? Daleiden would agree. Riley –stated the zoning of this lot is R-2a, even though it is over four acres it is not allowed in the shoreland district. Discussion has been about a requirement of 1,000 feet from the lake, this lot is under 10 acres. This is not about a definition of a feedlot, they have what the State and PCA have given them and is consistent with what other Counties are doing. He has not received anything different on this one. The County used to have a 300' setback as the minimum setback. He referred to a new shoreland buffer requires 50' just to farm the land. The 1,000 feet matches up with the shoreland district. Sawatzke even if they disagree, that does not change the rules.

Daleiden offered to work with Borrell on a committee made up of the Staff and a representative or two from SWCD to review the regulations covered. Sawatzke would agree.

Leander Wetter – resident who has had feedlot operations in the County was present – attended meetings in 1995, adopted in 1996 that made the rules which he thought were the most restrictive in the State of Minnesota. The City borders their farm where there were horses on that adjacent property. He felt there are a number of changes that can be made. In the past, he reported that the public comments were not taken until the public hearing, when he felt the regulations were already decided. Borrell stated he and Daleiden would listen to the public at any meeting. Sawatzke stated what the Commissioners are talking about are some small matters like chickens and a few horses. He recalled the original Ordinance they were dealing with some very large operations and noted those rules also were written to protect farmers from neighbors. It was not written to drive farmers out of the County. There were more farmers on that committee than non-farmers.

Borrell asked Staff to come up with some proposed draft changes to look at by working with the Committee. Daleiden the Committee makeup should include Staff, SWCD, Borrell along with himself and someone from the County Attorney's office. Borrell suggested Mary Wetter represent the public. M. Wetter agreed. Borrell thanked the Board and Staff for their consideration. Sawatzke clarified they are only talking about the hobby farm portion of the Ordinance.

(End of 1-19-16 COTW Minutes)

ITEMS FOR CONSIDERATION

DISTRACTED DRIVING SPEAKER (SAWATZKE)

Sawatzke announced a Distracted Driving Speaker Meeting on 3-14-16 at 7:00 PM at the Monticello High School. The Phillip LaVallee Memorial Fund is sponsoring the event. Phillip LaVallee was killed by a distracted driver in 2013 while running on a County Road in Otsego. Sawatzke asked that the Safe Communities group be informed to help promote the event. He has already reached out to the offices of Sheriff, Attorney and Court Services with that request, and asked for the event to be added to the County website.

MINNESOTA LEGISLATIVE SESSION OUTLOOK (POTTER)

Husom moved to authorize attendance of Board members at the Fredrikson & Byron's Minnesota Legislative Session on 2-29-16 at 9:00 A.M. in St. Paul. Cost is \$65. The motion was seconded by Daleiden and carried 5-0.

WRIGHT COUNTY COURTS FEASIBILITY STUDY INTERVIEWS (KELLY)

Lee Kelly, County Coordinator, said the work group met and reviewed RFP responses for the feasibility study of the remodel of the current courts area. A notice was posted yesterday of a Committee Of The Whole (COTW) Meeting that will be held on 2-25-16 at 12:30 P.M. Potter moved to schedule the COTW Meeting, seconded by Daleiden, and carried 5-0.

ADVISORY COMMITTEE / ADVISORY BOARD UPDATES

1. GRRL. Potter attended a meeting in St. Cloud last week which included the second round of union negotiations at the St. Cloud Library for Library Service Coordinators.
2. Wright County Economic Development Partnership. Potter attended an EDP meeting held in Howard Lake, which included a tour of Dura Supreme Cabinets. The EDP was instrumental in assisting Silpro (Delano MN) in securing funding for an expansion. This was featured in the Star Tribune. He said an update on that success will be presented at a future Board Meeting.
3. Career Fair. Potter announced a Career Fair on 3-24-16 from 2:00-7:00 PM at the Monticello High School.
4. Local Emergency Medical Services Meeting. Husom attended a meeting on 2-17-16 at the Clearwater Fire Hall. Two speakers presented information on the disproportionate level of cancer in fire fighters.

The meeting recessed at 9:52 A.M. and reconvened at 10:00 A.M.

TIMED AGENDA ITEMS**EMPLOYEE RECOGNITION CEREMONY**

The Wright County Employee Awards Recognition Ceremony was held. Employees were recognized for years of service. Linda Dixon, Confidential Legal Administrative Assistant in the Attorney's Office, received the Individual Achievement Award. The Group Achievement Award was presented to the Child Support Unit (A-K and L-Z Units) of the Health and Human Services Department.

The meeting adjourned at 10:40 A.M.