

**MINUTES**  
**Blue Earth County Planning Commission**  
**Regular Meeting**  
**Wednesday March 5, 2014**  
**7:30 p.m.**

**1. CALL TO ORDER**

The meeting was called to order at 7:30 p.m. by Lyle Femrite. Planning Commission members present were Bill Anderson, Kurt Anderson, Kip Bruender, Lyle Femrite, Chuck Grams, Berry Jacques and Perry Wood. Planning & Zoning staff members Mark Manderfeld, Mike Schulte, Owusua Yamoah and George Leary were also present.

**2. APPROVAL OF MINUTES**

Mr. Kurt Anderson made a motion to approve the minutes from the February 5, 2014 Regular Planning Commission Meeting. Mr. Grams seconded the motion which carried unanimously.

**3. AGENDA APPROVAL**

Mr. Leary indicated there were no changes to the agenda.

**4. NEW BUSINESS**

**PC 05-14**

**Terry Peters and Robert Peters** - Request for a Conditional Use Permit to construct one total confinement swine finishing barn capable of holding 800 finishing pigs or 320 Animal Units. Said request will increase the total animal units for the site to 1,060 AU. The site is located in the agriculture district in the Northwest Quarter of the Southeast Quarter of Section 02, Lyra Township.

Mr. Schulte presented the staff report.

The applicant was present. He indicated he has been working with Craig Austinson, Blue Earth County Ditch Manager, regarding abandonment and re-routing a portion of the county tile main. He indicated his father owns the land that will be affected by the re-routing of the tile, but it should not be an issue.

There was no township comment.

Victor Wilcox, a neighboring resident indicated the county permitted a nearby development in 2002. He advised the Commission his issue with odors and enjoyment of nearby property.

Mr. Femrite indicated there is a place for everything and in the agricultural areas there are times of inconvenience associated with agricultural practices.

There was no other comment.

Mr. Bill Anderson made a motion to recommend approval of the request to the County Board with conditions outlined by staff. Mr. Grams seconded the motion which carried unanimously.

**PC 06-14**

**Terry Peters and Robert Peters** - Request for a Conditional Use Permit to construct two total confinement swine finishing barns and one total confinement swine nursery barn. The site will be capable of holding 2,400 finishing pigs (960 Animal Units) and 2,400 nursery pigs (120 Animal

Units). Said request will increase the total animal units for the site to 1,134. The site is located in the agriculture district of the Northeast Quarter of the Southwest Quarter and the Northwest Quarter of the Southeast Quarter of Section 28, Lyra Township.

Mr. Schulte presented the staff report.

The applicant was present and indicated his parents live in the home to the south and they have no issue with the request.

Mr. Kurt Anderson stated he had no questions regarding the request.

Mr. Bruender made a motion to recommend approval of the request to the County Board with conditions outlined by staff. Mr. Bill Anderson seconded the motion which carried unanimously.

#### **PC 04-14**

**Peter Blethen and Jennifer Clock** - Request for approval of the final plat of Prairie Lake Subdivision, a five lot, two outlot subdivision located in parts of the northwest and southwest quarters of Section 11, Le Ray Township. The property includes part of Government 6, all of Government Lots 5 and 7, and the SW ¼ of the SW ¼ of Section 11. It is zoned conservation and agricultural and is within the Shoreland Overlay District of Madison Lake, a recreational development lake as defined by the DNR.

Mr. Leary Presented the staff report.

Mr. Blethen was present and addressed the Commission. He indicated that the recommendation requiring a separate drainage easement was burdensome and unnecessary. He indicated the proposed easement is dedicated to the public to be forever used as a drainage and utility easement and that it is clear as to who may need to enter the easement area for maintenance of the stormwater system. With regard to the second item of the drainage easement, to define the watershed draining into the easement, Mr. Blethen stated there is a Stormwater Pollution Prevention Plan (SWPPP) included with the construction plans. He stated that the SWPPP defines the drainage area. The third item was to address the limiting added input of water from Block One and Outlot B. Mr. Blethen stated the road will be moved to the south and there will be very little agricultural land that drains into the system. He added that for three acres he doubted the cost of adding tile would be economically feasible. He also commented on the added runoff from the development from Lot 1. He said it would be difficult for the future property owners to alter the drainage patterns. He also commented that the majority of the added impervious surface that will drain toward the pond will be from the driveways.

Mr. Leary advised the Commission that he calculated the square footage of another property with similar characteristics of the proposed lots and found the added impervious was 18,000 square feet.

Mr. Blethen commented that the proposed pond is oversized for the amount of drainage area entering into the pond.

Mr. Blethen asked that the added drainage easement requirement be removed.

Mr. Leary advised the board that state statute only allows public utility and drainage easements to be recorded with the final plat. He added having a separate recorded drainage easement would add clarification to prospective buyers and owners of the lots exactly what the drainage easement includes. It would also indicate the exact areas of watershed that flow to the system. Mr. Leary also discussed

the severed tile line. He added that Mr. Blethen has acknowledged that there is an area of farmland that does not produce a crop each year and that there may be a future temptation to facilitate drainage of the area through the stormwater system.

Mr. Blethen indicated the tile line was clay or concrete line that ran through the swale; the same swale that will be replaced with the stormwater system. He said the tile has been destroyed. He added that the area of drainage to the system from the south side of the proposed road is 3.53 acres which will not be feasible to drain.

Mr. Leary opined that with the recent high commodity prices and the high price of land, it is possible that someone would consider additional drainage. He added that it is staff's intent that through a drainage easement everyone would be put on notice that additional drainage through the system is not an option.

Mr. Femrite commented that it may be possible to accomplish the objective with an addition to the covenants.

Mr. Blethen agreed if he were so advised by the Commission.

Mr. Femrite summarized Mr. Blethen's request to have the separate drainage easement requirement removed.

At this point Mr. Blethen addressed the Commission with his concerns regarding the system and the review process. He stated that the system of review that he endured over the past six months is horribly flawed. He commented that staff is tasked with reviewing plans from civil engineers licensed by the state. He expressed his concern as a tax payer for the time staff dedicated to the initial review. He stated that staff used an on-line version of the Minnesota Stormwater Manual dated 2005. He indicated it is a guideline and not a set of rules.

Mr. Blethen stated that the wrong people are reviewing the designs. He indicated that Joel Hawbaker designed all three systems and they meet all of the standards. He also indicated the systems meet the guidelines set out in the Minnesota Stormwater Manual. The only plan he was able to get approved was one with the wet pond. Mr. Blethen indicated his preference is a plan that includes a series of rain gardens. He suggested that if he comes back he is running into the problem of unqualified people reviewing the plans suggested that the Commission consider hiring an outside qualified engineer as other counties do to review the plans.

Mr. Femrite commented on the seven acre area of drainage. He indicated that seven acres is not an immense area of drainage. Of the area of drainage, more than half is from agricultural land. He indicated he did not believe each lot would have up to 12,000 feet of impervious surface and the system is overdesigned.

Mr. Bruender stated that he is intrigued by rain gardens and he would like to keep that dialog open.

Mr. Leary commented that the wet pond is the third design submitted by the applicant. The first plan was redesigned due to unsuitable soils. The second plan included a bio-retention system or a series of three rain gardens which was redesigned due to inadequate separation to the seasonal high water table as required by the MPCA. This led us to a third design. Mr. Leary stated that if staff was incorrect

we would be back to the first or second design because competent engineers would have shown staff where they were wrong and how the proposals actually meet all of the requirements.

Mr. Leary stated if the Commission wants to take a look at another proposal, he strongly suggested that they table the request, take advantage of the 60-day rule and send it back to the applicant. Mr. Leary also stated that it will require an updated maintenance plan and a revision of the applicant's declaration of covenants, conditions and restrictions. Mr. Leary commented that with a change in plans, he was not prepared to make a recommendation of approval.

Mr. Blethen stated he brought in a female engineer to one of the meetings with staff. He indicated that she had later commented that she felt a bit intimidated by the meeting. Mr. Blethen said what the female engineer didn't say was the rain gardens were designed with a pipe to take account of these soil conditions. Mr. Blethen stated he fully agreed with Mr. Leary that the Commission could not approve the rain garden proposal without seeing more information.

There was discussion on how to proceed, whether to act on the proposal presented or to table the discussion to give the applicant time to submit an alternative plan before making any judgment.

Mr. Blethen indicated he did not have a problem with a decision to table the review. He added it would give him time to review the rain garden proposal with staff and again suggested the review be by a qualified engineer.

Mr. Leary commented that staff has discussed the possibility of having outside engineers review these types of submittals. Obviously there is a cost associated with hiring an outside consultant. Exactly who should be responsible for paying such a consultant has not yet been determined. He stated that the position of Environmental Services that in these situations the costs associated with hiring an outside engineer should be paid for by the applicant. He did acknowledge that is something that would require County Board approval.

Mr. Wood stated that when a professional engineer attests to the fact that the design works, that is what his license and certification verifies is that it is going to work. He added that an outside consultant should not need to be hired to show that it will work.

Mr. Leary responded saying that staff found two errors that lead to the third design plan. He stated the plans have changed from an in ground tile type system to a rain garden system and now to a wet pond system. Each change was due to deficiencies in the plan.

Mr. Femrite stated it may be best to have an engineer present to present the details of the plans. He added Mr. Blethen is familiar with what the design was and may not be relating all of the details that need to be brought forward. He opined that the matter should be tabled with the concurrence of the applicant so that more information can be brought forward around other alternatives.

Mr. Wood made a motion to table the discussion. Mr. Bruender seconded the motion.

Mr. Femrite asked the applicant if it was ok with him to table the discussion.

Mr. Blethen said it was but he would like some direction as to who would review the proposal.

Mr. Femrite indicated that decision would be made on the county level.

Mr. Blethen asked if he would hear from the Commission Chair regarding the review of the new proposal.

Mr. Femrite stated he would have to correspond with Mr. Leary.

Again, Mr. Blethen asked if he would be kept informed as to who would be conducting the review of his proposal.

Mr. Femrite and Mr. Bruender both said yes he would be informed.

The motion to table the discussion carried unanimously.

**5. ADJORNMENT**

There was no further business. Mr. Wood made a motion to adjourn the meeting which was seconded by Mr. Bruender and the meeting was adjourned at 9:15 p.m.

\_\_\_\_\_  
Planning Commission Chair

\_\_\_\_\_  
Date

\_\_\_\_\_  
Planning Commission Secretary

\_\_\_\_\_  
Date