



# MORRISON COUNTY BOARD OF COMMISSIONERS OFFICIAL MINUTES

MAY 8, 2012

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The meeting was held in the County Board Room, Government Center, Little Falls, Mn. and was called to order at 9:00 a.m. by Chairman Meyer.

**Members present:** Commissioners Rich Collins, Duane Johnson, Don Meyer, Jeff Schilling, and Tom Wenzel.

**Staff present:** Deb Gruber, Brian Middendorf, Brad Vold, Bonnie Paulsen, Michel Wetzal, Amy Kowalczyk, Joyce Kahl, and Connie Waytashek.

**Others present:** Mike Krejci, Jennie Zeitler, Carol Anderson, Bob Harmsen, Leota Lind, Neil Hagstrom, June Varner, and Matt Hagstrom.

## APPROVAL OF COUNTY BOARD MINUTES

A motion was made by Commissioner Johnson, seconded by Commissioner Collins, and carried unanimously to approve the Morrison County Board of Commissioner Minutes for April 24, 2012.

## AGENDA CHANGES

A motion was made by Commissioner Collins, seconded by Commissioner Schilling, and carried unanimously to adopt the agenda as revised.

## SHERIFF'S REPORT

Sheriff Michel Wetzal presented the 2011 Annual Sheriff's Report. A copy of the report is on file in the Sheriff's office.

## SOCIAL SERVICE REPORT

Brad Vold, Social Service Director, reported on recent Legislative issues.

## PUBLIC HEALTH REPORT

A motion was made by Commissioner Wenzel, seconded by Commissioner Johnson, and carried unanimously to approve a 2012 Seasonal License for the Lazy Pines Resort, Little Falls, Mn.

A motion was made by Commissioner Wenzel, seconded by Commissioner Johnson, and carried unanimously to approve the Abstract of Establishment Licenses as attached.

A motion was made by Commissioner Collins, seconded by Commissioner Schilling, and carried unanimously to authorize the Public Health Director to sign a Memorandum of Agreement between Morrison County Public Health and Douglas County for emergency environmental health services.

## PLANNING & ZONING REPORT

The County Board considered an application from Bruce & Kathleen Anderson for a Final Plat for a subdivision to be known as "Gavin Addition", located at Lot 2, Block 2, Hillview Acres, Little Falls Township. Members of the County Board were in attendance at the public hearing



# MORRISON COUNTY BOARD OF COMMISSIONERS OFFICIAL MINUTES

MAY 8, 2012

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previously held regarding this application. Based on the information obtained at the public hearing, proposed findings of fact were presented to the Board. A motion was made by Commissioner Collins, seconded by Commissioner Johnson, and carried unanimously to adopt the proposed findings of fact and to approve this application for a subdivision to be known as "Gavin Addition", located at Lot 2, Block 2, Hillview Acres, Little Falls Township, applicant Bruce & Kathleen Anderson. A copy of the findings of fact and decision is attached to these minutes.

The County Board considered an application to Rezone a tract of land from agriculture and shoreland residential to shoreland commercial for the purpose of a resort with cabins and campground with tent and RV sites, located in part of Gov't Lot 3, Section 13, Darling Township. Members of the County Board were in attendance at the public hearing previously held regarding this application. Based on the information obtained at the public hearing and the decision of the Planning Commission, proposed findings of fact were presented to the Board. A motion was made by Commissioner Wenzel, seconded by Commissioner Schilling, and carried unanimously to adopt the proposed findings of fact and to approve this application to Rezone a tract of land from agriculture and shoreland residential to shoreland commercial for the purpose of a resort with cabins and campground with tent and RV sites, located in part of Gov't Lot 3, Section 13, Darling Township. A copy of the findings of fact and decision is attached to these minutes.

The County Board considered an application for a Conditional Use Permit from Mathew Hagstrom to create a Tier III swine/beef feedlot by erecting a 51' X 191' barn and an 8' concrete under barn pit including conditions located on part of Govt. Lot 10, Swanville Township. Members of the County Board were in attendance at the public hearing previously held regarding this application. Based on the information obtained at the public hearing and the decision of the Planning Commission, proposed findings of fact were presented to the Board. A motion was made by Commissioner Collins, seconded by Commissioner Johnson, and carried unanimously to adopt the proposed findings of fact and to approve this Conditional Use Permit, subject to certain conditions, Hagstrom to create a Tier III swine/beef feedlot by erecting a 51' X 191' barn and an 8' concrete under barn pit including conditions located on part of Govt. Lot 10, Swanville Township, applicant Mathew Hagstrom. A copy of the findings of fact, decision, and conditions are attached to these minutes.

The County Board considered an application for a Conditional Use Permit from David Hubner to create a Tier II swine/beef feedlot by erecting a 51' X 191' barn and an 8' concrete under barn pit including conditions located on part of SE ¼ of SW ¼, Section 33, Pike Creek Township. Members of the County Board were in attendance at the public hearing previously held regarding this application. Based on the information obtained at the public hearing and the decision of the Planning Commission, proposed findings of fact were presented to the Board. A motion was made by Commissioner Johnson, seconded by Commissioner Wenzel, and carried unanimously to adopt the proposed findings of fact and to approve this Conditional Use Permit, subject to



**MORRISON COUNTY BOARD OF COMMISSIONERS  
OFFICIAL MINUTES**

**MAY 8, 2012  
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certain conditions, to create a Tier II swine/beef feedlot by erecting a 51' X 191' barn and an 8' concrete under barn pit including conditions located on part of SE ¼ of SW ¼, Section 33, Pike Creek Township. A copy of the findings of fact, decision, and conditions are attached to these minutes.

Amy Kowalczyk, Zoning Administrator, presented the monthly report of permits and revenues for the month of April, 2012. A copy of the report is on file in the Planning & Zoning Office.

**COMMUNITY DEVELOPMENT REPORT**

Carol Anderson, Community Development, reported on various development activities in Morrison County.

**COUNTY BOARD WARRANTS**

A motion was made by Commissioner Johnson and seconded by Commissioner Schilling to approve the following Resolution:

WHEREAS, the Morrison County Board of Commissioners have reviewed the list of County Board Warrants;

NOW THEREFORE, BE IT RESOLVED, that the list of County Board Warrants on file in the Auditor's Office for May 8, 2012 be approved for payment:

REVENUE	\$265,738.59
PUBLIC WORKS	\$ 54,547.81
SOCIAL SERVICE	\$134,219.74
SOLID WASTE	\$ 26,768.17
PARKS	\$ 2,100.00
LOCAL COLLAB	\$ 2,050.24
TOTAL	\$485,424.55
Reimbursable expenses	\$ 178.73

Motion carried on a roll call vote with all Commissioners voting "aye".

**LIQUOR LICENSE APPLICATION**

A motion was made by Commissioner Wenzel, seconded by Commissioner Johnson, and carried unanimously to approve the application for an On, Off & Sunday liquor license to Beagers, Inc.

**AUDITOR'S REPORT**

A motion was made by Commissioner Wenzel, seconded by Commissioner Collins, and carried unanimously to approve a 2012 Precious Metal Dealer's License to Ronald Peterson, Motley, Mn.

The monthly report of the actual cash balance remaining to the credit of each county fund at the close of business on the 30th day of April, 2012 was presented.



# MORRISON COUNTY BOARD OF COMMISSIONERS OFFICIAL MINUTES

MAY 8, 2012  
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## PUBLIC HEARING

A public hearing was called to order at 9:41 a.m. to consider establishment of a TIF District for Valley Hardwoods. June Varner questioned the specifics of the project. The public hearing was closed at 9:48 a.m. No action taken.

## SOUTH COUNTRY HEALTH ALLIANCE REPORT

Leota Lind, SCHA, reported on the Alliance and information on enrollment, services, etc.

## CLOSED SESSION

A motion was made by Commissioner Wenzel, seconded by Commissioner Collins, and carried unanimously to approve Resolution #2012-031 closing the meeting to the public at 10:17 a.m. for the purpose of discussing the strategy, evaluation and the status of the Morrison County Sheriff's salary appeal with it's attorney.

A motion was made by Commissioner Wenzel, seconded by Commissioner Schilling, and carried unanimously to reopen the public meeting at 11:23 a.m.

## ADMINISTRATOR'S REPORT

A motion was made by Commissioner Wenzel, seconded by Commissioner Schilling, and carried 3-2 (Commissioner Meyer and Johnson voting "nay") to approve Resolution #2012-032 authorizing Settlement of County Sheriff's Salary Appeal.

A motion was made by Commissioner Schilling, seconded by Commissioner Collins, and carried unanimously to authorize Deb Gruber, County Administrator, to administer and sign documentation and act as authorized official with the Flexible Benefit Plan.

## COUNTY BOARD REPORTS AND SCHEDULE

Members of the County Board reported on various meetings they have attended and on their upcoming schedule of meetings with various organizations.

## ADJOURNMENT

The Chairman declared the meeting adjourned at 11:33 a.m.

Handwritten signature of Don Meyer in cursive script.

Don Meyer, Chairman

Handwritten signature of Debra Gruber in cursive script.

Debra Gruber, Clerk to County Board

**MORRISON COUNTY  
REQUEST FOR BOARD ACTION**

REQUESTED BOARD DATE: May 8, 2012  
DEPARTMENT: Public Health  
PRESENTER: Bonnie Paulsen

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BOARD ACTION REQUESTED (check one):

- Action/Motion  
 Discussion/Report  
 Proclamation/Certificate  
 Resolution  
 Agreement/Contract - County Attorney Approval?  
     Yes    No
- 

BRIEF DESCRIPTION:

***1. Approve 2012 Seasonal License for New Establishment Owner:***

Dist. #1	Lazy Pines Resort	Little Falls	\$247.00
	(formerly owned by Sandy & Jim Parent)		

***2. Approve 2012 Annual License for New Food Catering Service:***

Dist. #1	Keetz Katering	Randall	\$318.75
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***3. Approve 2012 Annual License for New Establishment:***

Dist. #1	The Old Creamery Quilt Shop	Randall	\$504.75
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***4. Approve 2012 Annual License for New Establishment Owner:***

Dist. #1	Beagers Barbeque	Cushing	\$462.00
	(Lincoln Station LLC dba Old Mill Bar – formerly owned by Kelly Doucette)		

**MEMORANDUM OF AGREEMENT  
BETWEEN  
DOUGLAS COUNTY PUBLIC HEALTH  
ON BEHALF OF DOUGLAS & POPE COUNTIES ENVIRONMENTAL  
HEALTH  
AND  
MORRISON COUNTY PUBLIC HEALTH  
FOR  
ENVIRONMENTAL HEALTH SERVICES**

WHEREAS, the provision of interim environmental health service coverage between counties is consistent with the Minnesota Statutes allowing delegation agreements between the Minnesota Department of Health and local jurisdiction, and

WHEREAS, it is worthwhile to maintain environmental health services for the public's health and safety within Douglas and Pope Counties, and

WHEREAS, Douglas County Public Health, an official agency of said county, has requested interim environmental health services from Morrison County Public Health, and

WHEREAS, Morrison County Public Health is empowered by the Morrison County Board of Commissioners to offer interim environmental health service coverage to Douglas & Pope Counties Environmental Health, upon their request.

THEREFORE IT IS AGREED THAT,

1. Morrison County Public Health shall be available for consultation on inquiries related to food, beverage and lodging facilities, manufactured home parks, recreational camping areas, children's camps and pools.
2. Morrison County Public Health shall be available for consultation concerning the results of a particular water sample (or water system) submitted through the Douglas & Pope Counties Environmental Health office.
3. Morrison County Public Health shall provide interim environmental health services in and for Douglas and Pope Counties during Douglas & Pope Counties Environmental Health staff absences using department personnel including an emergency response capability for the investigation of a food/water borne illness outbreak or other serious event or complaint.
4. Morrison County Public Health shall provide consultation on plan review for food, beverage and lodging facilities, manufactured home parks, recreational camping areas and youth camps.

5. Morrison County Public Health shall provide pre-operation inspection of new or extensively remodeled food, beverage or lodging establishments, manufactured home parks, recreational camping areas, youth camps and pools.

Consideration and Terms of Payment:

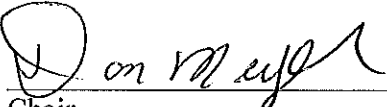
- A. Consideration of all services performed and goods supplied pursuant to this agreement shall be paid by Douglas County as follows:
1. The employee service rate at \$40.00 per hour will be calculated from the time of departure from the Morrison County Public Health home office until return to the Morrison County Public Health home office.
  2. Reimbursement for mileage will be at the employee rate as set by the Morrison County Board of Health. This amount shall not exceed the maximum allowed by the IRS.
  3. Employees will be compensated for reasonable meal expenses not to exceed per day maximum allowed by the IRS.
  4. Morrison County Public Health shall be reimbursed for the reasonable cost of any materials used.
  5. Morrison County Public Health shall be reimbursed for the cost of any tests performed.

Terms of Agreement:

This Agreement shall commence on the 1<sup>st</sup> day of May 2012 and shall remain in effect indefinitely, unless either party notifies the other in writing of intent to cancel at least sixty (60) days prior to the termination date of said term.

IN WITNESS whereof, the parties hereto have caused this Agreement to be duly executed.

By:

Chair	Date	Sandra L. Tubbs, Director	Date
Douglas County Board of Commissioners		Douglas County Public Health	
			
Chair	Date	Bonnie Paulsen, Director	Date
Morrison County Board of Commissioners		Morrison County Public Health	

RESOLUTION

IN THE MATTER OF BRUCE AND KATHLEEN ANDERSON APPLICATION  
FOR FINAL PLAT APPROVAL

WHEREAS, Bruce & Kathleen Anderson has submitted to the Morrison County Board of Commissioners for approval of a Final Plat of Gavin Addition, located in Hillview Acres, Section 22, Little Falls Township, Parcel # 16.0896.000

WHEREAS, the Morrison County Planning Commission has held a Public Hearing on April 23, 2012 to consider the proposed plat and review exhibits and staff reports and listened to public comments offered at the public hearing, and

WHEREAS, the proposed plat meets the technical requirements of the Morrison County Land Use Control Ordinance, and

WHEREAS, the property is zoned Residential, and

WHEREAS, the surrounding area is residential in nature, and

WHEREAS, the proposed development is located in a recorded subdivision known as Hillview Acres, and

WHEREAS, the property is legally described as Lot 2, Block 2 of Hillview Acres, and

WHEREAS, the proposed development is considered a re-subdivision of land, and

WHEREAS, each of the proposed lots is of sufficient size to allow development to meet all the setback requirements of the Morrison County Land Use Control Ordinance, and

WHEREAS, the Morrison County Soil Survey indicates the soils to be primarily Meehan and Sartell loamy fine sands, and

WHEREAS, a State Licensed Designer has demonstrated that the soils are adequate for on-site septic systems, and

WHEREAS, the lots are of sufficient size to locate an alternate sanitary site, and

WHEREAS, the Little Falls Town Board has offered a recommendation of approval for this proposed plat, and

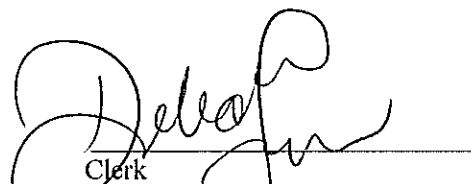
WHEREAS, based upon the information and exhibits received at the public hearing on April 23, 2012 and the information provided by staff for the plat known as Gavin Addition a motion was made Jim Huber and seconded by Rich Collins and the Planning Commission voted to recommend approval of this final plat. The vote was 5 yes, 0 no.

The final plat known as Gavin Addition meets the requirements of section 1500 of the Morrison County Land Ordinance and there is a recommendation for approval from the Morrison County Planning Commission.

NOW, THEREFORE, based upon the information and exhibits received at the Public Hearing on April 23, 2012, the information provided by staff, be it hereby resolved that the Morrison County Board of Commissioners grants approval of the final plat known as Gavin Addition.

The above resolution was duly adopted by the Morrison County Board of Commissioners at its regular meeting on May 8, 2012.

  
Chairman  
Morrison County Board

  
Clerk  
Morrison County Board



RESOLUTION

WHEREAS, the Morrison County Planning Commission and the Morrison County Board of Commissioners held a public hearing on April 23, 2012 to consider rezoning a 14.98 acre tract of land from Shoreland Residential and Agriculture to Shoreland Commercial, located in Section 13, Township 130, Range 30, Darling Township.

WHEREAS, the applicant has a total of 14.98 acres of property, currently zoned agriculture and shoreland residential, and

WHEREAS, the applicant is proposing to rezone the entire parcel to shoreland commercial, and

WHEREAS, the proposed use is to establish a resort with cabins and campground with tent and RV sites, and

WHEREAS, the zoning districts located in close proximity to the property include Shoreland Residential, Agriculture and Shoreland Commercial, and

WHEREAS, the closest Shoreland Commercial zoned property is located directly to the south of the property where "Lakeside Resort" is located, and

WHEREAS, the rezone request is compatible with the goals of the Morrison County Comprehensive Plan as it relates to its compatibility with the surrounding uses, mix of zoning classifications present in the area and provision of transition between the zoning classifications, and

WHEREAS, the proposed request does not constitute a spot zone, and

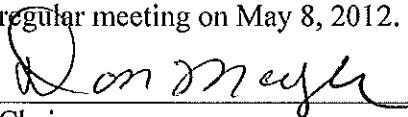
WHEREAS, the Planning Commission found the Darling Town Board recommended approval of the proposed rezone, and


WHEREAS, based upon the information and exhibits received at the public hearing on April 23, 2012 and the information provided by staff for the rezone request, a motion was made by Rich Collins and seconded by Norm Siekman, that the Planning Commission recommends approval of this rezone request. The vote was 5 yes, 0 no.

NOW THEREFORE, based on the information, exhibits and testimony reviewed at the public hearing as well as information provided by staff, be it hereby resolved that the parcel described below be granted the zoning of Shoreland Commercial:

Sect-13 Twp-130 Range-030 14.98 AC PT OF GOV LOT 3 DESC IN DOC 284437, BEING DESC AS: GOV LOT3 LESS 1) PT DESC AS: COM AT S ¼ COR OF SEC 13, N ALG ¼ LN 2073.3 FT TO PT OF BEG, CONT N ALG ¼ LN 454 FT TO SLY RT OF WAY OF HWY 115, WLY ALG HWY 85 FT, S PARL

The above resolution was duly adopted by the Morrison County Board of Commissioners at its regular meeting on May 8, 2012.

  
\_\_\_\_\_  
Chairman  
Morrison County Board of Commissioners

  
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Clerk  
Morrison County Board of Commissioners

In the Matter of an Application  
by Mathew Hagstrom for a Conditional Use Permit

The above application came on for consideration before the Morrison County Board of Commissioners on May 8, 2012. Based upon the application, information received at the public hearing, the recommendations of staff and all files and records relating to the application, the Board makes the following:

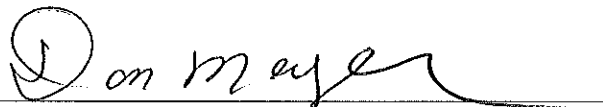
FINDINGS OF FACT

1. Mathew Hagstrom is the owner of the property in question, which is located in Section 31, T.128N, R.31W. He has applied for a conditional use permit to create a new tier III swine/beef feedlot.
2. It is referenced in section 604.5 of the Morrison County Land Use Control Ordinance that tier III feedlots require a Conditional Use Permit.
3. The property is zoned agriculture.
4. Five members of the County Board attended the public hearing on April 23, 2012.
5. A Township recommendation form was submitted by Mr. Hagstrom. The Swanville Town Board recommended approval of the application on March 6, 2012.
6. This site is currently cropland.
7. The proposed feedlot will be a total confinement facility, consisting of a 51' x 191' barn and an 8' concrete under barn pit.
8. The barn will house 1,200 head of finishing hogs, totaling 360 animal units.
9. An existing cattle lots house 120 head of cattle totaling 120 animal units.
10. An existing hog facility is located 80' to the south of the proposed barn. Its houses 1,000 hogs or 300 animal units.
11. The under barn liquid manures storage area will account for greater than nine months of storage.
12. A manure management plan was submitted by the applicant.
13. The manure generated from this site will be land applied on property owned or rented by the applicant which is 193 acres. Mr. Hagstrom has also identified 385 acres of cropland to transfer manure through land application agreements.
14. The manure will be injected and incorporated within 24 hours according to the good neighbor plan.
15. Animal mortalities will be composted.
16. Plan and specs have been submitted by the applicant for the manure storage structure.
17. The Morrison Soil and Water Conservation District conducted an environmental review on the site. The review noted the beef lots to have runoff issues. Grass buffers are currently proposed to fix the issue. They noted many type 4 wetlands near the feedlot.

18. Sponosa WMA is 2,300' east, Coon Lake 3,500' east, Long lake is 3,400 southeast, and Pine lake is 3,750' southeast.
19. Mr. Hagstrom submitted a Morrison County Good Neighbor Plan.
20. The OFFSET rating for the new site is 95% for the entire operation.
21. No written or spoken correspondence was received by this office.
22. Leona Eggereth, neighbor, spoke saying she is opposed to the barn due to the current odor and sulfur in the air. She asked if the applicant if they could put pit additives in the manure to help with the odor.
23. The Planning Commission found:
  - a. The requested use will not create an unreasonably excessive burden on the existing roads or other utilities.
  - b. The requested use is compatible with the surrounding area and will not significantly depreciate near-by-properties.
  - c. The structure and the use shall have an appearance that will not have an unreasonably adverse effect on near-by properties.
  - d. The requested use, in the opinion of the Planning Commission, is reasonably related to the existing land use and environment.
  - e. The requested use is consistent with the Morrison County Land Use Control Ordinance.
  - f. The requested use is not in conflict with the Morrison County Comprehensive Plan.
  - g. The requested use will not create an unreasonably adverse affect because of noise, odor, glare or general unsightliness for near-by property owners.
24. The following conditions approved by the Planning Commission are appropriate for the granting of the Conditional Use Permit:
  1. Abide by the good neighbor plan
  2. Return existing open lots to compliance prior to stocking the barn.
  3. Notify road authority when hauling during road restrictions.
  4. Comply with Local and State Law.
  5. Abide by the SWCD Environmental review
25. Motion was made by Rich Collins, and seconded Norm Siekman to recommend approval of the application. The vote was "5" in favor, "0" opposed.

#### DECISION

WHEREFORE, the Morrison County Board of Commissioners hereby approves these findings of fact for a Conditional Use Permit to Mathew Hagstrom to erect a Tier III large-scale swine/beef feedlot located in part of the West 463 ft of Gov lot 10 and East 264 ft of West 726 ft of North 800 ft of Gov lot 10, Section 31, Township 128N, Range 31W, Swanville Township and hereby moves to grant the Conditional Use permit with the condition stipulated in item # 24 above.

  
Chairman  
Morrison County Board

  
Clerk  
Morrison County Board

In the Matter of an Application  
by Dave Hubner for a Conditional Use Permit

The above application came on for consideration before the Morrison County Board of Commissioners on May 8, 2012. Based upon the application, information received at the public hearing, the recommendations of staff and all files and records relating to the application, the Board makes the following:

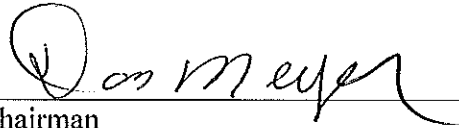
FINDINGS OF FACT

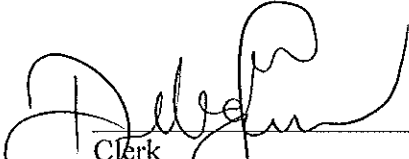
1. Dave Hubner is the owner of the property in question, which is located in Section 33, T.129N, R.30W. He has applied for a conditional use permit to create a new tier II swine/beef feedlot.
2. It is referenced in section 604.5 of the Morrison County Land Use Control Ordinance that tier II feedlots require a Conditional Use Permit.
3. The property is zoned agriculture.
4. Five members of the County Board attended the public hearing on April 23, 2012.
5. A Township recommendation form was submitted by Mr. Hubner. The Pike Creek Town Board recommended approval of the application on January 9, 2012.
6. This site is currently cropland.
7. The proposed feedlot will be a total confinement facility, consisting of a 51' x 196' barn and an 8' concrete under barn pit.
8. The barn will house 1,200 head of finishing hogs, totaling 360 animal units.
9. An existing cattle lots house 135 head of cattle totaling 135 animal units.
10. The under barn liquid manures storage area will account for greater than nine months of storage.
11. A manure management plan was submitted by the applicant.
12. All of the manure generated from this site will be land applied on property owned or rented by the applicant which is 365 acres. Mr. Hubner has also identified 104 acres of cropland to transfer manure through land application agreements.
13. The manure will be incorporated within 24 hours according to the good neighbor plan.
14. Animal mortalities will be rendered.
15. Plan and specs have been submitted by the applicant for the manure storage structure.
16. The Morrison Soil and Water Conservation District conducted an environmental review on the site. The review noted the beef lots to have runoff issues. Stacking slabs are currently proposed to fix the issue. They also noted that the barn would be placed on Nokay soils. The Soil Survey notes wetness as a limitation for this soil. The plan also noted the city limits of Sobieski was in the one mile radius of the proposed barn, and the barn itself is surrounded by agriculture.
17. Mr. Hubner submitted a Morrison County Good Neighbor Plan.
18. The OFFSET rating for the new site is 97%.

19. Jerry Hubner, father to Dave, called the office in favor of the barn.
20. Rose Hubner, a neighbor, called the office with no objections as long as the rules are met.
21. Ken Schwientek, neighbor, called the office with no objections with the barn.
22. Ray Ginter, neighbor, wrote a letter stating he was not in favor of the barn due to odor and effects to the land.
23. Roman Wituki, Pike Creek Township, spoke and stated that the Township would like to see the Good Neighbor Plan as a condition.
24. The Planning Commission found:
  - a. The requested use will not create an unreasonably excessive burden on the existing roads or other utilities.
  - b. The requested use is compatible with the surrounding area and will not significantly depreciate near-by-properties.
  - c. The structure and the use shall have an appearance that will not have an unreasonably adverse effect on near-by properties.
  - d. The requested use, in the opinion of the Planning Commission, is reasonably related to the existing land use and environment.
  - e. The requested use is consistent with the Morrison County Land Use Control Ordinance.
  - f. The requested use is not in conflict with the Morrison County Comprehensive Plan.
  - g. The requested use will not create an unreasonably adverse affect because of noise, odor, glare or general unsightliness for near-by property owners.
25. The following conditions approved by the Planning Commission are appropriate for the granting of the Conditional Use Permit:
  1. Abide by the good neighbor policy
  2. Return existing open lots to compliance within one (1) year.
  3. Notify road authority when hauling during road restrictions.
  4. Comply with Local and State Law.
26. Motion was made by Darv Keehr, and seconded Norm Siekman to recommend approval of the application. The vote was "5" in favor, "0" opposed.

#### DECISION

WHEREFORE, the Morrison County Board of Commissioners hereby approves these findings of fact for a Conditional Use Permit to Dave Hubner to erect a Tier II large-scale swine/beef feedlot located in part of the SE1/4 of the SE1/4 of the SW1/4 less S1/2, Section 33, Township 129N, Range 30W, Pike Creek Township and hereby moves to grant the Conditional Use permit with the condition stipulated in item # 25 above.

  
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Chairman  
Morrison County Board

  
\_\_\_\_\_  
Clerk  
Morrison County Board

RESOLUTION 2012 - 031

CLOSED SESSION  
OF THE MORRISON COUNTY BOARD OF COMMISSIONERS  
TO DISCUSS THE MORRISON COUNTY  
SHERIFF'S SALARY APPEAL

WHEREAS, Michel Wetzel is currently elected as the Morrison County Sheriff; and

WHEREAS, the Morrison County Board of Commissioners set the Elected Officials Salaries for 2012 on January 10, 2012; and

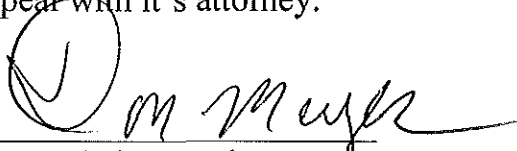
WHEREAS, Sheriff Wetzel appealed the 2012 salary for the Sheriff as set by the Morrison County Board of Commissioners, as provided for in Minnesota Statutes, such that their exists pending litigation;

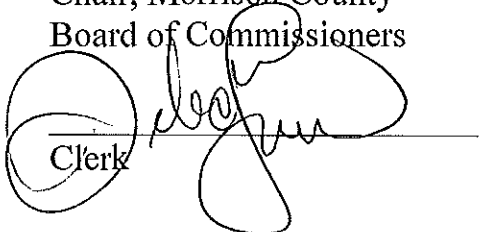
WHEREAS, pursuant to Minnesota Statute Section 13D.05, Subd. 3 (b), the County Board by Resolution may close a meeting under the attorney-client privilege to discuss pending litigation.

NOW THEREFORE, be it resolved:

The Morrison County Board of Commissioners hereby closes the County Board meeting on May 8, 2012 to discuss the strategy, evaluation and the status of the Morrison County Sheriff's Salary Appeal with it's attorney.

Date: May 8, 2012

  
\_\_\_\_\_  
Chair, Morrison County  
Board of Commissioners

  
\_\_\_\_\_  
Clerk

**SETTLEMENT OF SALARY APPEAL 2012-032**

**WHEREAS**, Morrison County, acting through the Board of Commissioners for Morrison County, established salaries for the 2012 budget year for the elected officials of Morrison County at a meeting of the Board held on January 10, 2012; and

**WHEREAS**, Michel Wetzel, the duly elected Sheriff of Morrison County, did appeal to the district court the determination of his salary, commencing the appeal on January 20, 2012; and

**WHEREAS**, it is the desire of the County Board and the County Sheriff to resolve the dispute relating to salary and to avoid any further administrative or judicial proceedings between the parties thereto, and the resulting cost.

**NOW THEREFORE**, in consideration of the mutual promises contained herein the parties agree as follows:

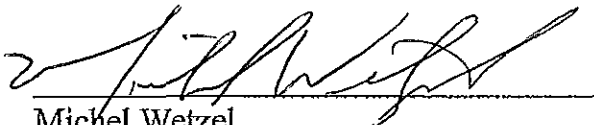
1. The County Board agrees that it will pass a resolution making the County Sheriff's salary for the budget year 2012 \$98,118.40, retroactive to January 1, 2012.
2. Michel Wetzel, the Morrison County Sheriff, hereby agrees to accept the salary set forth in paragraph 1 above.
3. The parties to this Agreement both agree to prepare and execute the necessary documents to dismiss the pending salary appeal, Court File No.49-CV-12-99, with prejudice, upon the merits and without any award of costs, disbursements or attorney's fees to either party.
4. This Agreement is not to be construed as an admission by the County Board that they failed to consider the proper factors in setting the County Sheriff's salary for the budget year 2012. Nor is this Agreement to be construed as an admission of any wrongdoing by the County Sheriff in appealing the determination of his salary to the district court.
5. It is specifically agreed to and understood by the parties to this Agreement that in executing this Settlement Agreement there exists no promise or inducement except as set forth in this Agreement; that this Agreement is executed without any reliance upon any statement or representation by either of the parties released to the other, their representatives or agents, concerning the nature and extent of the claims, actions or demands available to either party.

6. The terms of this Settlement Agreement are contractual and are not merely recitals, and set forth and constitute the entire Agreement reached between Morrison County, by and through the Morrison County Board of Commissioners, and the Morrison County Sheriff, Michel Wetzel.
7. By signing this Agreement, the undersigned parties acknowledge and admit that they have read the Settlement Agreement; that they fully understand and agree to the terms and implications of this Agreement; that they have been represented by legal counsel; and that they have had a full opportunity to obtain such advice as necessary with respect to the settlement of the salary appeal, and the terms and conditions of this document

**THE UNDERSIGNED HAVE CAREFULLY READ THE FOREGOING SETTLEMENT AGREEMENT, FULLY UNDERSTAND THE AGREEMENT, AND BY SIGNING THE SAME AS THEIR FREE ACTING DEED INTEND TO BE LEGALLY BOUND THEREBY.**

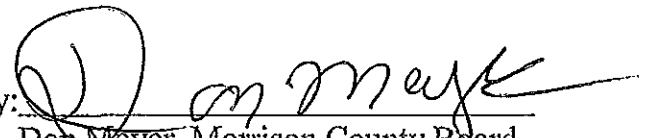
**MORRISON COUNTY SHERIFF**

Date: 4-25-12

  
Michel Wetzel

**MORRISON COUNTY**

Date: 5-8-12

By:   
Don Meyer, Morrison County Board  
of Commissioners, Board Chair

RRM: #163325



Member Wenzel introduced the following Resolution and moved its adoption:

**RESOLUTION AUTHORIZING SETTLEMENT OF  
COUNTY SHERIFF'S SALARY APPEAL**

**WHEREAS**, Michel Wetzel, the County Sheriff, commenced a salary appeal against the County appealing the salary established by the Board for him in the budget year 2012; and

**WHEREAS**, the County and the County Sheriff Michel Wetzel have come to a tentative Resolution of the salary appeal.

**NOW, THEREFORE, BE IT RESOLVED AS FOLLOWS:**

1. The 2012 salary for the County Sheriff is hereby amended and changed to be \$98,118.40. This salary change is retroactive to January 1, 2012.
2. The Board Chair is authorized to sign the Settlement Agreement on behalf of the County.

The motion for the adoption of the foregoing Resolution was duly seconded by Member Schelling and upon vote being taken thereon, the following voted in favor thereof:

*Commissioner Tom Wenzel, Jeff Schelling, Rich Collins*

and the following voted against the same:

*Commissioner Don Meyer + Duane Johnson*

Whereupon said Resolution was declared duly passed and adopted.