

Traverses County Commission
Regular Board Meeting
Highway Department

The meeting was called to order at 9:00 a.m. by Chairman Dave Salberg. Other Commissioners present were Todd Johnson, Kayla Schmidt, Tom Monson, and Mark Gail. The pledge of allegiance was recited. The agenda was approved upon motion by Monson and second by Schmidt. A motion was made to approve the November 16, 2021 meeting minutes by T. Johnson and a second by Gail. Duane Duin was present for the public comment period at which time he shared his concern for the county water supply and it pertains to the Twelve Mile Dairy.

Highway Department

Chad Gillespie, County Engineer and Brian Koch, County Maintenance Supervisor, appeared before the Board with a department update. The following Resolution was approved unanimously upon a motion by Monson and second by Schmidt:

Board Resolution

WHEREAS: County Project No SAP 078-616-008 have in all things been completed, and the County Board being fully advised in the premises.

NOW THEN BE IT RESOLVED: That we do hereby accept said completed project for and on behalf of the County of Traverse and authorize final payment as specified herein.

Gillespie finished his discussion with informational items such as the highway budget that has remained the same as the last time he presented it, information regarding the District meetings he attended in December and the department patched when the weather cooperated for a window of time.

Law Enforcement Center

Traverse County Sheriff Trevor Wright and Brenda Bartz, Jail Administrator, appeared before the Board with a department update. Bartz reported that occupancy for the month of November was at 46.82%. Wright informed the Board that the Brody Farmer was hired on December 2, 2021 as the new Deputy Sheriff and staffing shortages at the jail continue to put added strain on the staff.

Zoning Administrator

Ben Oleson, Zoning Administrator, attended the meeting via Zoom to discuss the Conditional Use Permit (CUP) submitted by Riverview for the Twelve Mile Dairy. The Planning Commission held a public meeting and their recommendation to the Board was to approve the CUP with conditions. The Board decided at their October 17, 2021 meeting to extend their decision for 60 days to receive more information. Those 60 days are up on December 20 and a decision needs to be made prior to that date. There were Riverview representatives and county citizens present for the discussion. Oleson presented the Board with a few options to pursue, one would be to ask Riverview to present a written waiver of the timeline to allow the DNR report to come back before approving the CUP, the Board could deny the CUP in which Riverview would need to apply for a new CUP after the DNR report is returned, or the other option is to approve the CUP with conditions. Schmidt made a motion to ask Riverview for a written waiver to extend the decision-making timeline until the DNR report is available to the Commission Board, the motion was seconded by Salberg followed by discussion. Monson said that when the DNR came and gave their report to the Board they said that if there wasn't water there they wouldn't issue the permit. Schmidt said that the Board needs to have all the information in front of them before they make a decision so that they make an informed decision. Gail said that the resolution

to approve the CUP says that one of the conditions is that the DNR needs to approve their permit in order to move forward with the CUP, so he doesn't understand why we aren't approving it today. If the DNR says that there isn't enough water then the CUP is null and void and they can't move forward. T. Johnson asked Brady Janzen from Riverview if they would start any construction prior to the DNR permit being issued and he said no, they will wait for all the permits to be approved. Salberg asked for a vote on the motion, it passed by a margin of 3- 2 with Monson and Gail in opposition. Gail said he doesn't understand why we are pushing this off, if the DNR approves it then we would approve it so why aren't we approving it with the condition that the DNR has to approve it. T. Johnson made a motion to approve the CUP on the condition that the DNR approves their portion too, there was no second. Schmidt made a motion to reject the CUP until we get the DNR report available, there was no second. Salberg asked Riverview if they would agree to a written extension of the timeline. Janzen said they would not. T. Johnson made a motion to approve the conditional use permit with the following conditions and the findings of facts, second by Monson, the Board then went over the conditions and findings of facts as written below. The motion passed with 4 votes in favor and Schmidt abstained stating that in good faith to her constituents she cannot cast an uninformed vote with such an impact to Traverse County.

**IN THE MATTER OF RIVERVIEW, LLP
ORDER GRANTING CONDITIONAL USE PERMIT**

REQUEST: A conditional use permit for the construction of a 12,000 dairy cow farm.
APPLICANT: Riverview, LLP
PROPERTY OWNER: Todd Tritz and Craig Lichtsinn

The above entitled matter came on to be heard before Traverse County Planning Commission for a public hearing on October 13, 2021, and then before the Traverse County Board of Commissioners on October 19, 2021; November 16, 2021; and December 14, 2021, regarding an application for a conditional use permit to construct a 12,000 dairy cow farm. for the following property in Traverse County, Minnesota:

See attached Exhibit A

Based upon all files, records and proceedings herein, including the recommendations of the Traverse County Planning Commission, the Board of Commissioners hereby make the following:

FINDINGS OF FACT

1. An application was submitted on July 7, 2020, by Riverview, LLP manager Brady Janzen seeking a conditional use permit for the purposes of developing the above-described real property so that a 12,000 dairy cow farm can be constructed. This application was later re-submitted on September 2, 2021, following the completion of the state-required environmental review process.
2. The Minnesota Pollution Control Agency conducted an Environmental Assessment Worksheet, and then on August 23, 2021, issued a Findings of Fact, Conclusions of Law, and Order for Negative Declaration on the need for an Environmental Impact Statement on the project.
3. On October 13, 2021, the Traverse County Planning Commission conducted a public hearing on the proposed Conditional Use Permit. All required public notices regarding the public hearing were posted and sent. The Traverse County Planning Commission recommended the approval of the proposed Conditional Use Permit, subject to certain conditions.
4. On October 19, 2021, and November 16, 2021, the Traverse County Board of Commissioners conducted hearings on the proposed Conditional Use Permit and the recommendation of the Planning Commission. All required public notices regarding the public hearing were posted and sent.

5. With respect to Conditional Use Permit application, the Traverse County Board of Commissioners finds as follows:

- a. The proposed use will not create an excessive burden on existing parks, schools, streets and other public facilities and utilities which serve or are proposed to serve the area.
- b. The proposed use will be sufficiently compatible or separated by distance or screening from adjacent agricultural or residential zoned or used land so that existing homes will not be depreciated in value and there will be no deterrence to development of vacant land in a similar context of the uses in the vicinity.
- c. The proposed structure and site will not have an appearance, traffic, noise and emission levels that will have an adverse effect upon adjacent properties.
- d. The proposed use is reasonably related to the overall needs of the County and to existing land uses.
- e. The proposed use is consistent with the purposes of the Zoning Ordinances and the purposes of the zoning district in which the applicant intends to locate the proposed use and the use is consistent with the Comprehensive Plan.
- f. The proposed use will not cause a traffic hazard or congestion.
- g. Existing nearby businesses will not be adversely affected by the proposed use because of curtailment of customer trade brought about by intrusion of noise, glare or general unsightliness.
- h. The property is not in a Floodplain or Shoreland district.
- i. The requirements of the Feedlot Ordinance have almost been met, excepting the requirement under M.S.A. §§103G.271 and 103G.287 that requires an approved DNR Water Appropriation Permit since Riverview, LLP will be withdrawing over 1 million gallons of water per year in this project. This was also noted in Paragraphs 106 and 107 of the Minnesota Pollution Control Agency's Findings of Fact, Conclusions of Law, and Order for Negative Declaration on the need for an Environmental Impact Statement dated August 23, 2021. While this permit has not yet been obtained, the County Board shall require that attaining this permit be a part of the conditions in approving Riverview LLP's application.

6. In making these findings of fact, the County Board hereby incorporates the report from Traverse County Zoning Administrator Ben Oleson dated October 13, 2021, and the findings of fact in that report which support approval of the conditional use permit.

From the foregoing, the Traverse County Board of Commissioners hereby makes the following:

ORDER

1. That the request of Applicant Riverview, LLP, for a conditional use permit for purposes of building a 12,000 cow unit dairy farm on the following described real property located in the County of Traverse, State of Minnesota, is hereby **GRANTED**: See attached Exhibit A.
2. That this granting of a conditional use permit is subject to the following conditions:
 - a. Obtaining all necessary permits, specifically including the Water Appropriate Permit from the Minnesota Department of Natural Resources, and staying in compliance with the requirements of those permits. Any violation of those permits shall also constitute a violation of this Conditional Use Permit.
 - b. Providing sufficient documentation to the County Zoning Administrator that all DNR groundwater appropriation permitting has been completed prior to the issuance of any permits to begin construction of the facility.
 - c. The feedlot shall be limited to a maximum of 12,000 dairy cows. Any increase beyond that shall require an additional conditional use permit.

d. The ongoing appropriation of groundwater shall not cause demonstrable harm in the quality or quantity of groundwater supplied to properties served by the same aquifer. Any such harms, if not remedied in a timely manner to the satisfaction of the affected landowner or the County shall be grounds for review of the Conditional Use Permit by the County, and may be a basis for modification or termination of the Conditional Use Permit. Riverview, LLP shall be responsible for paying all costs incurred by an affected landowner that leads to an ultimate finding that it caused demonstrable harm in the quality or quantity of groundwater supplied to properties served by the same aquifer.

e. Comply with all requirements of Section 23 (Feedlot Ordinance) of the Traverse County Land Use Ordinance unless such requirements are superseded or otherwise addressed to the same standard by an MPCA feedlot permit.

f. Provide a copy of a written agreement with Dollymount Township relating to improving 730th Avenue to a standard acceptable to the Township between their facility entrance and County Road 6.

g. Provide a copy of a written agreement with Dollymount Township relating to ongoing maintenance of 730th Avenue, or any other roads as required by the Township.

h. Provide a copy of a written agreement with Traverse County relating to ongoing maintenance of county roads that may be damaged by traffic related to the Twelvemile Dairy site.

i. Comply at all times with all other Township, County, State and Federal laws applicable to the property. Upon demand of the County Zoning Administrator or County Board, Riverview, LLP shall within fourteen (14) calendar days of the request, or other timeline acceptable to the County, provide copies of any applicable permits or approvals or other documents relating to regulatory review of the construction and operation of the site from other local, state or federal agencies.

j. The County may conduct an annual review of this Conditional Use Permit to ensure compliance.

k. Provide access to the Property at all reasonable times to the County or its representatives for purposes of inspection to ensure compliance with the terms of this Conditional Use Permit, including for any annual reviews by the County. The Property and operations shall be available for inspections by the authorized County inspectors within normal business working hours upon reasonable advance notice to Riverview, LLP. Any inspectors must identify themselves to an employee of Riverview, LLP before entering onto the Property and must be escorted by an employee of the Applicant at all times to ensure the safety of the inspectors.

l. Comply at all times with the conditions of this Conditional Use Permit. Upon written notice of any violation the Applicant shall promptly remedy the violation within the time period specified by the County in the notice of violation. Any violation not remedied or addressed shall be subject to Conditional Use Permit review and may be basis for Conditional Use Permit termination.

Passed and adopted by the Traverse County Board of Commissioners this 14th day of December, 2021.

Chairman, Traverse County Board of Commissioners

Oleson gave the Board a quick update on the revised subdivision ordinance. County staff had some concerns so they made some more revisions. He wanted to let the Board know where he was at and that they will continue to work on them and he will bring them back for a vote at a future meeting.

County Coordinator

Upon a motion by Gail and second by Monson the following bills were approve unanimously:

CT Sibson Gravel and Crushing Inc	\$2,330.13
Mid States Hydraulics and Machine Inc.	\$2,685.00
Nardini Fire Equipment	\$,3024.75
Traverse County Auditor Treasurer	\$3,997.50
Trip County Coop Oil Assn.	\$9,078.18
True North Steel	\$46,455.00
Twin Valley Tire/ Wheaton	\$2,523.85
Wallwork Truck Center	\$3,685.69
Ziegler, Inc	\$4,039.38
Anderson Law Office	\$3,992.50
Cardmember Services	\$4,059.44
Counties Providing Technology	\$5,016.85
Hometown Planning	\$2,450.00
MCCC	\$17,635.70
Red River Watershed Mgmt. board	\$3,828.00
Regents of the university Of Minnesota Extension	\$15,051.20
Wells Fargo Corporate Trust Services	\$74,935.25

Per M.S. 375.12, the number of claims totaling \$2,000 or less were 83, in the amount of \$35,125.50

Lisa Zahl, County Coordinator, gave the board the Building Committee’s recommendation of the Requests for Proposals, which is to reject all the bids for the study of the new Courthouse and look at the Bank of the West building to see if it will fit the needs for the governmental offices and see how to move forward after that. A new building would still need to be built for the courts. The Building Committee doesn’t want to rush through the process in order to get it on the ballot in 2022. Bank of the West has been contacted and they will contact us when they are ready to show the building. The consensus of the Board was to reject all bids so that we can look into other options.

American Rescue Plan Funding balance is \$188,789.49. The Executive Committee has approved funding for computers for the squad cars so that they can run the new Powerphone software that was purchased. Upon a motion by Schmidt and second Gail it was approved unanimously to pay the \$29,982.00 for new computers for the squad cars out of the remaining ARP funds.

Upon a motion by T. Johnson and second by Gail the quote from Morris Electronics for \$4,328.97 for a tape drive and off site back up for the County computers was approved unanimously.

A motion was made by Gail to participate in the Opioid Settlements and approve the following resolution, second by T. Johnson and approved unanimously:

A RESOLUTION

Authorizing county staff to execute all necessary documents to ensure County participation in the multistate settlements relating to opioid distributors and manufacturers, and in the Minnesota Opioids State-Subdivision Memorandum of Agreement, and declaring support for an amendment to Minn. Stat. § 256.043, subd. 3(d).

WHEREAS, the State of Minnesota and numerous Minnesota cities and counties are engaged in nationwide civil litigation against manufacturers and distributors of prescription opioids related to the opioid crisis; and

WHEREAS, the Minnesota Attorney General has signed on to multistate settlement agreements with several pharmaceutical distributors, McKesson, Cardinal Health, and AmerisourceBergen, as well as opioid manufacturer Johnson & Johnson, but those settlement agreements are still subject to sign-on by local governments and final agreement by the companies and approval by the courts; and

WHEREAS, there is a deadline of January 2, 2022, for a sufficient threshold of Minnesota cities and counties to sign on to the above-referenced multistate settlement agreements, and failure to timely sign on may diminish the amount of funds received by not only that city or county but by all Minnesota cities and counties from the settlement funds; and

WHEREAS, representatives of Minnesota's local governments, the Office of the Attorney General, and the State of Minnesota have reached agreement on the intrastate allocation of these settlement funds between the State, and the counties and cities, as well as the permissible uses of these funds, which will be memorialized in the Minnesota Opioids State-Subdivision Memorandum of Agreement (the "State-Subdivision Agreement"); and

WHEREAS, during negotiations of the State-Subdivision Agreement, representatives of Minnesota's counties prioritized flexibility in how local governments may use settlement funds for opioids abatement and remediation and advocated for counties to receive settlement allocations directly rather than using the distribution mechanism detailed in Minn. Stat. § 256.043, subd. 3(d); and

WHEREAS, in order to achieve the goals of flexibility and direct allocation, Minn. Stat. § 256.043, subd. 3(d), must be amended to remove a provision which would otherwise appropriate approximately 50 percent of the state's settlement allocation to county social service agencies for statutorily-prescribed use(s); and

WHEREAS, the State-Subdivision Agreement creates an opportunity for local governments and the State to work collaboratively on a unified vision to deliver a robust abatement and remediation plan to address the opioid crisis in Minnesota; now, therefore,

BE IT RESOLVED, Traverse County supports and agrees to the State-Subdivision Agreement; and

BE IT FURTHER RESOLVED, Traverse County supports and opts in to the multistate settlements with McKesson, Cardinal Health, and AmerisourceBergen, and with Johnson & Johnson; and

BE IT FURTHER RESOLVED, Traverse County authorizes county staff to execute all necessary documents to ensure County participation in the multistate settlements, including the Participation Agreement and accompanying Release, and in the State-Subdivision Agreement; and

BE IT FURTHER RESOLVED, Traverse County, supports the amending of Minn. Stat. § 256.043, subd. 3(d), to remove a provision which would appropriate approximately 50 percent of the state's settlement allocation to county social service agencies via the existing Opiate Epidemic Response Fund distribution mechanism for statutorily-prescribed use(s).

Adopted this 14th day of December, 2021.

Dave Salberg, Board Chairman

Lisa Zahl, County Coordinator

Upon a motion by Monson and second by Gail it was approved unanimously to go with Morris Electronics for 2022 with 1 day in house IT support a week along with 5 days a week phone support from Darren with Morris Electronics for \$5,054.40 per month.

Zahl gave the Board an update on the LiDAR data acquisition efforts which is almost complete.

The final Lease agreement with LSS of Traverse, LLC who runs the Traverse Care Center was signed for one year at a cost of \$20,000 a month.

Kit Johnson, Auditor/Treasurer, gave the Board a quick update on where the budget is at. The preliminary levy was set at 6.34% increase over 2021 currently it is at a 5.94% increase over last year. K. Johnson went over some of the changes. The Truth in Taxation meeting is tomorrow, December 15, 2021 at 6:00 p.m. and the Board said they will certify the levy at their next regular Board meeting on December 21, 2021.

Under general updates Gail wanted to remind the Board that Rainbow Rider is still looking for a garage to store their bus. We have the empty lot that we just acquired so we can think about doing something over there for them.

Commissioners Reports: Salberg reported on Western Prairie Social Services, Minnesota Rural Counties (MRC), Soil and Water and West Central Community Action. There were no other Commissioner reports.

Salberg adjourned the meeting at 11:07.

Lisa Zahl, County Coordinator

Dave Salberg, Board Chairman