

**FILLMORE COUNTY
BOARD OF COMMISSIONERS
SPECIAL MEETING AGENDA**

February 28, 2023

Fillmore County Courthouse- Boardroom, 101 Fillmore Street Preston, MN 55965

FILLMORE COUNTY BOARD OF COMMISSIONERS

First District

Mitch Lentz

Second District

Randy Dahl

Third District

Larry Hindt

Fourth District

Duane Bakke

Fifth District

Marc Prestby

The Board provides the public the opportunity to participate in the meeting by phone or virtually. To participate Dial 1-844-621-3956; enter Access Code 2493 318 6120; or www.webex.com, click on "join meeting"; enter the Meeting ID 2493 318 6120; password mU27YFtShy8.

9:00 a.m. Pledge of Allegiance

Approve Agenda

Approve Consent Agenda:

1. February 14, 2023, County Board Minutes

Approve Commissioner Warrants

Review Finance Warrants

9:05 a.m. Jill Huffman, Harmony Telephone Company

1. Consider resolution and no interest loan of \$75,000 for Minnesota Border-to-Border Grant for North Fountain/South Chatfield
2. Consider resolution and no interest loan of \$75,000 for Minnesota Border-to-Border Grant for Harmony Preston Gap

9:15 a.m. Cristal Adkins, Zoning Administrator

1. Consider resolution for adoption of an amendment to the Fillmore County Feedlot Ordinance, Section 9, New Animal Feedlots and Expansion of Existing Animal Feedlot Facilities

9:30 a.m. Citizens Input

9:35 a.m. Ron Gregg, Highway Engineer

1. Consider request to approve bid for Concrete Surfacing on CSAH 8 in the City of Lanesboro with an award to the lowest responsible bidder, SAP 23-608-044
2. Consider request to approve out-of-state travel for employee to attend MOCA (Minnesota Council of Airports) overnight stay from March 7th to March 9th

9:50 a.m. Jason Marquardt, Veteran Services Officer

1. Consider the approval to apply for the New MDVA CVSO competitive grant that would be used to replace the current Ford Transit with a 2023 Chevrolet Equinox

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10:00 a.m. PUBLIC HEARING

Consider adopting an interim ordinance placing a moratorium on the sale of edible cannabinoid products and/or hemp-derived THC food and beverages

10:30 a.m. Lindsie Engle, Human Resources

1. Consider the request to hire a replacement RN/PHN effective April 4th, 2023 as requested by the Director of Nursing and the Hiring Committee
2. Consider the request to promote Carrie Boyum, PHN to Lead PHN effective March 3rd, 2023 as requested by the Director of Nursing and the Hiring Committee
3. Consider the request to hire a replacement Office Support Specialist, Senior effective March 1st, 2023 as requested by the Social Services Director and the Hiring Committee
4. Consider the request to hire a replacement Finance Accounting Technician effective March 20th, 2023 as requested by the Finance Director and the Hiring Committee

10:45 a.m. Bobbie Hillery, Administrator

1. Consider resolution for Authorization for Account Signers and Treasury Management Signers for bank accounts
2. Consider Addendum A for resolution for Account Signers and Treasury Management Signers for bank accounts
3. Consider appointment of Liz Newberg as District 1 EDA representative
4. Discussion with possible action regarding the interim ordinance placing a moratorium on the sale of edible cannabinoid products and/or hemp-derived THC food and beverages

Calendar review, Committee Reports and Announcements

Meetings:

Tuesday, February 28 th	9:00 a.m.	Special Board Meeting	ALL
Tuesday, February 28 th	12:00 p.m.	Community Corrections Advisory	Lentz, Bakke
Tuesday, March 7 th	7:30 a.m.	Solid Waste	Prestby, Hindt
Tuesday, March 7 th	9:00 a.m.	Special Board Meeting	ALL
Tuesday, March 7 th	12:00 p.m.	Department Head Meeting	Bakke, Hindt

This is a preliminary draft of the February 14, 2023, minutes as interpreted by the Clerk of the Board for use in preparing the official minutes. It is expected that there will be corrections, additions, and/or omissions before the final minutes are reviewed and officially approved by the County Board.

The Board of County Commissioners of Fillmore County, Minnesota met in a Regular session this 14th day of February 2023, at 9:00 a.m. in the Commissioners' Board Room, Fillmore County Courthouse, in the City of Preston.

The following members were present: Commissioners Larry Hindt, Duane Bakke, Marc Prestby, Randy Dahl, and Mitch Lentz.

Others present: Bobbie Hillery, Administrator; Ron Gregg, Highway Engineer; Darrell Schmitt, Engineering Supervisor; Josh Lensing, Engineer in Training; Tim Jeanetta, Local LELS; Dan Dornink, Investigator; Lindsie Engle, Human Resources Officer; Wanda Berg, Social Services Director; Pete Filippi, Contegrity Group; Christy Smith, Finance Director; John DeGeorge, Sheriff; Jason Marquardt, Veteran Services Officer; and Bonita Underbakke.

Others present via WebEx: Tom Jensen, Community Corrections Director; Kristi Ruesink, Account Technician; Karen Reisner; and Tom Kaase.

The Pledge of Allegiance was recited.

On a motion by Bakke and seconded by Lentz, the Board unanimously approved the amended agenda that added an updated on the Jail Project by Pete Filippi from Contegrity Group and discussion with possible action regarding a social security issue with Sheriff Deputies.

On a motion by Prestby and seconded by Dahl, the Board unanimously approved the following Consent Agenda:

1. Approve February 7, 2023, County Board minutes
2. Eagle Bluff Environmental Learning Center Renewal of Consumption and Display Permit

On a motion by Dahl and seconded by Bakke, the Board unanimously approved the Commissioners' Warrants.

The Finance Department warrants were reviewed.

Pete Filippi, Contegrity Group was present.

An update was presented to the Board regarding the Jail Project. He noted that the plans have been completed and requests for bid submissions will be published. He noted that the bids are projected to come before the Board on April 4th.

Ron Gregg, Highway Engineer was present.

On a motion by Dahl and seconded by Prestby, the Board unanimously approved Dunn Blacktop's bid for the surface reconditioning project on CR No. 112 Project LOST 112P-1 in the amount of \$904,669.42.

On a motion by Dahl and seconded by Lentz, the Board unanimously approved ASTECH Corp.'s bid for the 2023 Micro Surfacing program in the amount of \$1,127,274.69.

On a motion by Dahl and seconded by Lentz, the Board unanimously approved Ulland Bros bid for the reconstruction of CSAH 8 in Spring Valley SAP 023-608-045 in the amount of \$2,049,010.29 subject to the City of Spring Valley approving the project.

The citizen's input portion of the meeting was opened at 9:32 a.m. and closed, as no one was present to speak.

Tim Jeanetta, LELS Representative, and Dan Dornink, Investigator were present.

It was noted that the Administration worked with David Drown & Associates and LELS to review the numbers. The suggestions were as follows:

- 3 Year agreement at 4.5%, 3% and 3% for General Wage Increase
- 12L positions move to 13L as presented for 2023
- Approve Juneteenth once the County recognizes it as a Holiday
- Uniform allowance increase of \$5.00 per month

On a motion by Bakke and seconded by Lentz, the Board unanimously approved the LELS #85 Union Proposal.

Lindsi Engle, Human Resources Officer was present.

On a motion by Dahl and seconded by Lentz, the Board unanimously approved the request to transfer Brooke Harmening, Finance Accounting Technician, to Sheriff's Department Accounting Technician effective February 17th, 2023 as recommended by the Sheriff and the Hiring Committee.

On a motion by Lentz and seconded by Bakke, the Board unanimously approved the request to hire from the list for the replacement Finance Department Accounting Technician as requested by the Finance Director and the Personnel Committee.

On a motion by Bakke and seconded by Prestby, the Board unanimously approved the request for additional pay for Auditor/Treasurer and Finance Director Fill-in duties. Brooke Harmening, Finance Account Technician for \$260.00; Christy Smith, Finance Director for \$390.00.

On a motion by Dahl and seconded by Lentz, the Board unanimously approved the request to hire part-time Jailer Brooke Johnson, effective February 17, 2023 as recommended by Sheriff and the Hiring Committee.

Hillery spoke about an issue regarding eight deputies that had social security pulled from their checks when they should not have been. She asked for approval to fix the prior issue dating back to 2017.

On motion by Dahl and seconded by Lentz, the Board unanimously approved Administrator Hillery to pay back employees for the years of social security, provided updated W-2's, and update 941's.

The Public Hearing for the Extension of the Local Option Sales Tax was called to order by Chair Hindt.

Public Hearing members present: Darrell Schmitt, Engineering Supervisor; Josh Lensing, Engineer in Training; John DeGeorge, Sheriff; Wanda Berg, Social Services Director; Jessica Erickson, Director of Nursing; Jason Marquardt Veteran Services Officer, Bonita Underbakke, Diane Olson, Merit Fiscal Officer; Deb Curry, Eligibility Worker; Alison Tufte, Child Support Officer; Gretchen Schwichtenberg, Account Technician and Breanna Johnson, Registered Nurse.

Highway Engineer Ron Gregg provided a presentation that outlined how the Local Option Sales Tax has benefitted the County. He also presented projects that if the Local Option Sales Tax would continue how many more projects could be done, especially with the 4% projected cuts in County State Aid. A review of the proposed projects was provided. Bonita Underbakke noted that she appreciated the detailed information.

Chair Hindt closed the Public Hearing.

On motion by Bakke and seconded by Dahl, the Board unanimously approved the resolution for Transportation Local Option Sales Tax Project Designation.

The Board moved forward with the Employee Recognition, Wellness Participation Recognition, and Safety Award Ceremony:

The following employees were recognized for their participation in 2022 Wellness Activities:

Tier 1 Gold (25+points): Jessica Holst (33) Erin Doering (32) Lindsi Engle (32) Bailey Peterson (30) Paula Melver (28) Mitch Lentz (27) Brenda Pohlman (26) Carrie Boyum (25)

Tier 2 Silver (13-24 points): Sharon Miller (20) Traci Corson (20) Christy Smith (15) Darrell Schmitt (14)

Tier 3 Bronze (1-12 points): Ryan Welscher (9)

The following employees were recognized for their years of service to Fillmore County:

Kristi Ruesink (35), Todd Kokinos (30), Dale Brand (25), Terry Schultz (25), Leroy Eickoff (25), Brett Corson (20), Shelly Skindeliem (20), Karla Franzen (20), Diane Olson (15), Elizabeth Fuglestad (15), Debra Curry (10), Michele Gatzke (10), Bobbie Hillery (10), Alison Tufte (5), Breanna Johnson (5), Heath Mensink (5), Gretchen Schwichtenberg (5), Roxane Kraling (5), Bailey Peterson (5), Jeffery Quam (5)

The following employee was recognized for his commitment to safety in the County: Chris Larson, Custodian (Building Maintenance).

Calendar review, Committee Reports, and Announcements:

Hindt: Semcac- Gave an update on programs and details on what has been done

Bakke: Noted there was no Basin Alliance; Historical Society is every Third Tuesday, not Thursday

Lentz: RAC- Strategic summary and information booklet

On a motion by Prestby and seconded by Bakke, the Chair adjourned the meeting at 10:27 a.m.

csmith
2/24/2023 11:31:58AM

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Audit List for Board

COMMISSIONER'S VOUCHERS ENTRIES

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Print List in Order By: 2
1 - Fund (Page Break by Fund)
2 - Department (Totals by Dept)
3 - Vendor Number
4 - Vendor Name

Page Break By: 1
1 - Page Break by Fund
2 - Page Break by Dept

Explode Dist. Formulas?: N

Paid on Behalf Of Name
on Audit List?: N

Type of Audit List: D
D - Detailed Audit List
S - Condensed Audit List

Save Report Options?: N

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Audit List for Board

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1	Vendor	Name	Rpt	Amount	Warrant Description	Invoice #	Account/Formula Description	1099
	No.	Account/Formula	Accr		Service Dates	Paid On Bhf #	On Behalf of Name	
1	DEPT				General Government			
	20235	Boarman Kroos Vogel Group, Inc						
		01-001-000-0000-6350		17,782.64	Prof. Svcs. - Jail Pre Design	61059	Unallocated Operating Expenses	N
					02/10/2023 02/10/2023			
	20235	Boarman Kroos Vogel Group, Inc		17,782.64	1 Transactions			
	20331	Contegrity Group						
		01-001-000-0000-6350		8,000.00	Bid for Jail	2023292	Unallocated Operating Expenses	N
					02/08/2023 02/08/2023			
	20331	Contegrity Group		8,000.00	1 Transactions			
1	DEPT Total:			25,782.64	General Government	2 Vendors	2 Transactions	
3	DEPT				Board Of Commissioners			
	82132	Fillmore Co Journal						
		01-003-000-0000-6233		77.50	Summary of Mtg Min. 1-10-23	148336	Publications	N
					01/30/2023 01/30/2023			
	82132	Fillmore Co Journal		77.50	1 Transactions			
	6732	Hindt/Lawrence E						
		01-003-000-0000-6335		203.63	Commissioner Mileage		Employee Automobile Allowance	N
					01/03/2023 01/31/2023			
	6732	Hindt/Lawrence E		203.63	1 Transactions			
	2081	Lentz/Mitch						
		01-003-000-0000-6335		131.00	Jan 2023 Mileage		Employee Automobile Allowance	N
					01/03/2023 01/30/2023			
	2081	Lentz/Mitch		131.00	1 Transactions			
3	DEPT Total:			412.13	Board Of Commissioners	3 Vendors	3 Transactions	
11	DEPT				District Court			
	4145	Luhmann Law, LLC						
		01-011-000-0000-6261		370.00	Court Appointed Attorney	23-FA-18-675	Court Appointed Attorneys	Y
					12/05/2022 02/08/2023			
	4145	Luhmann Law, LLC		370.00	1 Transactions			

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	Vendor	Name		Rpt		Warrant Description	Invoice #	Account/Formula Description	1099
	No.	Account/Formula	Accr		Amount	Service Dates	Paid On Bhf #	On Behalf of Name	
11	DEPT Total:				370.00	District Court	1 Vendors	1 Transactions	
41	DEPT					Auditor/Treasurer			
	6733	MILLER/SHARON							
		01-041-000-0000-6337			31.16	MACO Conference Dinner		Other Travel Expense	N
						02/14/2023 02/14/2023			
	6733	MILLER/SHARON			31.16	1 Transactions			
41	DEPT Total:				31.16	Auditor/Treasurer	1 Vendors	1 Transactions	
60	DEPT					Information Systems			
	5874	Jaguar Communications/MetroNet Inc.							
		01-060-000-0000-6285			75.00	Jan 2023 Locates	2403	Professional Fees	N
						01/31/2023 01/31/2023			
	5874	Jaguar Communications/MetroNet Inc.			75.00	1 Transactions			
	2545	Marco,Inc							
		01-060-000-0000-6640	AP	P	1,020.00	Contract Base	INV10610577	Equipment Purchased	N
						10/12/2022 11/11/2022			
		01-060-000-0000-6640			384.93	Quote 149232 Fire Power	INV10834640	Equipment Purchased	N
						01/31/2023 01/31/2023			
		01-060-000-0000-6640			3,590.00	Data Renewal Quote 149755	INV10879920	Equipment Purchased	N
						02/10/2023 02/10/2023			
		01-060-000-0000-6640			229.00	Quote 149925 Cloud Reg.	INV10895092	Equipment Purchased	N
						02/15/2023 02/15/2023			
		01-060-000-0000-6640			2,187.50	Quote 151671	INV10898173	Equipment Purchased	N
						02/16/2023 02/16/2023			
		01-060-000-0000-6640			19,253.16	Contract Lease Rate	INV10908922	Equipment Purchased	N
						02/20/2023 03/19/2023			
	2545	Marco,Inc			26,664.59	6 Transactions			
60	DEPT Total:				26,739.59	Information Systems	2 Vendors	7 Transactions	
61	DEPT					Data Processing			
	6048	Girard's Business Solutions, Inc.							
		01-061-000-0000-6640			495.00	Annual Maint. Check Scanner	2303FILLMOR	Equipment Purchased	N
						03/14/2023 03/13/2024			
		01-061-000-0000-6640			1,350.00	Annual SW Maint Mirror Image	2303FILLMOR	Equipment Purchased	N

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Vendor	Name	Rpt		Warrant Description	Invoice #	Account/Formula Description	1099
No.	Account/Formula	Accr	Amount	Service Dates	Paid On Bhf #	On Behalf of Name	
6048	Girard's Business Solutions, Inc.		1,845.00	03/14/2023 03/13/2024 2 Transactions			
3288	MCCC, MI 33						
	01-061-000-0000-6366		31.79	UKG year end printing W2's 01/23/2023 01/23/2023	2301334	Payment Support	N
	01-061-000-0000-6366		3,456.25	Ultipro Mgmt Subscription 11/01/2022 03/23/2023	2302067	Payment Support	N
3288	MCCC, MI 33		3,488.04	2 Transactions			
61	DEPT Total:		5,333.04	Data Processing	2 Vendors	4 Transactions	
62	DEPT			Elections			
	83550 Kelly Printing & Signs LLC						
	01-062-000-0000-6461		173.00	TWP Election Ballots 2023 01/30/2023 01/30/2023	229818	Ballots	N
	83550 Kelly Printing & Signs LLC		173.00	1 Transactions			
62	DEPT Total:		173.00	Elections	1 Vendors	1 Transactions	
91	DEPT			County Attorney			
	4004 Grebin/Deborah A						
	01-091-000-0000-6282		150.00	Transcript Fee 02/23/2023 02/23/2023	23-CR-19-790	Transcripts	Y
	4004 Grebin/Deborah A		150.00	1 Transactions			
	4557 WINNESHIEK CLERK OF COURT						
	01-091-000-0000-6377		73.00	Certified Copies 02/13/2023 02/13/2023		Fees And Service Charges	N
	4557 WINNESHIEK CLERK OF COURT		73.00	1 Transactions			
91	DEPT Total:		223.00	County Attorney	2 Vendors	2 Transactions	
101	DEPT			Recorder			
	7213 Metro Sales, Inc						
	01-101-000-0000-6402		189.57	Printer Ink - Contract 11/05/2022 02/04/2023	INV2218697	Stationary And Forms	N

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Vendor	Name	Rpt	Amount	Warrant Description	Invoice #	Account/Formula Description	1099
No.	Account/Formula	Accr		Service Dates	Paid On Bhf #	On Behalf of Name	
7213	Metro Sales, Inc		189.57	1 Transactions			
101	DEPT Total:		189.57	Recorder	1 Vendors	1 Transactions	
102	DEPT			Surveyor			
8517	Frontier Precision, Inc						
	01-102-000-0000-6377		990.00	Survey Software	71568	Fees And Service Charges	N
				02/09/2023 02/09/2023			
8517	Frontier Precision, Inc		990.00	1 Transactions			
102	DEPT Total:		990.00	Surveyor	1 Vendors	1 Transactions	
103	DEPT			Assessor			
3696	McCabe Repairs						
	01-103-000-0000-6310		25.00	Auto Repair		Contract Repairs And Maintenance	N
				01/24/2023 01/24/2023			
3696	McCabe Repairs		25.00	1 Transactions			
103	DEPT Total:		25.00	Assessor	1 Vendors	1 Transactions	
104	DEPT			Gis			
272	Newman Signs						
	01-104-000-0000-6514		79.18	Sign	TRIFNV045081	Address Signs	N
				12/28/2022 12/28/2022			
272	Newman Signs		79.18	1 Transactions			
104	DEPT Total:		79.18	Gis	1 Vendors	1 Transactions	
105	DEPT			Planning And Zoning			
5479	Bisek/Andrew R						
	01-105-000-0000-6104		45.00	Planning Commission Meeting		Per Diem	N
				02/16/2023 02/16/2023			
	01-105-000-0000-6335		3.28	Planning Commission Meeting		Employee Automobile Allowance	N
				02/16/2023 02/16/2023			
5479	Bisek/Andrew R		48.28	2 Transactions			
2540	Duxbury/Steve						
	01-105-000-0000-6104		45.00	Planning Commission Meeting		Per Diem	N

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Vendor No.	Name Account/Formula	Rpt Accr	Amount	Warrant Description Service Dates	Invoice # Paid On Bhf #	Account/Formula Description On Behalf of Name	1099
	01-105-000-0000-6335		13.10	02/16/2023 02/16/2023 Planning Commission Meeting		Employee Automobile Allowance	N
2540	Duxbury/Steve		58.10	02/16/2023 02/16/2023 2 Transactions			
82132	Fillmore Co Journal						
	01-105-000-0000-6241		8.75	02/06/2023 02/06/2023 Legal Notice Ad	148644	Advertising	N
82132	Fillmore Co Journal		8.75	02/06/2023 02/06/2023 1 Transactions			
834	Hovey/Arlynn						
	01-105-000-0000-6104		45.00	02/16/2023 02/16/2023 Planning Commission Meeting		Per Diem	N
	01-105-000-0000-6335		8.52	02/16/2023 02/16/2023 Planning Commission Meeting		Employee Automobile Allowance	N
834	Hovey/Arlynn		53.52	02/16/2023 02/16/2023 2 Transactions			
4874	JOHNSON/TRINITY						
	01-105-000-0000-6104		45.00	02/16/2023 02/16/2023 Planning Commission Meeting		Per Diem	N
	01-105-000-0000-6335		27.51	02/16/2023 02/16/2023 Planning Commission Meeting		Employee Automobile Allowance	N
4874	JOHNSON/TRINITY		72.51	02/16/2023 02/16/2023 2 Transactions			
20073	Lea/Blake						
	01-105-000-0000-6290		1,050.00	02/13/2023 02/13/2023 Prof Fees SSTS		Contracted Septic Work	N
20073	Lea/Blake		1,050.00	02/13/2023 02/13/2023 1 Transactions			
6904	Ruskell/Gary L						
	01-105-000-0000-6104		45.00	02/16/2023 02/16/2023 Planning Commission Meeting		Per Diem	N
	01-105-000-0000-6335		22.27	02/16/2023 02/16/2026 Planning Commission Meeting		Employee Automobile Allowance	N
6904	Ruskell/Gary L		67.27	02/16/2023 02/16/2026 2 Transactions			
6315	Thompson/Thomas A						
	01-105-000-0000-6104		45.00	02/16/2023 02/16/2023 Planning Commission Meeting		Per Diem	N

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Vendor	Name	Rpt	Amount	Warrant Description	Invoice #	Account/Formula Description	1099
No.	Account/Formula	Accr		Service Dates	Paid On Bhf #	On Behalf of Name	
	01-105-000-0000-6335		14.41	Planning Commission Meeting		Employee Automobile Allowance	N
				02/16/2023 02/16/2023			
6315	Thompson/Thomas A		59.41	2 Transactions			
105	DEPT Total:		1,417.84	Planning And Zoning	8 Vendors	14 Transactions	
106	DEPT			Unallocated Recording Fee			
3578	Tyler Technologies, Inc.						
	01-106-000-0000-6637		59,518.00	Implementation Svcs 1/31/2023	070-108156	Software Expenses	N
				01/31/2023 01/31/2023			
3578	Tyler Technologies, Inc.		59,518.00	1 Transactions			
106	DEPT Total:		59,518.00	Unallocated Recording Fee	1 Vendors	1 Transactions	
111	DEPT			Facilites Mtce			
6978	Aramark Uniform & Career Apparal Group						
	01-111-000-0000-6377		57.25	Dust Mop Service 88785	59042,68980,78921	Fees And Service Charges	N
				10/19/2022 01/11/2023			
6978	Aramark Uniform & Career Apparal Group		57.25	1 Transactions			
3370	Haakenson Electric, Inc						
	01-111-000-0000-6317		105.75	Replace Ballast/lamps at CH	6760	Building Maintenance	N
				02/16/2023 02/16/2023			
3370	Haakenson Electric, Inc		105.75	1 Transactions			
20115	Olson/Tyler						
	01-111-000-0000-6176		100.00	Reimbursement for Safety Shoes		Employee Safety Boots	N
				02/20/2023 02/20/2023			
20115	Olson/Tyler		100.00	1 Transactions			
111	DEPT Total:		263.00	Facilites Mtce	3 Vendors	3 Transactions	
125	DEPT			Veteran Services			
4113	MN Assoc Of Co Veterans Service Officers						
	01-125-000-0000-6242		400.00	MACVSO Membership Fee		Membership Dues	N
				02/21/2023 02/21/2023			
	01-125-000-0000-6245		100.00	MACVSO Conf. Reg. Fee		Registration Fees	N
				02/21/2023 02/21/2023			

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Vendor	Name	Rpt	Warrant Description	Invoice #	Account/Formula Description	1099
No.	Account/Formula	Accr	Service Dates	Paid On Bhf #	On Behalf of Name	
4113	MN Assoc Of Co Veterans Service Officers		500.00	2 Transactions		
125	DEPT Total:		500.00	Veteran Services	1 Vendors	2 Transactions
149	DEPT			Other General Government		
4928	1 Source					
	01-149-000-0000-6404		156.69	County Custodial Supplies	278370-0	County Shared Cleaning Supplies N
				12/15/2022 12/15/2022		
	01-149-000-0000-6404		137.17	County Custodial Supplies	279511-0	County Shared Cleaning Supplies N
				02/13/2023 02/13/2023		
4928	1 Source		293.86	2 Transactions		
5005	Cintas Corporation- First Aid & Safety					
	01-149-000-0000-6377		133.08	Service First Aid Kits - Jail	5146216190	Fees And Service Charges N
				02/20/2023 02/20/2023		
5005	Cintas Corporation- First Aid & Safety		133.08	1 Transactions		
6829	Gallagher Benefit Services, Inc.					
	01-149-000-0000-6285		1,643.21	Feb 2023 Consulting Services	278040	Professional Fees N
				02/01/2023 02/28/2023		
6829	Gallagher Benefit Services, Inc.		1,643.21	1 Transactions		
20336	O'Koren Law Office LLC					
	01-149-000-0000-6285		453.00	Conflict Case	1002	Professional Fees N
				02/13/2023 02/13/2023		
20336	O'Koren Law Office LLC		453.00	1 Transactions		
4344	OFFICE OF MNIT SERVICES					
	01-149-000-0000-6203		1,338.65	Jan 2023 WAN Services	DV23010334	Telephone N
				01/01/2023 01/31/2023		
4344	OFFICE OF MNIT SERVICES		1,338.65	1 Transactions		
3665	Ratwik,Roszak & Maloney, PA					
	01-149-000-0000-6285		1,345.50	Professional Services	73033	Professional Fees Y
				12/15/2022 12/15/2022		
3665	Ratwik,Roszak & Maloney, PA		1,345.50	1 Transactions		
4156	SE Minnesota EMS					
	01-149-000-0000-6802		4,000.00	2023 Annual Appropriation EMS	105	Appropriations N

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Vendor	Name	Rpt	Warrant Description	Invoice #	Account/Formula Description	1099
No.	Account/Formula	Accr	Service Dates	Paid On Bhf #	On Behalf of Name	
4156	SE Minnesota EMS		01/01/2023 12/31/2023 1 Transactions			
2809	SHRED RIGHT					
	01-149-000-0000-6285	80.72	Shredding - Public Health Dept	592766	Professional Fees	N
			01/31/2023 01/31/2023 1 Transactions			
2809	SHRED RIGHT	80.72				
5893	The Master's Touch, LLC					
	01-149-000-0000-6205	6,800.00	2023 Tax Stmt Est. Postage	E85400	Postage And Postal Box Rent	N
			01/18/2023 01/18/2023 1 Transactions			
5893	The Master's Touch, LLC	6,800.00				
6989	Threads Custom Apparel					
	01-149-000-0000-6377	60.00	Safey Award Jacket		Fees And Service Charges	N
			02/10/2023 02/10/2023 1 Transactions			
6989	Threads Custom Apparel	60.00				
149	DEPT Total:	16,148.02	Other General Government	10 Vendors	11 Transactions	
202	DEPT		Sheriff			
5983	Anderson Auto LLC					
	01-202-000-0000-6310	56.60	2313 Oil Change	011563	Contract Repairs And Maintenance	Y
			02/03/2023 02/03/2023 1 Transactions			
5983	Anderson Auto LLC	56.60				
2492	Chatfield Body Shop Inc					
	01-202-000-0000-6310	138.24	2305 & 2309 Squad service	12885/12934	Contract Repairs And Maintenance	N
			01/23/2023 01/23/2023 1 Transactions			
2492	Chatfield Body Shop Inc	138.24				
1630	League Of Minnesota Cities					
	01-202-000-0000-6357	2,250.00	Patrol online training	374836	Peace Officer Training Expense	N
			02/01/2023 02/01/2023 1 Transactions			
1630	League Of Minnesota Cities	2,250.00				
6350	Stewartville Auto Center, Inc					
	01-202-000-0000-6310	63.00	Tow stolen gator to FCSO	23-0207-31759	Contract Repairs And Maintenance	N
			02/07/2023 02/07/2023			

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No.	Account/Formula	Accr		Service Dates	Paid On Bhf #	On Behalf of Name	
6350	Stewartville Auto Center, Inc		63.00		1 Transactions		
355	Streicher's, Inc.						
	01-202-000-0000-6357		240.69	Ammo/Training 02/10/2023	11616579 02/10/2023	Peace Officer Training Expense	N
355	Streicher's, Inc.		240.69		1 Transactions		
20107	Wex Bank/Sinclair						
	01-202-000-0000-6561		1,467.89	Fuel 02/15/2023	87236710 02/15/2023	Gasoline Diesel And Other Fuels	N
20107	Wex Bank/Sinclair		1,467.89		1 Transactions		
202	DEPT Total:		4,216.42	Sheriff	6 Vendors	6 Transactions	
251	DEPT			County Jail			
20332	Advanced Correctional Healthcare, Inc						
	01-251-000-0000-6429		17,528.01	Onsite medical services 01/27/2023	125569 03/01/2023	Nurse/Medical Service Agreement	N
20332	Advanced Correctional Healthcare, Inc		17,528.01		1 Transactions		
4899	HEALTHDIRECT #119						
	01-251-000-0000-6431		188.95	Inmate Medication 01/31/2023	153543 01/31/2023	Drugs And Medicine	N
4899	HEALTHDIRECT #119		188.95		1 Transactions		
83204	Houston Co Sheriffs Office						
	01-251-000-0000-6384		93.51	January inmate housing 02/10/2023	3689-F 02/10/2023	Out Of County Board Of Prisoners	N
83204	Houston Co Sheriffs Office		93.51		1 Transactions		
7156	Midwest Monitoring & Surveillance						
	01-251-000-0000-6285		254.00	Home Detention - Juvenile 01/01/2023	0123518 01/31/2023	Professional Fees	N
7156	Midwest Monitoring & Surveillance		254.00		1 Transactions		
355	Streicher's, Inc.						
	01-251-000-0000-6173		152.99	New hire uniform-jail 02/02/2023	11614808 02/02/2023	Uniform Allowance	N

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No.	Account/Formula	Accr		Service Dates	Paid On Bhf #	On Behalf of Name	
355	Streicher's, Inc.		152.99	1 Transactions			
251	DEPT Total:		18,217.46	County Jail	5 Vendors	5 Transactions	
252	DEPT			Corrections			
3504	Fillmore Co Social Services						
	01-252-000-0000-6233		100.00	Annual Dues		Publications	N
				02/09/2023 02/09/2023			
3504	Fillmore Co Social Services		100.00	1 Transactions			
252	DEPT Total:		100.00	Corrections	1 Vendors	1 Transactions	
281	DEPT			Emergency Mgmt Services			
5127	REGION ONE SE MN HOMELAND SECURIT'						
	01-281-000-0000-6242		1,000.00	Emergency Management Dues		Membership Dues	N
				01/01/2023 12/31/2023			
5127	REGION ONE SE MN HOMELAND SECURIT'		1,000.00	1 Transactions			
281	DEPT Total:		1,000.00	Emergency Mgmt Services	1 Vendors	1 Transactions	
441	DEPT			Public Health			
7040	AMC/MACA						
	01-441-000-0000-6447		1,967.00	LPHA 2023 Annual Dues	63892	LPHA Grant Expenses	N
				01/01/2023 12/31/2023			
7040	AMC/MACA		1,967.00	1 Transactions			
25077	Olmsted Co Community Services						
	01-441-000-0000-6437	AP 4	800.00	C&TC Media Fee	CSFI-144615	CTC Expenses	N
				03/01/2022 09/30/2022			
25077	Olmsted Co Community Services		800.00	1 Transactions			
3169	Pohlman/Brenda L						
	01-441-000-0000-6054		13.10	ICA2 Mileage		Immunization Cooperative Agreement (2)	N
				01/01/2023 01/31/2023			
	01-441-000-0000-6335		16.37	Jan 23 General Mileage		Employee Automobile Allowance	N
				01/01/2023 01/31/2023			
	01-441-000-0000-6448		18.34	SHIP Mileage		Ship Grant Expenses	N
				01/01/2023 01/31/2023			

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Vendor	Name	Rpt	Amount	Warrant Description	Invoice #	Account/Formula Description	1099
No.	Account/Formula	Accr		Service Dates	Paid On Bhf #	On Behalf of Name	
	01-441-000-0000-6449		16.38	PHEP Mileage		Preparedness Grant	N
				01/01/2023 01/31/2023			
3169	Pohlman/Brenda L		64.19	4 Transactions			
6884	Rodger/Aimee						
	01-441-000-0000-6437		19.00	C&TC Mileage		CTC Expenses	N
				01/01/2023 01/31/2023			
	01-441-000-0000-6445		21.62	TANF Mileage		TANF Expenses	N
				01/01/2023 01/31/2023			
6884	Rodger/Aimee		40.62	2 Transactions			
441	DEPT Total:		2,871.81	Public Health	4 Vendors	8 Transactions	
443	DEPT			Nursing Service			
82132	Fillmore Co Journal						
	01-443-000-0000-6241		4.50	Fillmore/Houston Board Mtg	147779	Advertising	N
				01/16/2023 01/16/2023			
	01-443-000-0000-6241		171.19	RN Advertising	147896	Advertising	N
				01/16/2023 01/16/2023			
	01-443-000-0000-6241		171.19	RN Advertising	148038	Advertising	N
				01/23/2023 01/23/2023			
	01-443-000-0000-6241		171.19	RN Advertising	148324	Advertising	N
				01/30/2023 01/30/2023			
82132	Fillmore Co Journal		518.07	4 Transactions			
20320	Lloyd Management						
	01-443-000-0000-6433		537.00	Client #8716 Rent Deposit	02SA8036 rent dep.	Waiver Reimbursables	N
				01/19/2023 01/19/2023			
20320	Lloyd Management		537.00	1 Transactions			
20335	Prairie View Manor						
	01-443-000-0000-6433		690.00	Client #8689 Damage Deposit		Waiver Reimbursables	N
				02/01/2023 02/01/2023			
20335	Prairie View Manor		690.00	1 Transactions			
26085	Semcac						
	01-443-000-0000-6433	AP 4	103.92	Client # 7235 Transportation	3787	Waiver Reimbursables	N
				10/20/2022 10/28/2022			

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No.	Account/Formula	Accr		Service Dates	Paid On Bhf #	On Behalf of Name	
26085	Semcac		103.92	1 Transactions			
20232	Small Town Home Care LLC						
	01-443-000-0000-6433	AP 4	73.76	Client #3455 Chores 11/04/2022 11/25/2022	1128	Waiver Reimbursables	N
	01-443-000-0000-6433	AP 4	55.32	Client #3455 Chores 12/02/2022 12/30/2022	1168	Waiver Reimbursables	N
	01-443-000-0000-6433		161.28	Client #643 Chores 01/01/2023 01/31/2023	1188	Waiver Reimbursables	N
	01-443-000-0000-6433		161.28	Client #3109 Chores 01/01/2023 01/31/2023	1193	Waiver Reimbursables	N
	01-443-000-0000-6433		100.80	Client #5665 Chores 01/01/2023 01/31/2023	1195	Waiver Reimbursables	N
20232	Small Town Home Care LLC		552.44	5 Transactions			
5984	Two Men and a Truck						
	01-443-000-0000-6433		1,637.56	Client #8344 Moving Expense 01/17/2023 01/17/2023	0363-000025356	Waiver Reimbursables	N
5984	Two Men and a Truck		1,637.56	1 Transactions			
443	DEPT Total:		4,038.99	Nursing Service	6 Vendors	13 Transactions	
446	DEPT			Mch Program			
3504	Fillmore Co Social Services						
	01-446-000-0000-6825		100.00	23 FC Fam Svc Collab. Contrib. 01/01/2023 12/31/2023		Collaborative/Time Study	N
3504	Fillmore Co Social Services		100.00	1 Transactions			
3169	Pohlman/Brenda L						
	01-446-000-0000-6335		18.34	MCH Mileage 01/01/2023 01/31/2023		Employee Automobile Allowance	N
3169	Pohlman/Brenda L		18.34	1 Transactions			
6884	Rodger/Aimee						
	01-446-000-0000-6335		153.26	MCH Mileage 01/01/2023 01/31/2023		Employee Automobile Allowance	N
6884	Rodger/Aimee		153.26	1 Transactions			

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No.	Account/Formula	Accr	Service Dates	Paid On Bhf #	On Behalf of Name	
446	DEPT Total:		271.60	Mch Program	3 Vendors	3 Transactions
602	DEPT		County Extension Service			
3504	Fillmore Co Social Services					
	01-602-000-0000-6377		100.00	2023 Fam. Svcs. Collaborative	Fees And Service Charges	N
				02/09/2023 02/09/2023		
				1 Transactions		
3504	Fillmore Co Social Services		100.00			
4995	Preston Floral & Gift					
	01-602-000-0000-6207		332.28	Annie's Project Gift Bags	3676	Education Expense
				02/21/2023 02/21/2023		N
				1 Transactions		
4995	Preston Floral & Gift		332.28			
602	DEPT Total:		432.28	County Extension Service	2 Vendors	2 Transactions
1	Fund Total:		169,343.73	County Revenue Fund		95 Transactions

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	No.	Account/Formula						
			Accr		Service Dates	Paid On Bhf #	On Behalf of Name	
111	DEPT				Facilites Mtce			
	3370	Haakenson Electric, Inc						
		12-111-000-0000-6625		69.50	Power Pole - Recorder Office	6744	Building Improvement	N
					02/08/2023 02/08/2023			
	3370	Haakenson Electric, Inc		69.50	1 Transactions			
111	DEPT Total:			69.50	Facilites Mtce	1 Vendors	1 Transactions	
12	Fund Total:			69.50	INFRA FUND		1 Transactions	

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300	DEPT		Highway Administration			
20168	Vault Health					
	13-300-000-0000-6377	500.00	2/2 drug test subscription	FL00558130	Fees And Service Charges	N
20168	Vault Health	500.00	1 Transactions			
300	DEPT Total:	500.00	Highway Administration	1 Vendors	1 Transactions	
310	DEPT		Highway Maintenance			
1891	Bruening Rock Products, Inc.					
	13-310-000-0000-6505	4,782.97	1/11 rock	273466	Aggregate	N
	13-310-000-0000-6505	866.98	1/25 rock	274001	Aggregate	N
	13-310-000-0000-6505	3,187.00	1/31 rock	274270	Aggregate	N
1891	Bruening Rock Products, Inc.	8,836.95	3 Transactions			
5751	Fastenal Company					
	13-310-000-0000-6466	20.16	2/6 safety supplies	97303	Safety Materials	N
5751	Fastenal Company	20.16	1 Transactions			
109	Fillmore Soil & Water Conservation Dist					
	13-310-000-0000-6367	100.00	2/21 tree wind break	11791	County Park Maintenance	N
	13-310-000-0000-6529	810.00	2/21 tree wind break	11791	Seeding	N
109	Fillmore Soil & Water Conservation Dist	910.00	2 Transactions			
272	Newman Signs					
	13-310-000-0000-6515	115.22	1/20 sign	44918	Traffic Signs	N
	13-310-000-0000-6515	67.91	1/31 sign	45044	Traffic Signs	N
272	Newman Signs	183.13	2 Transactions			
5471	Precise MRM LLC					
	13-310-000-0000-6580	75.00	1/25 truck data plan	200-1040996	Other Repair And Maintenance Supplies	N
5471	Precise MRM LLC	75.00	1 Transactions			
20337	Sveen Excavating LLC					
	13-310-000-0000-6342	1,200.00	1/24 dozer rental		Machinery And Equipment Rental	N
20337	Sveen Excavating LLC	1,200.00	1 Transactions			
5676	Wenthold/Heath					
	13-310-000-0000-6466	199.99	2/22 safety boots		Safety Materials	N

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5676	Wenthold/Heath		199.99	1 Transactions		
310	DEPT Total:		11,425.23	Highway Maintenance	7 Vendors	11 Transactions
320	DEPT			Highway Construction		
5248	Aasum/Chris Michael					
	13-320-000-0000-6466		189.95	2/22 safety boots		Safety Materails N
5248	Aasum/Chris Michael		189.95	1 Transactions		
2273	Olmsted Medical Center					
	13-320-000-0000-6377		78.00	2/11 drug test	700000275	Fees And Service Charges N
2273	Olmsted Medical Center		78.00	1 Transactions		
347	State Of Mn					
	13-320-000-0000-6377		786.91	2/15 material testing	P00016582	Fees And Service Charges N
347	State Of Mn		786.91	1 Transactions		
4844	Stonebrooke Engineering, Inc.					
	13-320-000-0000-6265		3,834.42	2/20 consulting	980.9	Consulting N
4844	Stonebrooke Engineering, Inc.		3,834.42	1 Transactions		
320	DEPT Total:		4,889.28	Highway Construction	4 Vendors	4 Transactions
330	DEPT			Equipment Maintenance Shops		
5751	Fastenal Company					
	13-330-000-0000-6576		509.87	1/31 supplies	97161	Shop Supplies & Tools N
5751	Fastenal Company		509.87	1 Transactions		
4122	M & M Lawn & Leisure					
	13-330-000-0000-6575		110.00	2/10 labor	334482	Machinery Parts N
	13-330-000-0000-6575		62.49	2/10 parts	334482	Machinery Parts N
4122	M & M Lawn & Leisure		172.49	2 Transactions		
5988	Preston Auto Parts					
	13-330-000-0000-6575		9.99	1/3 parts	741659	Machinery Parts N
	13-330-000-0000-6576		196.48	1/3 supplies	741695	Shop Supplies & Tools N
	13-330-000-0000-6576		120.78	1/4 supplies	741785	Shop Supplies & Tools N
	13-330-000-0000-6575		34.05	1/4 parts	741789	Machinery Parts N

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No.	Account/Formula	Accr	Amount	Service Dates	Paid On Bhf #	On Behalf of Name
	13-330-000-0000-6576		102.15	1/4 supplies	741790	Shop Supplies & Tools N
	13-330-000-0000-6575		101.19	1/5 parts	741943	Machinery Parts N
	13-330-000-0000-6576		115.56	1/6 supplies	742010	Shop Supplies & Tools N
	13-330-000-0000-6575		5.98	1/6 parts	742069	Machinery Parts N
	13-330-000-0000-6576		95.99	1/9 supplies	742235	Shop Supplies & Tools N
	13-330-000-0000-6576		3.96	1/10 supplies	742334	Shop Supplies & Tools N
	13-330-000-0000-6575		94.26	1/12 parts	742589	Machinery Parts N
	13-330-000-0000-6576		237.65	1/12 supplies	742616	Shop Supplies & Tools N
	13-330-000-0000-6575		32.42	1/17 parts	743016	Machinery Parts N
	13-330-000-0000-6575		6.99	1/18 parts	743105	Machinery Parts N
	13-330-000-0000-6575		14.58	1/18 parts	743150	Machinery Parts N
	13-330-000-0000-6576		89.82	1/18 supplies	743156	Shop Supplies & Tools N
	13-330-000-0000-6575		6.49	1/18 parts	743182	Machinery Parts N
	13-330-000-0000-6575		5.98	1/19 parts	743271	Machinery Parts N
	13-330-000-0000-6576		14.70	1/19 supplies	743324	Shop Supplies & Tools N
	13-330-000-0000-6576		64.84	1/20 supplies	743416	Shop Supplies & Tools N
	13-330-000-0000-6576		41.93	1/23 supplies	743627	Shop Supplies & Tools N
	13-330-000-0000-6575		55.99	1/26 parts	743978	Machinery Parts N
	13-330-000-0000-6576		99.96	1/26 supplies	743979	Shop Supplies & Tools N
	13-330-000-0000-6576		9.99	1/27 supplies	744079	Shop Supplies & Tools N
5988	Preston Auto Parts		1,561.73	24	Transactions	
303	Preston Equipment Company					
	13-330-000-0000-6575		242.13	2/1 parts	01-138740	Machinery Parts N
	13-330-000-0000-6575		4.90	2/21 parts	01-139285	Machinery Parts N
303	Preston Equipment Company		247.03	2	Transactions	
6600	Solberg Welding Inc					
	13-330-000-0000-6575		78.14	1/5 parts	15350	Machinery Parts N
6600	Solberg Welding Inc		78.14	1	Transactions	
4079	Village Farm & Home					
	13-330-000-0000-6317		19.74	1/18 bldg maint	42199	Building Maintenance N
	13-330-000-0000-6317		132.96	1/23 bldg maint	42200	Building Maintenance N
4079	Village Farm & Home		152.70	2	Transactions	
330	DEPT Total:		2,721.96	Equipment Maintenance Shops	6 Vendors	32 Transactions

340 DEPT

Local Option Sales Tax

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82132	Fillmore Co Journal						
	13-340-000-0000-6241		67.50	1/30 ad: microsurfacing	148334	Advertising	N
	13-340-000-0000-6241		71.25	1/30 ad: LOST 112	148335	Advertising	N
	13-340-000-0000-6241		15.00	1/30 & 2/6 Not of Pub. Hearing	148634	Advertising	N
				01/30/2023 02/06/2023			
82132	Fillmore Co Journal		153.75	3 Transactions			
340	DEPT Total:		153.75	Local Option Sales Tax	1 Vendors	3 Transactions	
13	Fund Total:		19,690.22	County Road & Bridge		51 Transactions	

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	No.	Account/Formula	Accr	Amount	Service Dates	Paid On Bhf #	On Behalf of Name	
390	DEPT				Resource Recovery Center			
	5504	HARTER'S TRASH & RECYCLING INC						
		14-390-000-0000-6374		20,884.68	Recycle Trash Jan 2023	0000503168	Landfill Tipping Fees	N
					01/01/2023 01/31/2023			
	5504	HARTER'S TRASH & RECYCLING INC		20,884.68	1 Transactions			
390	DEPT Total:			20,884.68	Resource Recovery Center	1 Vendors	1 Transactions	
391	DEPT				Score Grant Program			
	5504	HARTER'S TRASH & RECYCLING INC						
		14-391-000-0000-6861		14,485.45	Recycling	0000503168	Recycling Operation Expense	N
					01/01/2023 01/31/2023			
	5504	HARTER'S TRASH & RECYCLING INC		14,485.45	1 Transactions			
391	DEPT Total:			14,485.45	Score Grant Program	1 Vendors	1 Transactions	
14	Fund Total:			35,370.13	Sanitation Fund		2 Transactions	

csmith
2/24/2023 11:31:58AM
23 County Airport Fund

*** Fillmore County ***



Audit List for Board COMMISSIONER'S VOUCHERS ENTRIES

Page 21

Vendor	Name	Rpt		Warrant Description	Invoice #	Account/Formula Description	1099
No.	Account/Formula	Accr	Amount	Service Dates	Paid On Bhf #	On Behalf of Name	
350	DEPT			County Airport			
20338	Becher Hoppe						
	23-350-000-0000-6628		3,325.00	IFE Fed ATP 95% 07/30/2022 08/26/2022	22907	Fed Improvement Const/Grant	N
	23-350-000-0000-6630		175.00	IFE Local 5% 07/30/2022 08/26/2022	22907	County Share Construction/Improvement	N
20338	Becher Hoppe		3,500.00	2 Transactions			
5315	Minnesota Council of Airports (MCOA)						
	23-350-000-0000-6242		150.00	2023 MCOA Membership 01/01/2023 12/31/2023	565	Membership Dues	N
5315	Minnesota Council of Airports (MCOA)		150.00	1 Transactions			
350	DEPT Total:		3,650.00	County Airport	2 Vendors	3 Transactions	
351	DEPT			Airport Fuel Sales			
7277	Pump and Meter Service						
	23-351-000-0000-6321		913.43	Fuel System Repair 01/27/2023 01/27/2023	37072-1	Other Repair And Maintenance	N
7277	Pump and Meter Service		913.43	1 Transactions			
4524	SynTech Systems						
	23-351-000-0000-6321	AP 4	778.00	Fuel Systems Repairs 12/01/2022 12/01/2022	259241	Other Repair And Maintenance	N
4524	SynTech Systems		778.00	1 Transactions			
351	DEPT Total:		1,691.43	Airport Fuel Sales	2 Vendors	2 Transactions	
23	Fund Total:		5,341.43	County Airport Fund		5 Transactions	
	Final Total:		229,815.01	95 Vendors	154 Transactions		

*** Fillmore County ***



Audit List for Board COMMISSIONER'S VOUCHERS ENTRIES

Recap by Fund	<u>Fund</u>	<u>Amount</u>	<u>Name</u>	
	1	169,343.73	County Revenue Fund	
	12	69.50	INFRA FUND	
	13	19,690.22	County Road & Bridge	
	14	35,370.13	Sanitation Fund	
	23	5,341.43	County Airport Fund	
	All Funds	229,815.01	Total	Approved by,
			
			

csmith
2/15/2023 3:55:51PM
1 County Revenue Fund

*** Fillmore County ***



Audit List for Board AUDITOR'S VOUCHERS ENTRIES

Page 2

Vendor	Name	Rpt	Warrant Description	Invoice #	Account/Formula Description	1099
No.	Account/Formula	Accr	Service Dates	Paid On Bhf #	On Behalf of Name	
111	DEPT		Facilites Mtce			
308	Preston Public Utilities					
	01-111-000-0000-6251		1,973.88	FCOB utilities	44701115	Electricity
				12/27/2022	01/31/2023	
	01-111-000-0000-6251		4,160.55	Courthouse utilities	88833822	Electricity
				12/29/2022	01/31/2023	
	308 Preston Public Utilities		6,134.43	2 Transactions		
111	DEPT Total:		6,134.43	Facilites Mtce	1 Vendors	2 Transactions
149	DEPT		Other General Government			
85440	Centurylink					
	01-149-000-0000-6203		1,873.57	Courthouse phones	301269347	Telephone
				01/26/2023	02/25/2023	
	01-149-000-0000-6203		70.35	Hwy 911 (507) 765-5251	497783290	Telephone
				02/02/2023	03/01/2023	
	85440 Centurylink		1,943.92	2 Transactions		
	2521 Pitney Bowes INC					
	01-149-000-0000-6377		2,500.00	Postage for mail machine	1293447	Fees And Service Charges
				01/03/2023	01/03/2023	
	2521 Pitney Bowes INC		2,500.00	1 Transactions		
149	DEPT Total:		4,443.92	Other General Government	2 Vendors	3 Transactions
251	DEPT		County Jail			
308	Preston Public Utilities					
	01-251-000-0000-6251		2,151.27	Utilities for FC jail	4471340	Electricity
				12/27/2022	01/31/2023	
	308 Preston Public Utilities		2,151.27	1 Transactions		
251	DEPT Total:		2,151.27	County Jail	1 Vendors	1 Transactions
441	DEPT		Public Health			
20123	Verizon Communications Inc					
	01-441-000-0000-6447		57.12	LPH cell	9926743796	LPHA Grant Expenses
				01/03/2023	02/02/2023	
	01-441-000-0000-6448		39.12	SHIP cell	9926743796	Ship Grant Expenses

csmith
2/15/2023 3:55:51PM
1 County Revenue Fund

*** Fillmore County ***



Audit List for Board AUDITOR'S VOUCHERS ENTRIES

Page 3

Vendor	Name	Rpt	Amount	Warrant Description	Invoice #	Account/Formula Description	1099
No.	Account/Formula	Accr		Service Dates	Paid On Bhf #	On Behalf of Name	
20123	Verizon Communications Inc		96.24	01/03/2023 02/02/2023	2 Transactions		
441	DEPT Total:		96.24	Public Health	1 Vendors	2 Transactions	
442	DEPT			Wic Program			
20123	Verizon Communications Inc						
	01-442-000-0000-6424		39.12	WIC Peer BF cell	9926743796	WIC-Peer Breastfeeding Support Grant	N
				01/03/2023 02/02/2023			
20123	Verizon Communications Inc		39.12	1 Transactions			
442	DEPT Total:		39.12	Wic Program	1 Vendors	1 Transactions	
446	DEPT			Mch Program			
1285	Houston County Public Health						
	01-446-000-0000-6088	DTG O	6,196.43	Oct - Dec 2022 PHEP		Houston Grant Passthrough (01-446-5325)	N
				10/01/2022 12/31/2022			
1285	Houston County Public Health		6,196.43	1 Transactions			
446	DEPT Total:		6,196.43	Mch Program	1 Vendors	1 Transactions	
1	Fund Total:		19,061.41	County Revenue Fund		10 Transactions	

csmith
2/15/2023 3:55:51PM
13 County Road & Bridge

*** Fillmore County ***



Audit List for Board AUDITOR'S VOUCHERS ENTRIES

Page 4

Vendor	Name	Rpt	Warrant Description	Invoice #	Account/Formula Description	1099
No.	Account/Formula	Accr	Service Dates	Paid On Bhf #	On Behalf of Name	
300	DEPT		Highway Administration			
5536	MiEnergy Cooperative					
	13-300-000-0000-6306	54.94	2/7 electricity	302875008	Radio Tower Repair & Services	N
5536	MiEnergy Cooperative	54.94	1 Transactions			
300	DEPT Total:	54.94	Highway Administration	1 Vendors	1 Transactions	
310	DEPT		Highway Maintenance			
5536	MiEnergy Cooperative					
	13-310-000-0000-6251	42.00	2/7 electricity	302875011	Electricity	N
5536	MiEnergy Cooperative	42.00	1 Transactions			
310	DEPT Total:	42.00	Highway Maintenance	1 Vendors	1 Transactions	
330	DEPT		Equipment Maintenance Shops			
197	Kruegel's Inc					
	13-330-000-0000-6255	700.13	2/10 propane	76115	Gas	N
197	Kruegel's Inc	700.13	1 Transactions			
5536	MiEnergy Cooperative					
	13-330-000-0000-6251	220.83	2/7 electricity	302875004	Electricity	N
	13-330-000-0000-6251	206.84	2/7 electricity	302875012	Electricity	N
	13-330-000-0000-6251	29.89	2/7 electricity	302875013	Electricity	N
	13-330-000-0000-6251	51.67	2/7 electricity	333377001	Electricity	N
	13-330-000-0000-6251	186.59	2/7 electricity	333377002	Electricity	N
5536	MiEnergy Cooperative	695.82	5 Transactions			
308	Preston Public Utilities					
	13-330-000-0000-6251	962.59	1/31 electricity	4458327	Electricity	N
	13-330-000-0000-6251	45.92	1/31 electricity	4473A342	Electricity	N
	13-330-000-0000-6251	1,149.49	1/31 electricity	4473B341	Electricity	N
308	Preston Public Utilities	2,158.00	3 Transactions			
330	DEPT Total:	3,553.95	Equipment Maintenance Shops	3 Vendors	9 Transactions	
13	Fund Total:	3,650.89	County Road & Bridge		11 Transactions	

csmith
 2/15/2023 3:55:51PM
 14 Sanitation Fund

*** Fillmore County ***



Audit List for Board AUDITOR'S VOUCHERS ENTRIES

Page 5

	Vendor	Name	Rpt		Warrant Description	Invoice #	Account/Formula Description	1099
	No.	Account/Formula	Accr	Amount	Service Dates	Paid On Bhf #	On Behalf of Name	
390	DEPT				Resource Recovery Center			
	308	Preston Public Utilities						
		14-390-000-0000-6251		854.22	Transfer station utilities	4457326	Electricity	N
					12/27/2022 01/31/2023			
	308	Preston Public Utilities		854.22	1 Transactions			
390	DEPT Total:			854.22	Resource Recovery Center	1 Vendors	1 Transactions	
14	Fund Total:			854.22	Sanitation Fund		1 Transactions	

*** Fillmore County ***



Audit List for Board AUDITOR'S VOUCHERS ENTRIES

	Vendor	Name	Rpt		Warrant Description	Invoice #	Account/Formula Description	1099
	No.	Account/Formula	Accr	Amount	Service Dates	Paid On Bhf #	On Behalf of Name	
611	DEPT				Greenleafton Maintenance Expense			
	5536	MiEnergy Cooperative						
		73-611-000-0000-6251		250.55	GL WW Treatment Plant 01/09/2023 02/01/2023	302875001	Electricity	N
		73-611-000-0000-6251		55.63	GL WW Plant Grinder 01/01/2023 02/01/2023	302875002	Electricity	N
	5536	MiEnergy Cooperative		306.18	2 Transactions			
611	DEPT Total:			306.18	Greenleafton Maintenance Expense	1 Vendors	2 Transactions	
73	Fund Total:			306.18	Greenleafton Septic Project		2 Transactions	

csmith
2/15/2023 3:55:51PM
87 State Revenue And School F

*** Fillmore County ***



Audit List for Board AUDITOR'S VOUCHERS ENTRIES

Page 7

Vendor	Name	Rpt		Warrant Description	Invoice #	Account/Formula Description	1099
No.	Account/Formula	Accr	Amount	Service Dates	Paid On Bhf #	On Behalf of Name	
0	DEPT			...			
	1859	MN Department Of Finance					
		87-000-000-0000-2100	1,468.00	Jan 2023 Vitals		Due To Other Governmental Agencies	N
				01/01/2023	01/31/2023		
		87-000-000-0000-2313	2,782.50	Jan 2023 RE Surcharge		Real Estate Surcharge	N
				01/01/2023	01/31/2023		
	1859	MN Department Of Finance	4,250.50	2 Transactions			
	5993	Mn Dept Of Health					
		87-000-000-0000-2312	170.00	Jan 23 Well Certificates		Well Management Funds	N
				01/01/2023	01/31/2023		
	5993	Mn Dept Of Health	170.00	1 Transactions			
0	DEPT Total:		4,420.50	...	2 Vendors	3 Transactions	
87	Fund Total:		4,420.50	State Revenue And School Fund			3 Transactions
	Final Total:		28,293.20	16 Vendors	27 Transactions		

*** Fillmore County ***

Audit List for Board

AUDITOR'S VOUCHERS ENTRIES



Recap by Fund

<u>Fund</u>	<u>Amount</u>	<u>Name</u>
1	19,061.41	County Revenue Fund
13	3,650.89	County Road & Bridge
14	854.22	Sanitation Fund
73	306.18	Greenleifton Septic Project
87	4,420.50	State Revenue And School Fund
All Funds	28,293.20	Total

Approved by,

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csmith
2/23/2023 9:07:21AM
1 County Revenue Fund

*** Fillmore County ***



Audit List for Board AUDITOR'S VOUCHERS ENTRIES

Page 2

Vendor	Name	Rpt	Amount	Warrant Description	Invoice #	Account/Formula Description	1099
No.	Account/Formula	Accr		Service Dates	Paid On Bhf #	On Behalf of Name	
60	DEPT			Information Systems			
6677	CPS Technologies						
	01-060-000-0000-6640		1,971.00	March 2023 Hosting Fee	383061	Equipment Purchased	N
				03/01/2023 03/31/2023			
	6677 CPS Technologies		1,971.00	1 Transactions			
60	DEPT Total:		1,971.00	Information Systems	1 Vendors	1 Transactions	
111	DEPT			Facilites Mtce			
303	Preston Equipment Company						
	01-111-000-0000-6316		86.91	Parts for snowblower/Tractor	01-137737	Grounds Maintenance	N
				12/30/2022 12/30/2022			
	303 Preston Equipment Company		86.91	1 Transactions			
	9531 Summit Fire Protection						
	01-111-000-0000-6317		410.00	Replace Sprinkler Head - CH	2214769	Building Maintenance	N
				02/03/2023 02/03/2023			
	9531 Summit Fire Protection		410.00	1 Transactions			
111	DEPT Total:		496.91	Facilites Mtce	2 Vendors	2 Transactions	
125	DEPT			Veteran Services			
4574	Hanson/Robert G.						
	01-125-000-0000-6377		160.00	Jan Van Trips to VA Hospital		Fees And Service Charges	Y
				01/13/2023 01/27/2023			
	4574 Hanson/Robert G.		160.00	1 Transactions			
20237	Haugan/Jon						
	01-125-000-0000-6377		240.00	Jan Van Trips to VA Hospital		Fees And Service Charges	N
				01/17/2023 01/31/2023			
	20237 Haugan/Jon		240.00	1 Transactions			
4504	Laughlin/Ronald D.						
	01-125-000-0000-6377		240.00	Jan Van Trips to VA Hospital		Fees And Service Charges	Y
				01/09/2023 01/25/2023			
	4504 Laughlin/Ronald D.		240.00	1 Transactions			

csmith
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1 County Revenue Fund

*** Fillmore County ***



Audit List for Board AUDITOR'S VOUCHERS ENTRIES

Page 3

	Vendor	Name	Rpt		Warrant Description	Invoice #	Account/Formula Description	1099
	No.	Account/Formula	Accr	Amount	Service Dates	Paid On Bhf #	On Behalf of Name	
125	DEPT Total:			640.00	Veteran Services	3 Vendors	3 Transactions	
149	DEPT				Other General Government			
	3219	Centurylink						
		01-149-000-0000-6203		58.95	Phones Feb-March 2023 02/01/2023 03/31/2023	628649816	Telephone	N
	3219	Centurylink		58.95	1 Transactions			
	6676	Marco - Phones						
		01-149-000-0000-6203		2,243.73	Feb 2023 Phones - Mitel 02/01/2023 02/28/2023	33401157	Telephone	Y
	6676	Marco - Phones		2,243.73	1 Transactions			
	20139	Marco-copiers						
		01-149-000-0000-6288		1,994.69	Jan-Feb 2023 Copiers/Printers 01/01/2023 02/28/2023	33352055	Copy Machine - Lease	N
	20139	Marco-copiers		1,994.69	1 Transactions			
	4344	OFFICE OF MNIT SERVICES						
		01-149-000-0000-6203		1,338.65	Jan 23 WAN Services 01/01/2023 01/31/2023	DV23010334	Telephone	N
	4344	OFFICE OF MNIT SERVICES		1,338.65	1 Transactions			
	2521	Pitney Bowes INC						
		01-149-000-0000-6377		265.58	Mail Machine Supplies 02/10/2023 02/10/2023	1022534687	Fees And Service Charges	N
	2521	Pitney Bowes INC		265.58	1 Transactions			
149	DEPT Total:			5,901.60	Other General Government	5 Vendors	5 Transactions	
251	DEPT				County Jail			
	5536	MiEnergy Cooperative						
		01-251-000-0000-6251		113.70	Radio Tower Invoice 01/01/2023 01/31/2023	302875009	Electricity	N
	5536	MiEnergy Cooperative		113.70	1 Transactions			
	9206	Winona Heating & Ventilating Co, Inc.						
		01-251-000-0000-6310		2,501.33	Parts to restore heat - Jail	113041	Contract Repairs And Maintenance	N

csmith
2/23/2023 9:07:21AM
1 County Revenue Fund

*** Fillmore County ***



Audit List for Board AUDITOR'S VOUCHERS ENTRIES

Page 4

	Vendor	Name	Rpt	Amount	Warrant Description	Invoice #	Account/Formula Description	1099
	No.	Account/Formula	Accr		Service Dates	Paid On Bhf #	On Behalf of Name	
	9206	Winona Heating & Ventilating Co, Inc.		2,501.33	01/30/2023 01/30/2023	1 Transactions		
251	DEPT Total:			2,615.03	County Jail	2 Vendors	2 Transactions	
252	DEPT				Corrections			
	20306	AT&T Mobility						
		01-252-000-0000-6206		12.42	Corrections Cell Phones		Employee Electronic Device Reimbursen	N
	20306	AT&T Mobility		12.42	1 Transactions			
	83550	Kelly Printing & Signs LLC						
		01-252-000-0000-6408		94.41	Printing/Business Cards	229886	Other Office Supplies	N
					02/08/2023 02/08/2023			
	83550	Kelly Printing & Signs LLC		94.41	1 Transactions			
252	DEPT Total:			106.83	Corrections	2 Vendors	2 Transactions	
1	Fund Total:			11,731.37	County Revenue Fund		15 Transactions	

csmith
2/23/2023 9:07:21AM
23 County Airport Fund

*** Fillmore County ***



Audit List for Board AUDITOR'S VOUCHERS ENTRIES

Page 5

Vendor	Name		Rpt		Warrant Description	Invoice #	Account/Formula Description	1099
No.	Account/Formula	Accr		Amount	Service Dates	Paid On Bhf #	On Behalf of Name	
350	DEPT				County Airport			
170	Hyland Motor Company							
	23-350-000-0000-6305	AP	4	55.50	Mower Tire Repair	149729	Machinery And Equipment Repairs	N
					10/12/2022 10/12/2022			
170	Hyland Motor Company			55.50	1 Transactions			
5536	MiEnergy Cooperative							
	23-350-000-0000-6251			528.27	Jan. 2023 HWY Electric	327504001	Electricity	N
					01/01/2023 01/31/2023			
	23-350-000-0000-6251			55.18	01/2023 HWY Electric	327504002	Electricity	N
					01/01/2023 01/31/2023			
	23-350-000-0000-6251			64.20	1/1/23-2/1/23 Electric Storage	327504003	Electricity	N
					01/01/2023 01/31/2023			
	23-350-000-0000-6251			70.65	1/1/23-2/1/23 Electric Storage	327504003	Electricity	N
					01/01/2023 01/31/2023			
	23-350-000-0000-6251			55.48	1/1/23-2/1/23 HWY Electric	327504007	Electricity	N
					01/01/2023 01/31/2023			
	23-350-000-0000-6251			55.48	1/1/23-2/1/23 HWY Electric	327504009	Electricity	N
					01/01/2023 01/31/2023			
5536	MiEnergy Cooperative			829.26	6 Transactions			
350	DEPT Total:			884.76	County Airport	2 Vendors	7 Transactions	
23	Fund Total:			884.76	County Airport Fund		7 Transactions	

csmith
2/23/2023 9:07:21AM
76 Trust And Agency Fund

*** Fillmore County ***



Audit List for Board AUDITOR'S VOUCHERS ENTRIES

Page 6

Vendor	Name	Rpt	Warrant Description	Invoice #	Account/Formula Description	1099
No.	Account/Formula	Accr	Amount	Service Dates	Paid On Bhf #	On Behalf of Name
0	DEPT		...			
110	Fillmore Co Treasurer					
	76-000-000-0000-2006		1,565.00	RRC Sale & Use Tax 01/01/2023 01/31/2023	Commercial Sw Mgmt Tax	N
	76-000-000-0000-2007		195.00	041,101,602 Sales & Use Tax 01/01/2023 01/31/2023	Sales Tax Collected	N
	76-000-000-0000-2007		21.00	R&B Sales & Use Tax 01/01/2023 01/31/2023	Sales Tax Collected	N
110	Fillmore Co Treasurer		1,781.00	3 Transactions		
0	DEPT Total:		1,781.00	...	1 Vendors	3 Transactions
76	Fund Total:		1,781.00	Trust And Agency Fund		3 Transactions
	Final Total:		14,397.13	18 Vendors	25 Transactions	

*** Fillmore County ***

Audit List for Board

AUDITOR'S VOUCHERS ENTRIES



Recap by Fund

<u>Fund</u>	<u>Amount</u>	<u>Name</u>
1	11,731.37	County Revenue Fund
23	884.76	County Airport Fund
76	1,781.00	Trust And Agency Fund
All Funds	14,397.13	Total

Approved by,

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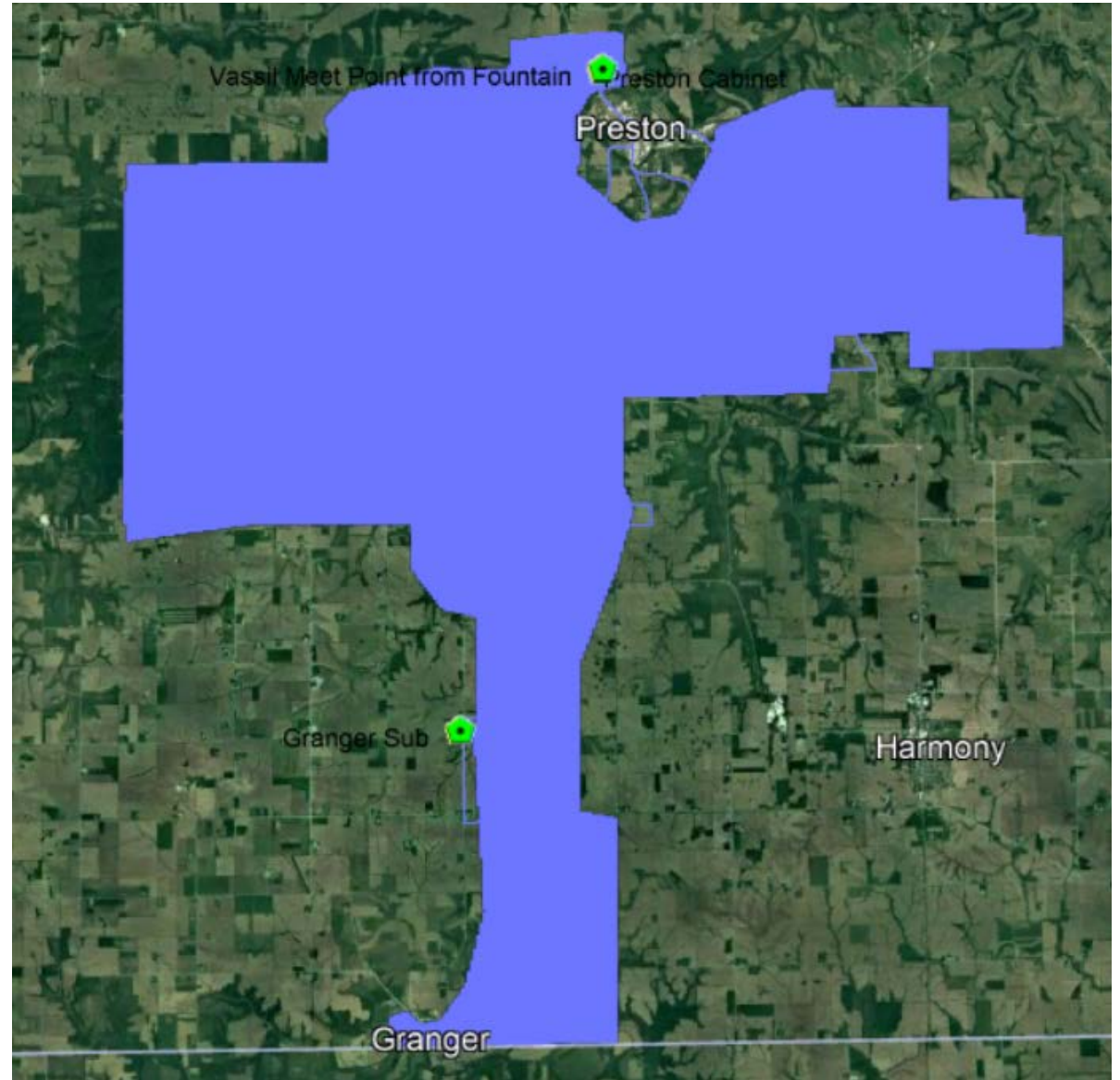


Harmony Telephone Company

Minnesota Border to Border Grant
Application 2023

MN Border to Border
2020

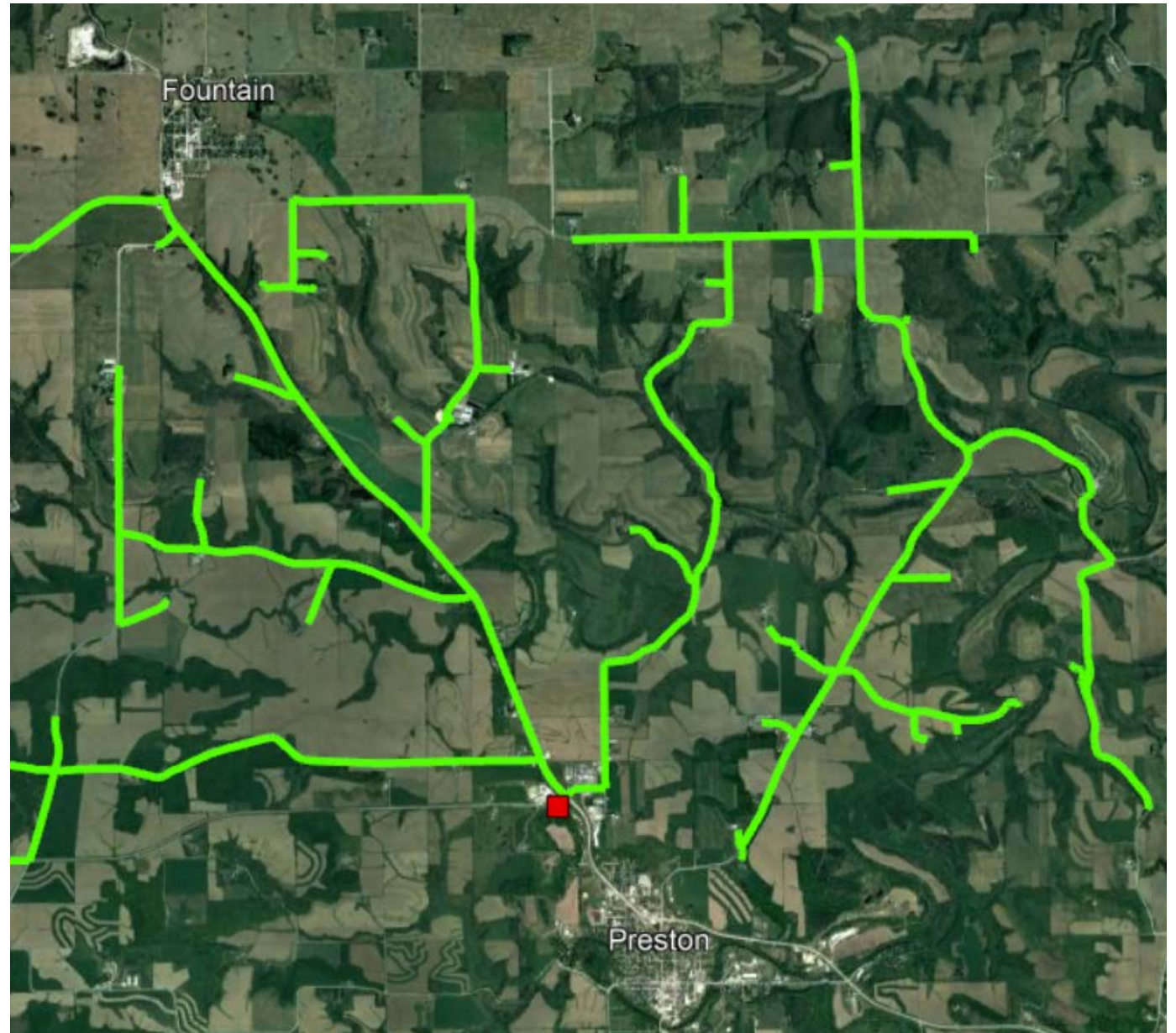
Projected to be
completed June 2023



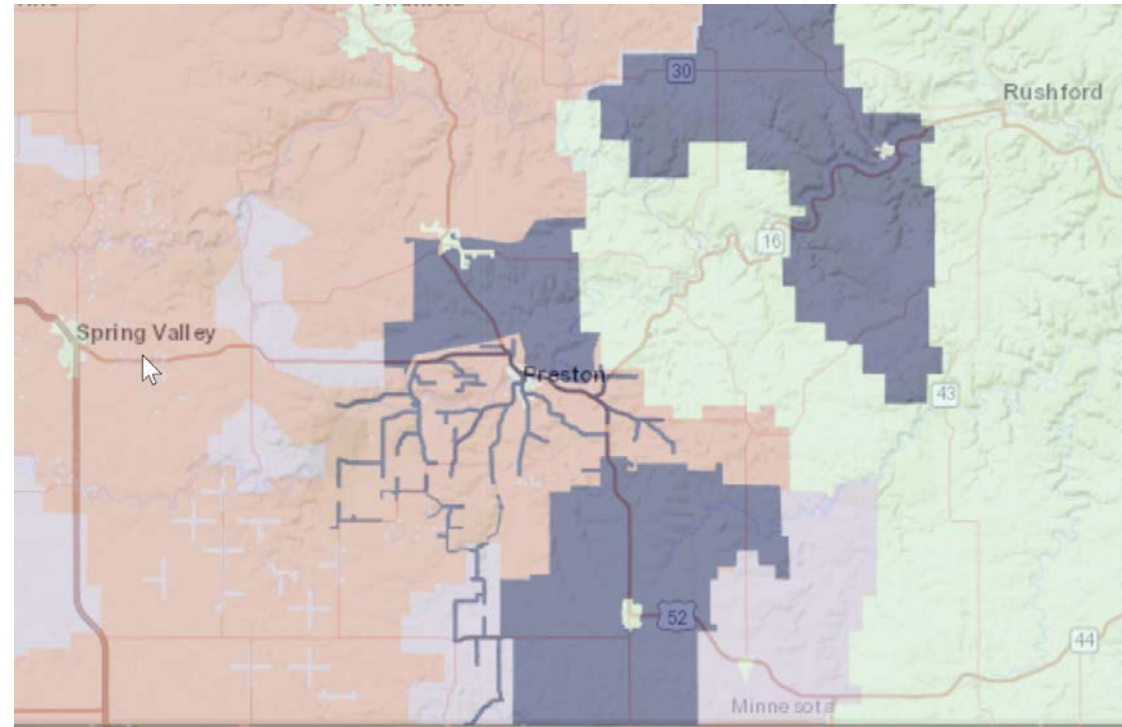
MN Border to Border 2022

This project passes 114 locations
between Preston and Fountain in
Fillmore County.

Awarded December 2022
Construction to be done in 2024



Minnesota Border to Border Grant Potential Eligibility



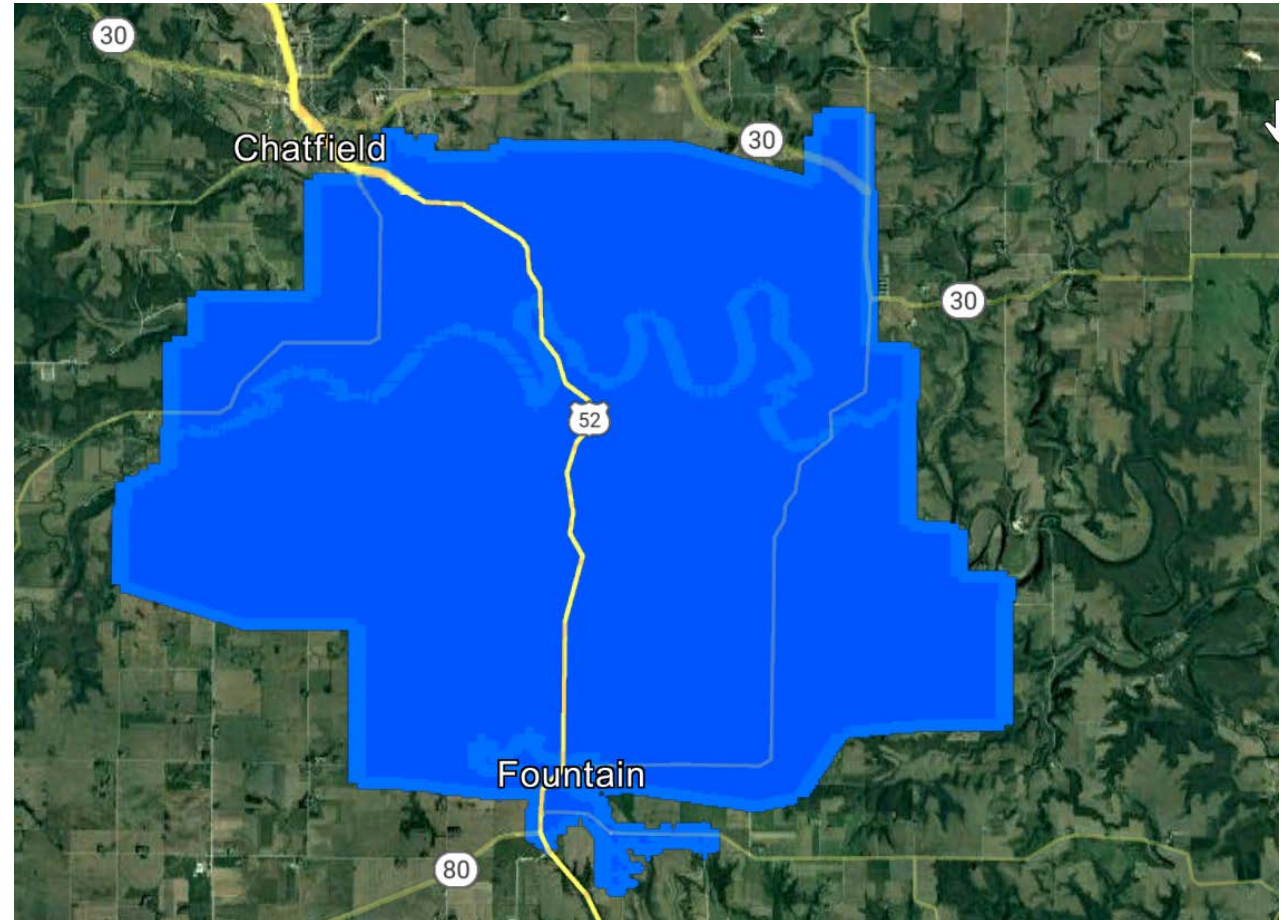
2023 Border-to-Border Grant POTENTIAL Eligibility

2023 Grant Eligibility

- Existing Commitment Areas to be Built
- Wireline Broadband of at Least 100M/20M
- Underserved Area (Wireline Broadband of At Least 25M/3M but Less Than 100M/20M)
- Unserved Area (No Wireline Broadband of At Least 25M/3M)

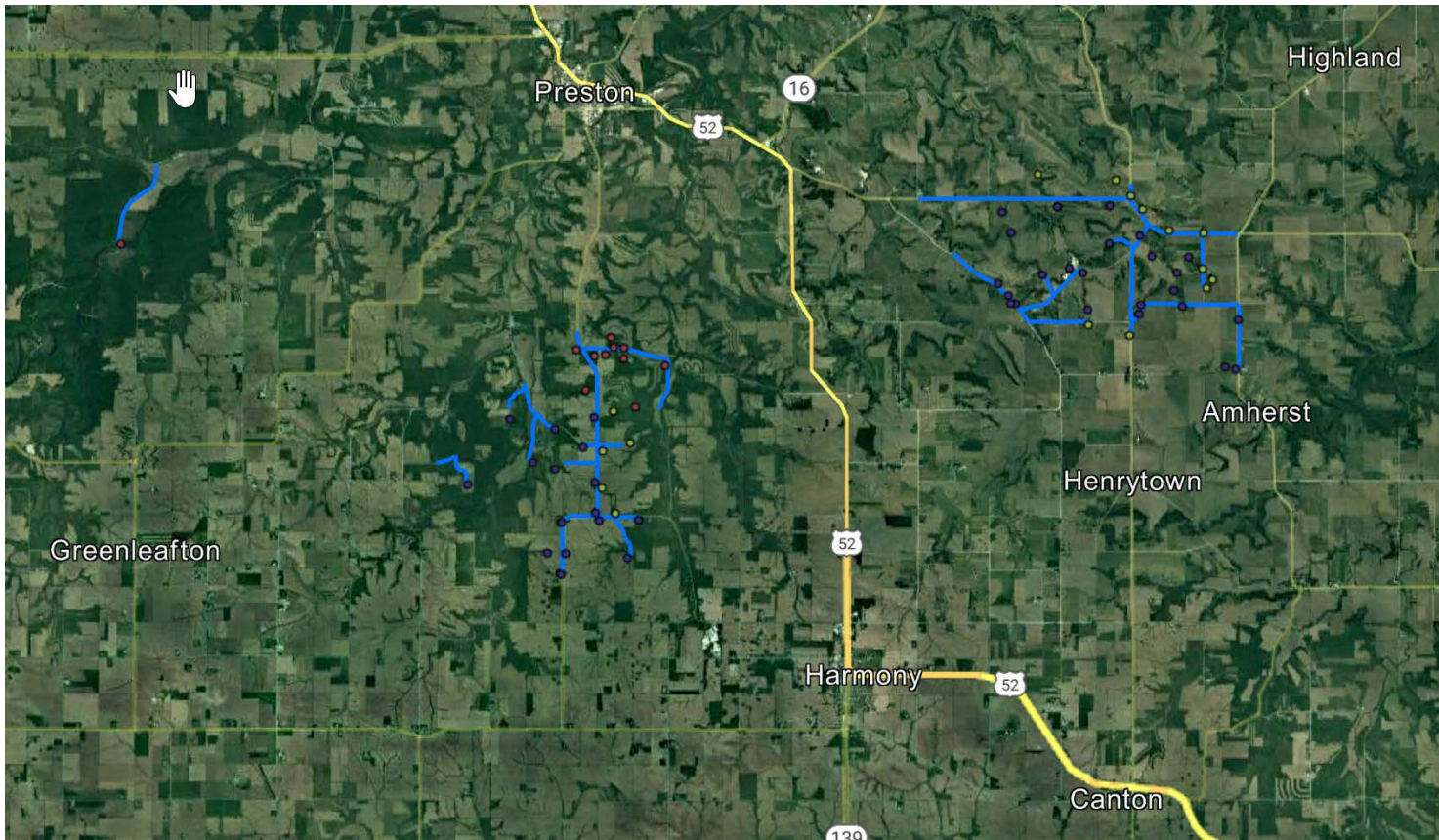
MN Border to Border 2023 North Fountain/South Chatfield

- Total Project Cost: \$7.5 Million
- Grant: \$3 Million
- Company Match: \$4.5 Million
- 311 locations passed

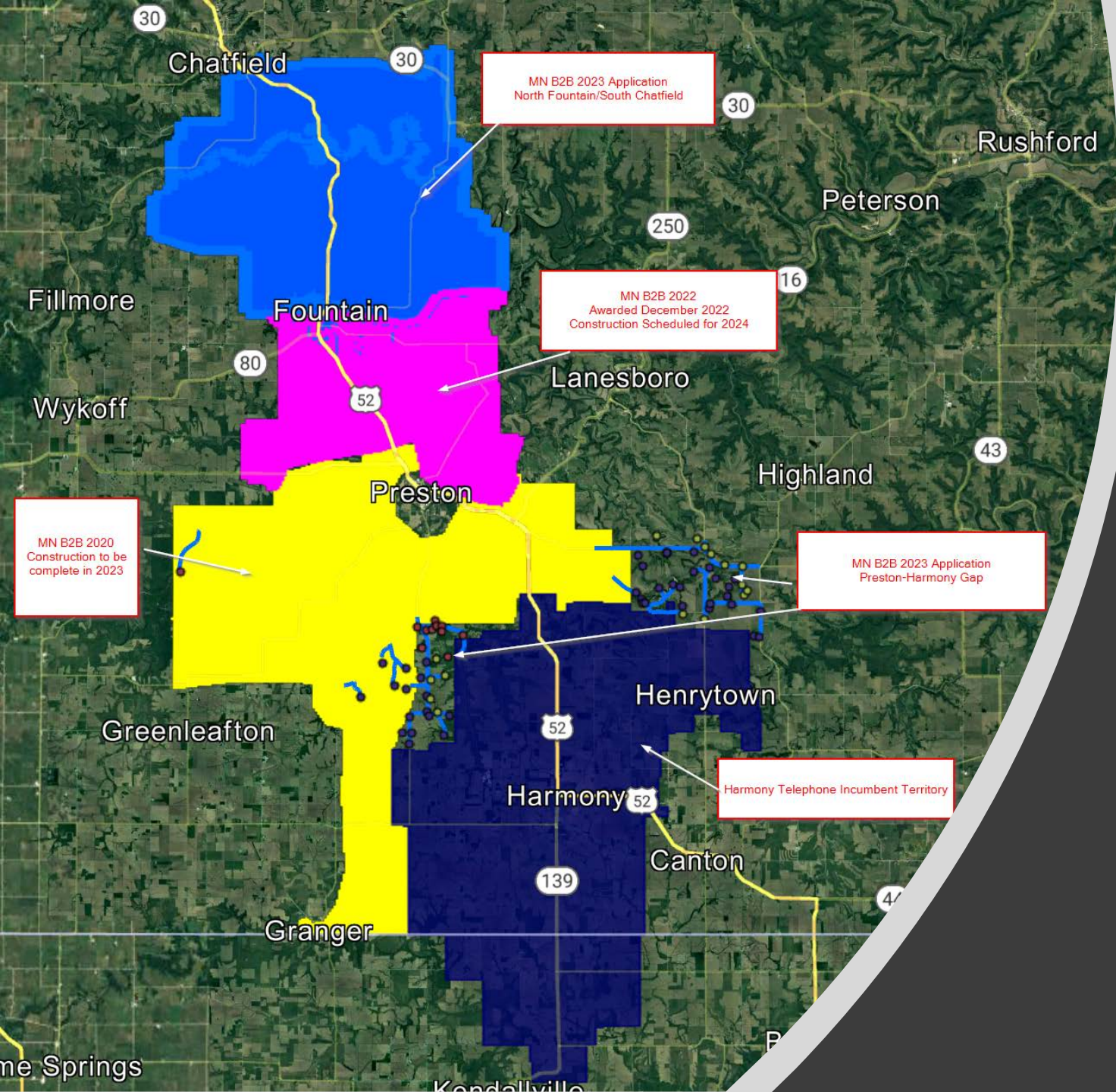


Minnesota Border to Border 2023

Harmony Preston Gap



- Total Project Cost: \$2.6 Million
- Grant: \$1 Million
- Company Match: \$1.6 Million
- 68 Locations Passed

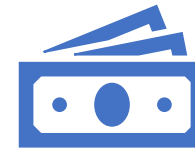


Combined Project Areas

For Consideration



**Letters of Support for Harmony
Telephone Company's Minnesota
Border to Border project application.**



**Financial Contribution to the Project
either a cash contribution or no
interest loan**

Thank You

We thank the Commissioners for their previous loan commitments to MiBroadband and Harmony Telephone Company and other providers to help bring necessary broadband infrastructure to Fillmore County residents and businesses.

Thank you also for allowing us this time today to share our proposal for your consideration. Harmony Telephone Company and MiBroadband look forward to expanding broadband infrastructure to those currently in unserved and underserved areas in Fillmore County.

RESOLUTION

**FILLMORE COUNTY BOARD OF COMMISSIONERS
Preston, Minnesota 55965**

Date February 28th, 2023 Resolution No. 2023- XXX

Motion by Commissioner _____ Second by Commissioner _____

**Resolution of Support Endorsing Border-to-Border Grant 2023 North Fountain/ South Chatfield and Stating
County Contribution of \$75,000.000**

WHEREAS, broadband internet connectivity constitutes an essential infrastructural component of residential and commercial development, education, and industry; and

WHEREAS, the majority of customers in unincorporated regions of Fillmore County are either unserved or underserved by the State of Minnesota's established download and upload standards; and

WHEREAS, the Fillmore County Board of Commissioners has established the Fillmore County Broadband Alliance to pursue universal countywide access to fiber optic connectivity; and

WHEREAS, the Alliance's primary objective is to secure financial and technical support for investments into regional telecommunications infrastructure and local provider improvements; and

WHEREAS, Harmony Telephone Company is a locally controlled telecommunications cooperative, providing fixed wireless broadband to rural homes, farms and businesses in southeastern Minnesota and northeastern Iowa;

WHEREAS, Harmony Telephone passed 311 locations, covering 84 miles of fiber within central Fillmore County; and

WHEREAS, Harmony Telephone intends to submit a grant application to the State of Minnesota's Border-to-Border Grant Program to help make this project economically viable;

NOW, THEREFORE, BE IT RESOLVED, that the Board of Commissioners, County of Fillmore, State of Minnesota, supports Harmony Telephone application to the Border-to-Border Grant Program; and

BE IT FURTHER RESOLVED, that the Board of Commissioners, County of Fillmore, State of Minnesota, will make available a three year no interest loan of \$75,000.00 in support of the application.

VOTING AYE

Commissioners Hindt ☐ Bakke ☐ Prestby ☐ Dahl ☐ Lentz ☐

VOTING NAY

Commissioners Hindt ☐ Bakke ☐ Prestby ☐ Dahl ☐ Lentz ☐

STATE OF MINNESOTA
COUNTY OF FILLMORE

I, Bobbie Hillery, Clerk of the Fillmore County Board of Commissioners, State of Minnesota, do hereby certify that the foregoing resolution is a true and correct copy of a resolution duly passed at a meeting of the Fillmore County Board of Commissioners held on the 28th day of February 2023.

Witness my hand and official seal at Preston, Minnesota the 28th day of February 2023.

SEAL

Bobbie Hillery, Administrator/Clerk
Fillmore County Board of Commissioners

RESOLUTION

**FILLMORE COUNTY BOARD OF COMMISSIONERS
Preston, Minnesota 55965**

Date February 28th, 2023 Resolution No. 2023- XXX

Motion by Commissioner _____ Second by Commissioner _____

**Resolution of Support Endorsing Border-to-Border Grant 2023 Harmony Preston Gap and Stating County
Contribution of \$75,000.000**

WHEREAS, broadband internet connectivity constitutes an essential infrastructural component of residential and commercial development, education, and industry; and

WHEREAS, the majority of customers in unincorporated regions of Fillmore County are either unserved or underserved by the State of Minnesota's established download and upload standards; and

WHEREAS, the Fillmore County Board of Commissioners has established the Fillmore County Broadband Alliance to pursue universal countywide access to fiber optic connectivity; and

WHEREAS, the Alliance's primary objective is to secure financial and technical support for investments into regional telecommunications infrastructure and local provider improvements; and

WHEREAS, Harmony Telephone Company is a locally controlled telecommunications cooperative, providing fixed wireless broadband to rural homes, farms and businesses in southeastern Minnesota and northeastern Iowa;

WHEREAS, Harmony Telephone passed 68 locations, covering 84 miles of fiber within central Fillmore County; and

WHEREAS, Harmony Telephone intends to submit a grant application to the State of Minnesota's Border-to-Border Grant Program to help make this project economically viable;

NOW, THEREFORE, BE IT RESOLVED, that the Board of Commissioners, County of Fillmore, State of Minnesota, supports Harmony Telephone application to the Border-to-Border Grant Program; and

BE IT FURTHER RESOLVED, that the Board of Commissioners, County of Fillmore, State of Minnesota, will make available a three year no interest loan of \$75,000.00 in support of the application.

VOTING AYE

Commissioners Hindt ☐ Bakke ☐ Prestby ☐ Dahl ☐ Lentz ☐

VOTING NAY

Commissioners Hindt ☐ Bakke ☐ Prestby ☐ Dahl ☐ Lentz ☐

STATE OF MINNESOTA
COUNTY OF FILLMORE

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SEAL

Bobbie Hillery, Administrator/Clerk
Fillmore County Board of Commissioners

REQUEST FOR COUNTY BOARD ACTION

Agenda Date: 2/28/2023 Amount of time requested (minutes):

Dept.: Prepared By:

State item(s) of business with brief analysis. If requesting multiple items, please number each item for clarity. Provide relevant material(s) for documentation. Please note on each item if documentation is needed and attached.

Consent Agenda:

Documentation
(Yes/No):

1.

Regular Agenda:

Documentation
(Yes/No):

1. Consider resolution for adoption of amendment to the Fillmore County Feedlot Ordinance, Section 9, New Animal Feedlots and Expansion of Existing Animal Feedlot Facilities.

Yes

All requests for County Board agenda must be in the Coordinator's office **No later than noon Thursday prior to the Board date.** Items received after this time **will** not be placed on the Board agenda. All requests should be sent to: bvickerman@co.fillmore.mn.us; ainglett@co.fillmore.mn.us; and kruesink@co.fillmore.mn.us



Zoning Department
101 Fillmore St, P.O. Box 466
Preston, Minnesota 55965
(507)765-3325

Planning & Zoning	Feedlot Permits	Septic System Permits
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Fillmore County Board of Commissioners:

I have summarized the emails and public comments received during the process of the proposed amendment to the Fillmore County Feedlot Ordinance.

The proposal by the Planning Commission was to increase the permissible number of animal units from 2,000 to 4,000.

I received a total of 81 emails regarding the proposal, with 37 of those emails coming from Fillmore County residents, and 44 coming from non-residents. I have summarized all of those emails into one document, please see attached.

The public hearing was held on February 16, 2023, with 105 people signed in for attendance, as well as a couple that came in after the meeting had started and did not sign in. During the sign in process, each individual was asked if they wished to give public comment, and if so, they signed up on an additional list. 37 individuals signed to give public comment. Of the 37 signed up, 2 decided not to speak, and 2 conceded their time to another speaker so in total 33 people in attendance gave public comment. Of the 33 that gave public comment, approximately 16 spoke in opposition, and approximately 21 spoke in favor, which included approximately 5 letters submitted by individuals that were unable to attend but asked that their statements be read before the Planning Commission.

The Planning Commission voted 5-1 to recommend approval of the Ordinance Amendment, with one Planning Commission member recusing himself from the vote.

If you have any questions, please let me know.

Cristal Adkins

Fillmore County Zoning Administrator

101 Fillmore Street, P.O. Box 466

Preston, MN 55965

(507)765-3325

FAX (507)765-2803

cadkins@co.fillmore.mn.us

www.co.fillmore.mn.us



Animal unit cap public comments received

Email received from Karen Swanson:

Ms . Adkins,

Please forward this message to each commission member in Fillmore County.

I have lived in beautiful Fillmore County in the recent past. It is disturbing to hear that the industrial farm size might be doubled.

We all know that this decision would be very harmful in so many ways . The current cap of 2000 animals is already too high for the county.

Don't double industrial farm size !

Thank you, Karen Swanson

Email received from Renee Bergstrom:

Dear County Commissioners and Fillmore County Planning Committee, It has come to my attention that you are considering doubling the maximum industrial farm size at a meeting February 16th. After considering in 2018 that the current maximum size was too high because of the risk of a pig operation to karst environment near Mabel, I would think you would be considering lowering the maximum size instead of doubling it. All of the residents and industries in Fillmore County depend on safe drinking water, and clean air. Responsible agriculture can maintain this for our small towns and property values. This proposed action is irresponsible and must not be allowed.

Cristal, please forward my comments to the Planning Commission.

I will be out of town on February 16th. However, know that my thoughts will be with all those who choose to attend and give voice to their concerns.

Sincerely,

A. Renee Bergstrom, EdD

bergstrom.renee@earthlink.net

Email received from Tom Tiedemann:

Dear Fillmore County Commissioners and members of the Fillmore County Planning Commission,

This email is written out of concern regarding your consideration of doubling the maximum industrial farm size from 2000 "animal units" to 4000 " animal units". The current cap of 2,000 animal units is already too high for the highly sensitive Karst topography found in Fillmore and Houston Counties. In 2018, you wisely and unanimously requested that the Catalpa hog operation complete an Environmental

Impact Study. This proved to be a very good decision - the study pointed out the need to protect our aquifers and prevent more of our wells from being polluted.

We only get one chance to make the right decision. If the wrong decision is made and our ground water is polluted it will be too late for our children and grandchildren.

We're counting on you to make the right decision not to double the maximum industrial farm size in Fillmore County and to continue to required Environmental Impact Studies on all future projects.

Thank you,
Tom Tiedemann
12832 Irish Ridge Road
Spring Grove, Mn

Email received from John Stoeckel:

I am very concerned about the proposal before the Fillmore County Planning Commission to **double** the maximum industrial farm size from 2,000 "animal units" AU (over 6,600 hogs) to 4,000 animal units.

I'm afraid that this increase would lead to overly large industrial farms that would put drinking water and clea recreational water at risk, particularly given the karst geography of the county. Ultimately this would only benefit a few, very large farms and risk health, well being for many county residents.

Email received from Karen Leno:

I oppose raising Fillmore County's animal unit cap.

Doubling the maximum size of a factory farm from 2,000 to 4,000 animal units is inadvisable.

Doubling this cap could invite large industrial farms into the county. Animal unit caps are one of the most effective ways to keep out factory farms that can pollute drinking water, cause fish kills and algae blooms, drain water supplies needed by residents, emit massive amounts of climate-affecting greenhouse gas emissions, and create noxious odors that can affect property values. Fillmore County is particularly vulnerable to water pollution because of its karst topography, and Minnesota Department of Agriculture tests show that many private wells in the county already are contaminated with dangerous levels of nitrate. (See https://www.mda.state.mn.us/sites/default/files/2019-10/fillmorefinalttnreport_0.pdf.) Towns or individuals who are forced to treat drinking water or dig new wells because of agricultural pollution can incur huge costs.

Please consider these facts as you deliberate and weigh in on the decisions to be made.

Thank you,

Karen Leno
460 1ST AVE SE
Harmony, MN 55939

Email received from Tom Hogue:

Please enter my comments into the record and forward them to all planning commission members.

I am a Fillmore County resident who likes to drink clean water, likes to fish in clean streams and rivers, and likes the quality of life and tourism opportunities all around us. There are many others - we're your neighbors.

I am also a retired economic development expert at the state and county level in Oregon. I've seen firsthand the misery that happens when animal confinement operations inevitably exceed the carrying capacity of a site. When the underlying bedrock is porous limestone, the disaster is compounded.

The misery includes polluted groundwater, of course. It also includes a lot of negative national press reporting how the local government poisoned its citizens. Flint, Michigan, at least has the potential to replace bad pipes. But once the groundwater is tainted, we're screwed. You can't fix stupid.

And just to add a little more misery, once the press hits the fan, the Feds decide the state and local governments have failed, and they swoop in to help.

This is not being pro-business. It's being pro-disaster. Good luck with that.

Tom Hogue

Preston

Email received from Norm Gross:

Hi Cristal, thanks so much for sharing these concerns with the Planning Commission!

Dear Arlynn, Trinity, Andy, Steve, Tom, Gary,

Thanks for all of your time and effort to make Fillmore County a great place to live. It has brought to my attention that you are considering increasing the legal animal unit cap on our farms. As a farmer here in this County, I am strongly opposed to such action! Especially with our sensitive karst geology and the challenge to keep our waters clean, we need to think of everyone – particularly as we look at the future we leave to our children. Let us together do everything we can to protect (and improve) our shared land, water and air.

Cheers!

Norm Gross

507-378-4252

www.earthdancefarm.net

@earthdancefarm

Email received from Sue Fletcher:

I write to go on record because I strongly oppose the proposal to increase the size of industrial animal farming in Fillmore County. It would be grossly negligent and environmentally disastrous to increase farm sizing. Our groundwater is already at great risk due to agriculture because this is a karst geography – and once the groundwater is polluted, there is no cleaning it up. The quality of life in our area would be severely impacted by the abhorrent smells from large scale farms – even a small farm produces nauseating smells. Our area is a tourist area – no one want to visit – or will revisit – an area that is nauseating due to manure smells. Large scale farming is also prone to disease – avian flu is a big

concern in our area, and having large scale avian farms not only affects the farm animals but has the potential to increase spread to our wildlife. Farms of this size will negatively impact property values – NO ONE wants to live anywhere near a hog farm, or a large scale dairy or poultry farm.

So please, do what is right for the community, do what is right for the environment, and oppose any increase in farm sizes. It would be great if you would consider downsizing existing large farms that already increase, for the sake of our groundwater and our health; but please, oppose and increase.

I ask that you share my concerns with the members of the Planning Commission: Arlynn Hovey, Trinity Johnson, Andy Bisek, Steve Duxbury, Tom Thompson and Gary Ruskell.

Thank you for your time.

Sue Fletcher

Email received from Eva Barr (DreamAcres):

Dear County Zoning Administrator Cristal Adkins,

I hope this message finds you well.

I understand that you are considering a proposal to increase our county's cap on the size of feedlots from 2,000 Animal Units to 4,000 animal units. I am writing to tell you that I am strongly opposed to this or any change that would increase the Animal Unit Cap.

What that change would mean is that barns holding up to 13,000 hogs, 2,800 dairy cows, 222,000 turkeys, or 4,000 steers would be allowed to be built. Operations of this size are truly the largest of the large. In fact, 95% of all dairy feedlots in Minnesota fall under 1264 Animal Units. For hog and beef cattle feedlots, 95% fall under 690 Animal Units. Our cap is already plenty high for the vast majority of farmers.

It is also well documented that the large concentrations of manure that is produced by operations this large pollutes the air that we all breathe and the water that we all use. They put the health of us and our communities at risk, while leaving the rest of the community to foot the cleanup bill, and deal with the decrease in our property values.

Increasing the cap on the size of industrial farm operations in Fillmore County is a step in the wrong direction, particularly in Karst Country. Our current Animal Unit Cap is in line with our neighboring counties like Winona, Mower, Dodge, Rice, and Freeborn, and numerous townships that all have caps on the size of feedlots similar to our current cap or lower.

Don't take our shared county in the wrong direction. Keep our animal unit cap where it's at.

Thank you for your consideration. I look forward to hearing from you!

Sincerely,

ms. Eva Barr

17289 County 8 Wykoff, MN 55990-2134

barrx184@umn.edu

Email received from Tom Barnes:

Dear County Zoning Administrator Cristal Adkins,

I hope this message finds you well.

I understand that you are considering a proposal to increase our county's cap on the size of feedlots from 2,000 Animal Units to 4,000 animal units. I am writing to tell you that I am strongly opposed to this or any change that would increase the Animal Unit Cap.

What that change would mean is that barns holding up to 13,000 hogs, 2,800 dairy cows, 222,000 turkeys, or 4,000 steers would be allowed to be built. Operations of this size are truly the largest of the large. In fact, 95% of all dairy feedlots in Minnesota fall under 1264 Animal Units. For hog and beef cattle feedlots, 95% fall under 690 Animal Units. Our cap is already plenty high for the vast majority of farmers.

It is also well documented that the large concentrations of manure that is produced by operations this large pollutes the air that we all breathe and the water that we all use. They put the health of us and our communities at risk, while leaving the rest of the community to foot the cleanup bill, and deal with the decrease in our property values.

Increasing the cap on the size of industrial farm operations in Fillmore County is a step in the wrong direction, particularly in Karst Country. Our current Animal Unit Cap is in line with our neighboring counties like Winona, Mower, Dodge, Rice, and Freeborn, and numerous townships that all have caps on the size of feedlots similar to our current cap or lower.

Don't take our shared county in the wrong direction. Keep our animal unit cap where it's at.

Thank you for your consideration. I look forward to hearing from you!

Sincerely,

Tom Barnes

32987 State Hwy 30 Lanesboro, MN 55949-8353 tbarnes311@juno.com

Email received from Catherine Glynn:

Dear County Zoning Administrator Cristal Adkins,

I hope this message finds you well.

I understand that you are considering a proposal to increase our county's cap on the size of feedlots from 2,000 Animal Units to 4,000 animal units. I am writing to tell you that while I understand our community thrives with Agriculture, I am opposed to this or any change that would increase the Animal Unit Cap.

This change would mean that barns holding up to 13,000 hogs, 2,800 dairy cows, 222,000 turkeys, or 4,000 steers would be allowed to be built. Operations of this size are truly enormous. As you may know, 95% of all dairy feedlots in Minnesota fall under 1264 Animal Units. For hog and beef cattle feedlots, 95% fall under 690 Animal Units. Our cap is already plenty high for the vast majority of farmers.

It is also well documented that the large concentrations of manure produced by operations this large pollute the air that we all breathe and the water that we all use. They put our health and communities at risk while leaving the rest of the community to foot the cleanup bill and deal with the decrease in our property values. The odor alone is enough to turn tourists away but to risk what the current and future homeowners invest in the area would be devastating economically.

Increasing the cap on the size of industrial farm operations in Fillmore County is a step in the wrong direction, particularly in Karst Country. Our current Animal Unit Cap is in line with our neighboring counties like Winona, Mower, Dodge, Rice, and Freeborn, and numerous townships that all have caps on the size of feedlots similar to our current cap or lower.

Please don't take our shared county in this dangerous direction. My family and I implore you to keep the animal unit cap where it's at.

I appreciate your consideration and all you do to serve the county.

Sincerely,
Ms. Catherine Glynn
111 Kenilworth Ave N Lanesboro, MN 55949-9730 catieglynn@gmail.com

Email received from Thomas Brandt:

Dear Commissioner,

I am writing to urge the Fillmore County Planning Commission to decline expanding the maximum industrial feedlot size from the current 2,000 animal units to 4,000 animal units.

I own a cabin in the Nolan Valley development northeast of Canton. This development was marketed to provide recreational access to the Wisel Creek state designated trout stream. Expanding the feedlot size presents a clear danger to the health of this stream, and indeed the health of all who live or visit Fillmore County.

As a recreational property owner, I value the rural, agricultural culture of Fillmore county. However, these large industrial operations bring with them many concerns. Foremost among them are air and water quality. Southeast Minnesota is unique. Its Karst geology has blessed it with cold-water trout streams and productive soil for agriculture. However, this geology also makes the land susceptible to water contamination. Especially contamination from nitrates from animal waste.

In 2018, the Minnesota Center for Environmental Advocacy submitted a document during the public comment period in opposition to the proposed Catalpa, LLC feedlot. This document

concluded that, "This project has a very high likelihood of not only affecting the aquatic ecosystems of local trout streams, it also carries a very high likelihood of irrevocably contaminating local drinking water supplies."

The existing rules allow for large feedlots. In fact, the current 2,000 AU guidelines would equate to 6,600 hogs. Residents of Fillmore County need to ask who will benefit from these new rules, and will those who benefit be breathing our air and drinking our water?

Email received from Lee & Ione Loerch:

Dear County Zoning Administrator Cristal Adkins,

We do not believe we need to remind you of all the downsides to raising the animal unit cap, nor do we need to dwell on the number of Fillmore County residents who would benefit vs. those who would find a raised cap extremely disagreeable. Just suffice it to say: The current cap is more than high enough for our current farmers, our county residents, and our karst geology. Please don't mess with it.

Sincerely,
Lee and Ione Loerch
29482 Deep River Rd Peterson, MN 55962-4616 lloerch@winona.edu

Email received from Michael Lansing:

Ms. Atkins--

Please share the following with all the members of the Fillmore County Planning Commission.

As a Fillmore County land owner, I am writing to express my opposition to the expansion of the maximum industrial feedlot size from the current 2,000 "animal units" AU (over 6,600 hogs) to 4,000 animal units.

Industrial strength farming practices present a threat to the health of the people and environment of Fillmore County. In 2018 the Fillmore County Commissioners wisely and unanimously requested that a proposed Catalpa hog operation (2,000 AU or 5,000 sows) complete an Environmental Impact Study due to the size and risk of the operation. A document was prepared at that time by the Minnesota Center for Environmental Advocacy. It outlined the many risks of such an operation.

Wise decisions were made in 2018. They need to be made again in 2023. The expansion of feedlots will only degrade the quality of life in Fillmore County. It will take dollars out of our communities and funnel them toward large corporate entities. It will lead to further degradation of the county's most precious resource--the waters that flow and define the quality of life for so many of us and our neighbors,

Thanks for your consideration in this matter.

All best,

Michael

Email received from Christine Burtness:

Please forward this email to all Fillmore County Commissioners.

Thank you very much

Christine Burtness

From: Christine Burtness

Sent: Saturday, February 4, 2023 12:11 PM

To: mlentz@co.fillmore.mn.us <mlentz@co.fillmore.mn.us>; rdahl@co.fillmore.mn.us <rdahl@co.fillmore.mn.us>; lhindt@co.fillmore.mn.us <lhindt@co.fillmore.mn.us>; dbakke@co.fillmore.mn.us <dbakke@co.fillmore.mn.us>; mprestby@co.fillmore.mn.us <mprestby@co.fillmore.mn.us>

Subject: cap on industrial farm size

To the members of the Fillmore County Planning Commission

I grew up on and own a farm in Wilmington Township and also own farmland in Yucatan township, both in Houston County. But decisions made for Fillmore County affect us in Houston County, both in environmental repercussions as well as in setting precedents.

Air quality knows no boundaries, and water pollution from run-off carries directly into Houston County. Please DO NOT RAISE the limits on animal units. The beauty and bounty of SE Minnesota's Karst land needs protection and nurturing for the benefit of many, not despoiling for the benefit of a few large corporate-style farms. Their higher profits come at too high of cost to the other residents and the land itself.

Protection now or attempt remediation in the future.

Please keep or lower the limits on animal units on farms in Fillmore County for the benefit of the majority of residents.

Thank You

Christine Burtness

burtvan@msn.com

Email received from Sonja Eayrs:

Dear Fillmore County Commissioners and Zoning Administrator Adkins,

Please see attached correspondence on behalf of Dodge County Concerned Citizens.

(letter attached at end of document)

Thank you for your consideration.

Sonja Trom Eayrs

On behalf of Dodge County Concerned Citizens

Email received from Jeff Nelson:

Hello Cristal,

I am writing to you because you are the Fillmore County Zoning Administrator to let you know that I oppose **doubling** the maximum size of a factory farm from

2,000 to 4,000 animal units. This would allow a farm in Fillmore County to have more than 2,800 dairy cows, 13,000 hogs, or 222,000 turkeys.

Doubling this cap could invite enormous industrial farms into the county. Animal unit caps are one of the most effective ways to keep out factory farms that can pollute drinking water, cause fish kills and algae blooms, drain water supplies needed by residents, emit massive amounts of climate-affecting greenhouse gas emissions, and create noxious odors that can affect property values. Fillmore County is particularly vulnerable to water pollution because of its karst topography, and Minnesota Department of Agriculture tests show that many private wells in the county already are contaminated with dangerous levels of nitrate. (See https://www.mda.state.mn.us/sites/default/files/2019-10/fillmorefinalttnreport_0.pdf.) Towns or individuals who are forced to treat drinking water or dig new wells because of agricultural pollution can incur huge costs.

I am a property owner in Newburg Township and know how vulnerable our area is to nitrate pollution. We view our trout streams as a tremendous asset which would be threatened by such large agricultural operations. Please oppose this dangerous proposal.

Jeff Nelson
15317 421st Ave
Mabel, MN 55

Email received from Cheryl Erickson:

Dear County Zoning Administrator Cristal Adkins,

I hope this message finds you well.

Cristal and Marc, please vote against this!

I understand that you are considering a proposal to increase our county's cap on the size of feedlots from 2,000 Animal Units to 4,000 animal units. I am writing to tell you that I am strongly opposed to this or any change that would increase the Animal Unit Cap.

What that change would mean is that barns holding up to 13,000 hogs, 2,800 dairy cows, 222,000 turkeys, or 4,000 steers would be allowed to be built. Operations of this size are truly the largest of the large. In fact, 95% of all dairy feedlots in Minnesota fall under 1264 Animal Units. For hog and beef cattle feedlots, 95% fall under 690 Animal Units. Our cap is already plenty high for the vast majority of farmers.

It is also well documented that the large concentrations of manure that is produced by operations this large pollutes the air that we all breathe and the water that we all use. They put the health of us and our communities at risk, while leaving the rest of the community to foot the cleanup bill, and deal with the decrease in our property values.

Increasing the cap on the size of industrial farm operations in Fillmore County is a step in the wrong direction, particularly in Karst Country. Our current Animal Unit Cap is in line with our neighboring counties like Winona, Mower, Dodge, Rice, and Freeborn, and numerous townships that all have caps on the size of feedlots similar to our current cap or lower.

Don't take our shared county in the wrong direction. Keep our animal unit cap where it's at.

Thank you for your consideration. I look forward to hearing from you!

Sincerely,
Mrs Cheryl Erickson
325 W Prairie Mabel, MN 55954-1531
virtualcheryl@gmail.com

Email received from Laura Thorson:

Hi Cristal!

Hope you are doing well!

I am writing to offer my support to the commissioners and family farms in our County. I see the circulating post on Facebook from "Responsible Ag in Karst Country" (RAKC) and I do not think they understand the geopolitical nature of the world right now or have any idea what farmers are up against on the world platform.

While they continue to dwell on Catalpa, I am writing on behalf of EVERYONE ELSE in the County. Put plainly, unless the County begins to allow for our farming community to FARM (and sometimes that means expanding or dying, frankly!), we will run the risk of these existing farms selling out. When that happens, these people who are foolishly opposing the farmers, the very best stewards of the land, WILL, most certainly, find themselves with the large corporate neighbors they mistakenly think they already have... or worse...the Chinese as their neighbors - as they are gobbling up land all over the Midwest.

Not only do we live in a farming community to begin with and I've never been sure why animals would be offensive to anyone here, the size of operation should not matter either as there are SO MANY RULES that must be followed. That's just a fact. Strict and stringent rules.

In addition, these people are concerned about our water quality with additional animals. This has never made sense to me. What would they prefer? More chemicals?? Because that's the alternative. Animal ag provides for an organic substitute for other dangerous chemicals. Do they realize that? Not only are the farmers then keeping themselves in business by providing a

commodity to all people who like to eat, but they are also giving themselves and their neighbors the chance to use organic matter, rather than dangerous, manufactured chemicals, whenever possible.

This is not rocket science. The current AU is NOT too high. This is farming country. That's what we do here.

I do argue, and rightfully so, that the AU limits should be loosened. The benefits of doing so are quite obvious: our current farmers stay in business, they can produce a necessary commodity, and they then have the ability for organic matter to be spread on their fields. The serious added benefit is that the farmland that is owned by the people here gets to STAY owned by the people here. We need not look far (North Dakota, for example) to see the Chinese already moving in there. If we can't keep our farmers farming and competitive, I can guarantee all of the RAKC folks that the alternative is a world in which they do not recognize.

Let's let our farmers FARM!

Laura Thorson
Mabel, MN

I AM HAPPY TO COME TO THE MEETING AS WELL. This is seriously a CRITICAL matter, that desperately needs to be addressed. Or this County, in 10 years, will be a shell of what it is today.

Email received from Loni Kemp:

Dear Cristal,

As I do not see the email addresses for Planning Commission members on your website, please forward this email to them, which includes my Letter to the Editor submitted to the Fillmore County Journal, copied below. I would also like this email to be submitted to the record for the hearing on February 16, 2023. Thank you!

Dear Planning Commission members,

As the Planning Commission conducts a hearing on the controversial idea to double allowable feedlot size in Fillmore County, I urge you to keep in mind the water quality problems we already have, and the vulnerability of our karst geology.

I submitted this letter to the editor to the FCJ, explaining why we must not invite huge feedlots in to add to our problem. Thank you for carefully considering these concerns.

Leave Feedlot Cap Alone - To Protect Our Water

There is a move afoot to double the size of allowable feedlots in Fillmore County. The Fillmore County Planning Commission has taken it upon itself to propose that new feedlots could be

permitted, or existing ones expanded, raising the current limit of 2000 "animal units" to the outrageous size of 4000 animal units (based on the amount of manure produced.)

Imagine if 4000 steers, or 2,800 dairy cows, or 13,000 hogs come to your community, along with the amount of manure each of those feedlots would produce. That manure would have to go somewhere, and it would be spread over the landscape as fertilizer. Imagine the odors and road deterioration.

The vast majority of Fillmore County is rated highly vulnerable to water table aquifer pollution, according to the Department of Agriculture. A 2018 Minnesota study of private water wells in 24 townships of Fillmore County found striking results.

It turns out that 17 percent of private wells sampled were already at or above the health standard (10 milligrams per liter for nitrate-N.) An estimated 1500 Fillmore County residents already could be drinking well water so polluted that it is over the health risk limit. Young babies are particularly vulnerable.

Inviting a doubling of feedlot capacity when 17 percent of private water wells are already polluted with nitrates is bad policy. We must try to solve the water problems first, not add to them with ever larger feedlots.

This proposal must be stopped. Everyone is invited to make your views known by attending the Planning Commission hearing on February 16, 2023, at 7 PM. The meeting is in the Fillmore County Courthouse, Room 601L.

Loni Kemp
507 273 0942
Canton, MN

Email received from Dennis Timmerman:

Dear County Zoning Administrator Cristal Adkins,

I hope this message finds you well.

I did not write the following message myself, but I am in agreement with the realities and concerns it addresses. I believe it is important to provide meaningful regulations so that this county can support family farms and not have them overrun by large corporate factory farms that will have many negative effects. I assume there are interests that are pushing for the kinds of changes that are being considered, but I believe most people in the area recognize that there are problems associate with those kinds of changes.

"I understand that you are considering a proposal to increase our county's cap on the size of feedlots from 2,000 Animal Units to 4,000 animal units. I am writing to tell you that I am strongly opposed to this or any change that would increase the Animal Unit Cap.

What that change would mean is that barns holding up to 13,000 hogs, 2,800 dairy cows, 222,000 turkeys, or 4,000 steers would be allowed to be built. Operations of this size are truly the largest of the large. In fact, 95% of all dairy feedlots in Minnesota fall under 1264 Animal Units. For hog and beef cattle feedlots, 95% fall under 690 Animal Units. Our cap is already plenty high for the vast majority of farmers.

It is also well documented that the large concentrations of manure that is produced by operations this large pollutes the air that we all breathe and the water that we all use. They put the health of us and our communities at risk, while leaving the rest of the community to foot the cleanup bill, and deal with the decrease in our property values.

Increasing the cap on the size of industrial farm operations in Fillmore County is a step in the wrong direction, particularly in Karst Country. Our current Animal Unit Cap is in line with our neighboring counties like Winona, Mower, Dodge, Rice, and Freeborn, and numerous townships that all have caps on the size of feedlots similar to our current cap or lower.

Don't take our shared county in the wrong direction. Keep our animal unit cap where it's at.

Thank you for your consideration. I look forward to hearing from you!"

Sincerely,
Dennis Timmerman
1017 S Broadway St Spring Valley, MN 55975-1406 pstrden@gmail.com

Email received from Uli Koester:

Dear Ms. Adkins—

I am concerned that your Planning Commission will increase the maximum “animal units” for industrial farms in your county. Though I live in the Twin Cities, I care a great deal about the health of our rural lands.

It is true, the demand for meat is great, in the USA and abroad, but I don’t believe we should sacrifice the health of Minnesotans and our precious soil and water for the protein needs of others.

Please thoughtfully consider how this decision will effect the citizens of your county, and prioritize their needs over the few landowners and corporate entities that will benefit from the larger farms.

Sincerely,

Uli Koester
he/him/his
Executive Director
Midwest Food Connection
(651) 373-9878
midwestfoodconnection.org

“We cannot separate culture and identity from the art, act, and love of growing food,” Sherry Manning

Email received from John Pususta:

- **Identical email (copied and pasted) received from his wife Janine Holter**

Greetings, my name is John Pususta and I am a landowner in Fillmore County. I have concerns over increasing the current maximum industrial farm animal units of 2,000 to more. I am opposed to any increase as I know it will harm the natural environment, compromise our health, air, drinking water, property values, and destroy the beauty that makes this county a valued tourist destination. The facts are clear:

The current cap of 2,000 animal units is already too high for Fillmore County.

In fact, in 2018 the Fillmore County Commissioners wisely and *unanimously* requested that the Catalpa hog operation (2,000 AU or 5,000 sows) complete an Environmental Impact Study due to the size and risk of the operation.

Doubling this cap would lead to enormous industrial farms that could put our communities, health, air, water, and property values at risk.

As a landowner and tax payer, I request that an increase in farm animal units is resoundingly denied.

ATTENTION Cristal Adkins:

Please see that the following Planning Commission members receive my email comments.

- Arlynn Hovey
- Trinity Johnson
- Andy Bisek
- Steve Duxbury
- Tom Thompson
- Gary Ruskell

Sincerely,

John Pususta
610 Nelson Blvd
Montrose MN 55363

Property address:
16343 CEDAR VALLEY RD
MABEL MN 55954

2/13/22 – Additional comments received

Email received from Thomas Pursell:

Dear County Zoning Administrator Cristal Adkins,

I hope this message finds you well.

I understand that you are considering a proposal to increase our county's cap on the size of feedlots from 2,000 Animal Units to 4,000 animal units. I am writing to tell you that I am strongly opposed to this or any change that would increase the Animal Unit Cap.

What that change would mean is that barns holding up to 13,000 hogs, 2,800 dairy cows, 222,000 turkeys, or 4,000 steers would be allowed to be built. Operations of this size are truly the largest of the large. In fact, 95% of all dairy feedlots in Minnesota fall under 1264 Animal Units. For hog and beef cattle feedlots, 95% fall under 690 Animal Units. Our cap is already plenty high for the vast majority of farmers.

It is also well documented that the large concentrations of manure that is produced by operations this large pollutes the air that we all breathe and the water that we all use. They put the health of us and our communities at risk, while leaving the rest of the community to foot the cleanup bill, and deal with the decrease in our property values.

Increasing the cap on the size of industrial farm operations in Fillmore County is a step in the wrong direction, particularly in Karst Country. Our current Animal Unit Cap is in line with our neighboring counties like Winona, Mower, Dodge, Rice, and Freeborn, and numerous townships that all have caps on the size of feedlots similar to our current cap or lower.

Don't take our shared county in the wrong direction. Keep our animal unit cap where it's at.

Thank you for your consideration. I look forward to hearing from you!

Sincerely,

MALE Thomas Pursell

23726 341st Ave Lanesboro, MN 55949-8128 thomasfpursell@gmail.com

Email received from Elizabeth Becker:

As a landowner in Houston county for the last 28 years I have many concerns about the quality of water in our karst region. When we purchased our hobby farm in 1995, nitrate levels were high and we were warned not to drink our water. We took many expensive measures to correct this problem, such as installing a new well pump, laying new water lines, installing a reverse osmosis system for our drinking water and a double mound system for our septic.

A water test done last year showed that nitrate levels are still high, but not a risk to us since we are not pregnant or breastfeeding infants.

Please don't jeopardize our water by allowing large factory farms to expand in Fillmore county.

And with bird flu on the rise again, I would think there would be a trend towards multiple, smaller farms, so that large populations don't have to be exterminated when disease comes (and it will).

Thank you for continuing to improve the water quality and conservation efforts in general in our area.

Elizabeth Becker

Hokah, MN

Email received from Joy Hittner:

Dear County Zoning Administrator Cristal Adkins,

I hope this message finds you well.

I understand that you are considering a proposal to increase our county's cap on the size of feedlots from 2,000 Animal Units to 4,000 animal units. I am writing to tell you that I am strongly opposed to this or any change that would increase the Animal Unit Cap.

What that change would mean is that barns holding up to 13,000 hogs, 2,800 dairy cows, 222,000 turkeys, or 4,000 steers would be allowed to be built. Operations of this size are truly the largest of the large. In fact, 95% of all dairy feedlots in Minnesota fall under 1264 Animal Units. For hog and beef cattle feedlots, 95% fall under 690 Animal Units. Our cap is already plenty high for the vast majority of farmers.

It is also well documented that the large concentrations of manure that is produced by operations this large pollutes the air that we all breathe and the water that we all use. They put the health of us and our communities at risk, while leaving the rest of the community to foot the cleanup bill, and deal with the decrease in our property values. It is also the wrong way to go in terms of ethically raised animals produced for food.

Increasing the cap on the size of industrial farm operations in Fillmore County is a step in the wrong direction, particularly in Karst Country. Our current Animal Unit Cap is in line with our neighboring counties like Winona, Mower, Dodge, Rice, and Freeborn, and numerous townships that all have caps on the size of feedlots similar to our current cap or lower.

Don't take our shared county in the wrong direction. Keep our animal unit cap where it's at.

Thank you for your consideration. I look forward to hearing from you!

Sincerely,

Joy Hittner

40136 258th St Peterson, MN 55962-4149

joyhittner@gmail.com

Email received from Vern Crowson:

Dear County Zoning Administrator Cristal Adkins,

I hope this message finds you well.

I understand that you are considering a proposal to increase our county's cap on the size of feedlots from 2,000 Animal Units to 4,000 animal units. I am writing to tell you that I am strongly opposed to this or any change that would increase the Animal Unit Cap.

What that change would mean is that barns holding up to 13,000 hogs, 2,800 dairy cows, 222,000 turkeys, or 4,000 steers would be allowed to be built. Operations of this size are truly the largest of the large. In fact, 95% of all dairy feedlots in Minnesota fall under 1264 Animal Units. For hog and beef cattle feedlots, 95% fall under 690 Animal Units. Our cap is already plenty high for the vast majority of farmers.

It is also well documented that the large concentrations of manure that is produced by operations this large pollutes the air that we all breathe and the water that we all use. They put the health of us and our communities at risk, while leaving the rest of the community to foot the cleanup bill, and deal with the decrease in our property values.

Increasing the cap on the size of industrial farm operations in Fillmore County is a step in the wrong direction, particularly in Karst Country. Our current Animal Unit Cap is in line with our neighboring counties like Winona, Mower, Dodge, Rice, and Freeborn, and numerous townships that all have caps on the size of feedlots similar to our current cap or lower.

Don't take our shared county in the wrong direction. Keep our animal unit cap where it's at.

Thank you for your consideration. I look forward to hearing from you!

Sincerely,
Vern Crowson
28247 State Highway 30 Chatfield, MN 55923-2266 b_vcrowson@yahoo.com

2nd email received from Vern Crowson 2/13/23

I am a resident of Fillmore County, raising livestock and practicing good land stewardship, living on family farms since the 1940's. I do not feel the water table of our county should be exposed to the Animal Units that this proposal suggests. I totally believe increasing the Animal Unit Cap at this time is a reckless and unnecessary decision.

Please do not change this!!

Vern Crowson
28247 State Hwy 30
Chatfield, Mn. 55923

Pilot Mound Township

Email received from Andrea Eger:

Dear Commissioners,

My name is Andrea and I am a resident of Houston County. I live in Spring Grove, a couple miles away from the county line. I was very disturbed to hear that there is a proposal to increase CAFOs from 2,000 animal units to 4,000. I am worried what this kind of intense animal concentration will do to the character and natural resources of this area.

The nitrate levels in our water are already high and are dangerous to drink. The addition of more, higher concentration of CAFOS will only exacerbate this problem. The high concentrations of manure will cause smells and increase instances of polluted ground and surface water. Here [is a link](#) to an MPR article about high risk of nitrate pollution in this area. Additionally, here is [a map](#) of Nitrate pollution in MN private wells. The expansion of CAFOs will only make this problem worse.

I urge you to vote against this proposal. Please email with questions or for additional comments.

Sincerely,
Andrea Eger

Email received from Kristine Hall:

Please forward this comment to each Fillmore County Planning Commission member.

I am writing in regards to the February 16, 2023 Fillmore County Planning Commission meeting in which the Planning Commission will consider doubling the maximum industrial farm size from 2,000 AU to 4,000 AU.

The Fillmore County maximum AU should not be increased due to well-known CAFO concerns which include putting water, air, quality of life, property values, and tourism at risk.

Kristine Hall
Fillmore County property owner

Email received from Lizzy Haywood:

Dear Administrator Adkins,

I'm writing to express my opposition on the proposed amendment increasing the allowed animal units in Fillmore County feedlots. Concentrations of manure from these operations pollute air and contaminate water in our Root River watershed, putting residents' health at risk and decreasing property value. Our region's future depends on making quality of life our first priority.

Your opposition to the amendment will protect the people, land and water in Fillmore County and Southeast Minnesota.

Thank you,

Lizzy Haywood
Houston County, MN

Email received from Mitch Gilbert:

Please forward to members of Fillmore Planning Commission.

Thank you.

I am very surprised to hear that the commission is being asked to double permissible Animal Unit numbers on short notice.

Given the potential harms to neighbor's health, quality of life and property values, not to mention the long term risks of groundwater pollution by nitrates- already a major issue in a very vulnerable landscape - I cannot imagine why such a change would receive a vote without ample time for study and public comment.

By some accounts, this region already produces animal manures exceeding the agronomic rate applications for existing croplands. The county is riddled with sinkholes and karst features that make for unpredictable groundwater movements. The modern weather records clearly indicate increasing total rainfall and much larger individual rainfall events. This presents unknown levels of risk to both groundwater and to surface waters.

We clearly owe our descendants far better than to make decisions like this in haste. I urge you to vote against this proposal.

Respectfully,

Mitch Gilbert
Lanesboro MN

Email received from Matt Hellickson:

To all,

My name is Matt Hellickson, I am part of a family farm that has been around for generations and we focus on hogs and crops. I also serve on the Fillmore County Pork Producers and we receive tremendous support throughout our community. Farming has a huge economic impact throughout our county and it trickles down to all levels. We have several hog finishing sites and I do not anticipate expanding any of those current sites because it would have major disadvantages healthwise to our hogs. Even though I do not foresee us expanding our finishing sites, I do support expanding the number of animal units for any other farmers that would benefit from these certain situations.

Thank you
Matt Hellickson

Email received from Joyce Roffler:

Dear Commissioner Adkins,

I'm writing to express my opposition on the proposed amendment to increase the number of allowed animal units to double in Fillmore County feedlots. Perhaps the county could first consider approving smaller percentage increase to assess the risks and negative changes in may cause before blindly approving to double the number of livestock allowed. Concentrations of manure from these operations pollute air and contaminate water in our Root River watershed, putting residents' health at risk and decreasing property value. Our region's future depends on making quality of life the priority.

Your opposition to the amendment will protect the people, land and water in Fillmore County and our neighboring counties.

Thank you, Joyce Roffler

Email received from Roslyn Hjermsstad:

(Administrator Adkins--I do not have email addresses for the members of the planning commission, so I am asking you to please also forward the following message to them. THANK YOU!)

Dear Zoning Administrator Adkins, Fillmore County Commissioners and Planning Commission members,

Roslyn Hjermsstad here in Cannon Falls in Goodhue County, urging you and the Planning Commission to please deny the proposal to double the allowed number of animal units per farm from 2000 to 4000.

You probably wonder why a resident of Goodhue County is concerned about issues in Fillmore County. We, too, have the karst geology that greatly reduces the earth's capacity to filter out pollutants before they reach the groundwater. If Fillmore County allows large factory farms to become even larger, that idea could spread to our area as well. It sets a precedent.

I'm not a scientist, but I know that the soil has a limited capacity to absorb the waste that these farms generate. As the nearby fields have been "used up" as dumping grounds for a season, the farms will be forced to apply too much manure to those nearby ones or expand to ever widening areas. This can't be good for the environment.

Something that is also troublesome is that there is a stench that fills the air and gets worse when the manure is spread. That foul odor prevents anyone in the area or downwind from enjoying the freedom of the outdoors that is one of the reasons folks like us live in a rural area and not in polluted cities. It is so bad at times where these factory farms already exist that there are even health consequences for neighbors with issues such as asthma.

Factory farms are only good for the big corporations. Smaller family farms are the lifeblood of our communities and economy, and we should be supporting policies that support "the little guy" and keep it possible for him/her to compete.

PLEASE keep the animal unit maximum at 2,000 or even consider lowering it to keep our water and air clean and healthy. Thank you for listening.

Sincerely,

Roslyn Hjermstad

Email received from Carol Thompson:

I was Chairperson for Preble Township Zoning Study Committee 2018-2019. Our committee of six included Preble Township farmers and other rural residents. After nearly a year of studying extensively the impacts of large feedlots and the potential for significant environmental damage, especially in this area of Minnesota, it is my recommendation the animal units not be increased for Fillmore County. By increasing the feedlot capacity, you would force extra cost and burden to the individual townships by having to regulate animal units township on an individual basis, if the township decides the county animal units are too high for their geographic area.

Thank you

Carol Thompson

please forward this email to each member of the Planning Commission.

Email received from Donna Buckbee:

Please LOWER the cap on animal units allowable in Fillmore County. Do not raise the cap. Karst, groundwater contamination, quality of life issues for humans and animals, loss of property values, road damage and damage to tourism are reasons not to raise the cap. Thank you for standing up to this horrible proposal.

Donna Buckbee
5853 Ferndale Road
Rushford MN
55971

Email received from Bonnie Haugen:

Fillmore County Planning Commission members and Fillmore County Commissioners,
Water.

Air.

Money.

I really like drinking water that is safe and clean.

I really like breathing air without putrid manure odor and feedlot dust particles.

I do not want my neighbors, friends, relatives, colleagues, county citizens, grandkids, or any child to be subjected to air or water that will harm them.

I do not want my local tax to increase to pay for road repair from CAFO traffic.

I do not want my home and farm value to plummet because no one else wants to buy my bad air, contaminated water, or subsidize the extra road repair.

These are only some of the real concerns I have when a large Confined Animal Feeding Operation wants to do business anywhere, but especially in this karst topography.

13,000 hogs, 2,800 dairy cows, and 222,000 turkeys are examples of what I get concerned about for any person who needs uncontaminated water and air. The wants of a few can easily jeopardize the needs of many. Building structures can go up, be expanded and filled with animals relatively quickly. Building structures do wear out, can leak, and will leak at some point. When those animals' water use, and excretions are more than our environment can safely handle, the basic needs of many are in danger for a long time. Our water quantity and quality is precious, a basic need, and should be guarded with the highest effort. We shouldn't need to worry about the quantity of air, but we need to guard the quality of the air anywhere. Land owners have rights. People have rights. Land owners have the responsibility to not destroy water, air, or property value resources of their individual, town, or city neighbors. There are many studies that show more negative than positive impact on communities with CAFOs. CAFOs of this size are too risky for our county and karst region.

Thank you

Bonnie Haugen, Canton, Mn

Email received from Jake Stacken:

Good morning Cristal. Could you please forward this message to each member of the Planning Commission? Thank you.

Hello Planning Commission Members,

I'm writing to ask that you oppose any increase to the current size limitation on animal units (AU) in feedlots in Fillmore County. I value agriculture and understand its importance in our community. We all depend on it for food and it's a pillar to our rural economy. But we also depend on clean water and air, both of which are impacted by large-scale industrial agriculture. Our water is especially vulnerable to contamination due to our karst landscape. Our land use practices already have a negative impact on our ground water. Increasing the AU would exacerbate the pollution we should be trying to mitigate. I don't want to see Fillmore County become more industrial either. Let's keep it rural and keep the families on the land, not large industrial operations that compromise our health and rural charm. Thanks for your consideration.

Jake Stacken
Fillmore Township

Email received from Julie Little:

Dear Commissioners and Zoning Administrator:

You are about to make a decision that affects the quality of life for all living things in our county for generations to come. We know that the health of air, water, and land in karst country is fragile. We know that despite the greatest precautions and best intentions by feedlot owners, accidents happen. Already we've had fish kills and many of our aquifers are tainted. Farmers cannot control nature. Farmers are not the only ones to suffer when disasters happen and they are not the only ones who pay the price. Large concentrations of animals are a threat to the many and only stand to benefit the few. You represent the many. This decision must weigh

heavily. I don't envy you your position. But I beg of you not to raise feedlot numbers. Farmers have rights but those rights must be balanced with the rights of bed and breakfast owners, outfitters, restaurants, campgrounds, artists, small business owners, homeowners, schoolchildren, eagles, and all the rest who are trying to make our lives here. Making the tough decisions that protect that balance, like holding the limits for the lowest possible feedlot sizes, is what I ask of you.

Julie Little
16108 305th Ave
Harmony, MN 55939

Email received from Steve DeLaitsch:

Dear Planning and Zoning Commission, Fillmore County, Arlynn Hovey, Trinity Johnson, Andy Bisek, Steve Duxbury, Tom Thompson, Gary Ruskell

Please tell me what is in the minds of Fillmore County officials as I have just heard about a newly proposed feedlot ordinance zoning change for our magnificent southeast region. After the overwhelmingly rejection by the community of the Catalpa LLC pig operation in Newburg township do to its social, environmental and economic costs, how did this demon return?

Considering that this just seems to have suddenly come back, who is behind this proposal and who will benefit, how long has this been hidden, why wasn't this discussed earlier with the community. Please reject this idea, put it permanently to rest with the tire burning facility. Let those who would devalue our land, our water and our health move on to deplete other areas.

Let's build our communities with responsible businesses, modern infrastructure and people who do not take advantage of others to enhance their personal fortune.
This is the future of Fillmore County.

Steve DeLaitsch
Landowner, 5th Generation descendant - Tollefson Farm, 1853

Email received from Joni Mehus:

Dear County Commissioners:

As a taxpayer in both Fillmore and neighboring Houston County, I am concerned that the planning commission is considering doubling the animal units in Fillmore County. My farm is also extremely close to Fillmore County. We have many karst features on our property. I hope that you will consider our sensitive geology in this area and stand for land uses that will benefit us and protect our natural resources: water, air, and land. Karst topography is not a good fit for these huge operations.

The current cap of 2,000 animal units is already too high for the sensitive karst topography of Fillmore County. The commissioners in 2018 realized this as they requested an Environmental Impact Study before a proposed CAFO of this size could be built.

Increasing the animal units would lead to huge operations that would negatively impact not only our environment - air, land, water but also our communities, our property values, and our quality of life in southeastern Minnesota.

One only needs to look next door to both South Dakota and Iowa to see what a mess has been made by these huge operations. There are many examples of leaking pits, spilled manure, polluted air, nitrates in the water, and more. In fact, one can see these same situations in counties in Minnesota that have allowed these huge operations.

I am hopeful that you will vote no to increasing the size of these operations. They just aren't good for southeastern Minnesota.

Sincerely,

Joni Mehus

Email received with attached letter from Lucas Sjostrom, representing the Minnesota Milk Producers Association (see attached).

Email received from Ann Lyons:

Good-day Ms. Adkins,

As a resident of Fillmore County I am writing to you today to protest allowing expansion of the size of feedlots in Fillmore County. I am having a hard time understanding why this is an issue right now. I have these questions:

Who is initiating this action and why?

Is there a proposed large animal farm proposed?

Doesn't this present a conflict of interest to some on the Planning Commission?

How does the county benefit from such an environmentally dangerous business?

Will there be an Environmental Impact Statement required for new facilities?

I am not a farmer and do not have deep knowledge on this issue but I live in Harmony and we can already smell feedlots if the wind is wrong and when the spreading is going on. And I do know that with our topography and our karst make-up this is a particularly dangerous practice. I know there are people who are very interested in promoting sustainable tourism in our area. Don't you think the two are mutually exclusive?

I believe there are too many questions to make this move. The current regulations already provide for too many animals.

Thank-you for your consideration.

Ann Lyons
145 2nd Ave. SE
Harmony, MN 55939

Email received from Bradley & Barbara Westra:

- Dear Administrator,
 -
 - Please do not increase the animal units limits in our county. We are long time Fillmore County residents since 1976 and value our clean air, water and rural lifestyle. Increasing the cap on animal units could potentially lead to serious and irreversible pollution of our precious resources. We already deal with high nitrates in our wells and serious runoff of chemicals and soil erosion after heavy rains. With climate change, more unpredictable weather, and our unique Karst geology there are already many challenges ahead for our fragile environment. Please share our concerns with your members at the next meeting. Thank you.
 -
 - Sincerely,
 - Bradley and Barbara Westra
-

Email received from Del Underbakke:

Dear Cristal Adkins: Fillmore Co. Zoning Administrator

I am asking you forward my comments about the AU expansion proposal to the following members of the Planning Commission.

- Arlynn Hovey
- Trinity Johnson
- Andy Bisek
- Steve Duxbury
- Tom Thompson
- Gary Ruskell

Members of Fillmore Co. Planning Commission,

I want to strongly register my OBJECTION to the the proposal which would double the maximum industrial feedlot size from 2,000 “animal units” (AU) to 4,000 AU. I feel biological and environmental research has determined the current 2,000 AU cap is already too high for Fillmore County. Doubling this cap will lead to oversized industrial farms putting our communities at risk.

I am encouraging you to revisit the 2018 request for an Environmental Impact Study on the Catalpa hog operation. I'm sure environmental studies will support other township decisions to set lower AU limits in order to protect the health, air, water, and property values of our communities.

I am asking you vote AGAINST this proposal.

Del Underbakke

Email received from Cory Feine:

To Whom it may concern,

My name is Cory Feine and I am a salesman with Hammell Equipment. As an employee in an ag related business in Fillmore County I know first hand the importance of being sustainable.

I am writing this to voice my opinion on the matter of animal units in Fillmore county. I know that the rules are put in place to keep everyone safe. However, I feel that if farmers are following all the land stewardship rules and regulations they should be able to expand operations without having to jump through extra hoops. In order for agriculture to continue to be sustainable now and in the future Fillmore County should be open to change.

Best regards,

Cory Feine

Email received from David R Webb MD:

Cristal Adkins

Fillmore County Zoning Administrator

Dear Ms Adkins:

Please note that I am writing you not as an expert in animal husbandry or karst geology, but simply as a father, grandfather, and Fillmore County resident.

I well understand that each of us has to earn a living, and that here in rural Minnesota that obviously includes farmers, ranchers, and their families, as well as others who make their work possible – the elevator operators, implement dealers, sale barn operators, and so forth.

I also well understand that the days are long gone when we can with impunity over cultivate, over graze, poison the water, pollute the air, reap some short-term profits, and then simply relocate to some pristine land further West and start the process all over again.

If we are to leave anything of value to our children and grandchildren, we must be better stewards of the bounty Mother Earth has provided. We must strive to ensure that our use of land and water is sustainable, not recklessly exploitative. Doubling the maximum industrial farm size in Fillmore County would do just the opposite.

Accordingly, I respectfully urge you to reject the unwise proposal before you.

May I also ask that you forward this note to the other Planning Commission members: Arlynn Hovey, Trinity Johnson, Andy Bisek, Steve Duxbury, Tom Thompson, and Gary Ruskell.

Thank you.

Sincerely,

David R Webb, MD

Email received from CJ Robinson:

Dear County Zoning Administrator Cristal Adkins,

I hope this message finds you well.

A few years ago, Newberg township was wise enough to enact a moratorium on feedlot expansion, largely I believe because of public outcry over Al Hein's proposed hog operation. Would the county force every concerned township to do the same because it didn't have the courage to leave well enough alone? This in my opinion, borders on insanity considering the topography of most of this county. It's pretty obvious from all the letters (NONE in favor that I've read) that the citizens and more specifically, many of the farmers of Fillmore Co. agree. DO NOT let this happen, please!!

Don't increase our county's cap on the size of feedlots from 2,000 Animal Units to 4,000 animal units. I am writing to tell you that I am strongly opposed to this or any change that would increase the Animal Unit Cap.

What that change would mean is that barns holding up to 13,000 hogs, 2,800 dairy cows, 222,000 turkeys, or 4,000 steers would be allowed to be built. Operations of this size are truly the largest of the large. In fact, 95% of all dairy feedlots in Minnesota fall under 1264 Animal Units. For hog and beef cattle feedlots, 95% fall under 690 Animal Units. Our cap is already plenty high for the vast majority of farmers.

It is also well documented that the large concentrations of manure that is produced by operations this large pollutes the air that we all breathe and the water that we all use. They put the health of us and our communities at risk, while leaving the rest of the community to foot the cleanup bill, and deal with the decrease in our property values.

Increasing the cap on the size of industrial farm operations in Fillmore County is a step in the wrong direction, particularly in Karst Country. Our current Animal Unit Cap is in line with our neighboring counties like Winona, Mower, Dodge, Rice, and Freeborn, and numerous townships that all have caps on the size of feedlots similar to our current cap or lower.

Don't take our shared county in the wrong direction. Keep our animal unit cap where it's at.

Thank you for your consideration. I look forward to hearing from you!

Sincerely,
CJ ROBINSON
43645 Bobcat Dr Rushford, MN 55971-5047 robinsongz@hotmail.com

Email received from Mark Klinski:

HELLO ,I WOULD BE AGAINST EXPANSION ,BECAUSE OF THE POTENTIAL
FOR GROUND WATER & SURFACE WATER CONTAMINATION., IF SOMEONE NEEDS TO EXPAND ,LET
THEM BUILD ON ANOTHER FARM/LOCATION IN THE COUNTY ./ THANK YOU ,MARK A. KLINSKI
 ,IN HOUSTON COUNTY ,WATERSHED AREA

Email (letter) received from Blaine Gatzke and Jeff Soma:

Cristal,

attached is a letter I hope you will consider on the animal unit topic. Please forward this to each commission member.

Thank you,
Blaine Gatzke
Harmony, MN

February 14, 2023

Please vote to increase the animal unit regulation currently at 2000

There are many reasons to vote "yes" to an increase, here are a few.

- It gives the family farm the option of looking into increasing the size of their operation if they have family members thinking of coming home to join the operation.
- The larger the family farm is the more environmentally conscientious they become because of the more requirements they have to meet. Right now, they must comply with federal, state, and mpca regulations even if they are over 1000 animal units.
- The Ag industry and family farms are a huge part of the local economy. These farms also provide jobs for younger local people teaching them responsibility and teaching them to become productive citizens.
- Everyone has the right to their opinion; a lot of people are concerned about corporations. With changing times, the family farms have added "corporation" or "LLC" to their farm name to legally protect themselves, just like any other business does or should do.
- Everyone should have the option to expand if they meet the requirements set forth by federal, state, and county requirements. By increasing the number of animal units it eliminates one little hurdle in the process.

Thank you,
Blaine Gatzke Harmony, Mn
Jeff Soma Harmony, Mn

Email received from Dale Forster & Pat Gemlo:

Dear Administrator Adkins: Please pass on this message to every member of the Planning and Zoning Commission.

Thank you for your help.

Dear Planning and Zoning Commission Member:

The proposal to allow county feedlots to double the animal units to 4000 is extremely ill-advised and a very bad idea. Certainly the proposal would enrich select people and corporations. But the big costs would fall on the rest of us. Imagine dealing with the increase in animal waste. Just one feedlot of 13000+ hogs would about equal the total of humans in the 14 towns of Fillmore County. And the hog waste won't be run through any sewage treatment plant.

Already the county has too many wells contaminated with harmful chemicals and pathogens. By allowing feedlots to double in size, we'll face even worse pollution of our precious water resources as manure runoff flows through porous karst formations. We'll see more damage to our air, to property and business valuations, to human and

animal health, and everyone's quality of life. All these things at risk are far more important and valuable than higher profits for feedlot operators.

We believe the Fillmore County Planning Commission should cancel the doubling proposal and instead, get serious about lowering the current allowable feedlot size of 2000 animal units. All county government officials should plan ahead and work to insure a safe and healthful future for our land, air, water and people.

Sincerely,

Dale Forster and Pat Gemlo
25-year residents of Lanesboro, MN

Email received from Patrick Stoffel:

Hello Commissioner:

Please reject any plan of raising the maximum industrial "farms" size in Fillmore County. I live in southwest Wisconsin now – in the driftless area. But I lived in Minnesota (St. Cloud) for 17 years, and I grew up on too small family farms in west central Wisconsin – one south of Woodville and the other east of Downsview.

There is no reason to do this except for the greed of a few CAFO owners. You can bet nobody else, especially the farmers and people that live near CAFO's, would think doubling the cap limit is a good idea. Why don't you take a poll of the people in the area and see what they think? A corporation can occupy land; land is fixed asset. The water, soil nutrients, and air that flows through the land – that is shared by everyone in its path before, during, and after it mingles with the CAFO. Why don't the owners live downstream or down wind of these monstrosities?

Thank you

Patrick Stoffel

Patrick R. Stoffel
321 Cramer Street
Mazomanie, WI. 53560
608-835-1774
Stpa0001@hotmail.com

Email received from Adam Muschler:

Hi Crystal! I would ask that you forward the below comments and the attached document to everyone on the Fillmore County Planning Commission, thanks!

Hello! Thank you for your time. I would like to express my concern over Fillmore County considering expanding its animal unit cap to 4,000 AU. I have attached a document that me and some other concerned citizens put together about challenges to clean drinking water in Winona County. I myself, am from St. Charles. Winona has the worst water quality in SE Minnesota and Fillmore County is only slightly behind so I think everything we have written applies to Fillmore County. Looking at the Southeast

Minnesota Volunteer Nitrate Monitoring Network results from 2021, 16.4% of wells tested in Fillmore County have above the legal limit of Nitrate contamination. Concentrated agriculture contributes 70% of nitrates in drinking water in MN.

Statistics aside, I just think that raising the AU cap is a really dangerous game. If you truly think it is necessary for the economy of Fillmore County to expand the cap, I can't say I would judge anyone making that decision. But this is a something there is really no going back from. So, I urge you to really think through your decision.

Thanks,
Adam Muschler

Email received from Jim & Karen Brown:

Cristal,
Please also forward this to members of the Planning Commission. Thank you very much. Karen
(letter attached)

Email received from Rod Torgerson:

I am emailing you in support of increasing the animal unit size per farm in Fillmore County from 2000 head to 4000 head. I live in Houston County and we have no issues over here on over population of animals. I am the feed department manager for Farmers Win Co-op. We have multiple locations in Minnesota and Iowa, but we run two feed mills. One mill is in Houston and one is in Cresco Iowa. Both feed mills deliver a lot of feed into Fillmore County and this directly impacts our business. We have about 25 employees at the Houston location and 10 at the Cresco location. When counties have such restrictions on farmers in our areas we need to venture further out to counties that don't dictate such measures on farms. I never understood why Winona and Fillmore Counties which are both huge agricultural and livestock counties had such restrictions. With all the regulations and licensing it takes to put up animal units there should be no issues. The county should be run on data and not the fear of a few on what could happen with no proof. With more small farms moving away from livestock the ones that are left will need to continue to get bigger to compete in the global market we are in.

Thank you for listening

Rod Torgerson
Feed Division Manager
Farmers Win Co-op

Office Phone: 507-896-3147

Email received from Michael Himlie:

To the Planning & Zoning Committee members of Fillmore County,

On the 16th of February the county planning & zoning committee will vote on a proposal to double the feedlot cap.

In karst country, our water is fragile. Currently 17% of the wells in Fillmore County have nitrate counts above safe water drinking levels. Some might say that we do not know whether nitrate levels in the water are directly related to agricultural practices, but the MPCA has shown that 70% of nitrate in water is coming from cropland. If we won't protect our own water today, let us at least protect the safety of the drinking water for our children.

In 2018 the Fillmore County Commissioners unanimously requested that the Catalpa hog operation complete an Environmental Impact Study. This was brought about due to the size & risk of the operation. Some townships such as Newburg have set lower feedlot caps than what the county already has in place in order to protect residents. This consideration to double or raise in any way the current county caps is going in the wrong direction.

Currently over 99% of Minnesota feedlots fall under 2,000 animal units. This proposal is unnecessary & while I don't believe anyone should house more than 2,000 animal units over karst country, a CUP could be considered down the road, if this were to be a concern.

My young farming friends & family work together creating success in their small, sustainable operations. Making them compete against local industrial feedlots would be the end of small livestock farming. To nurture sustainable agriculture for our farmers, we should keep current feedlot allowances where they are.

I look forward to your support for a brighter future, for everyone, come the meeting on the 16th.

Michael Himlie
Harmony City Council Member

Email received from Josi Severson:

Hi Cristal- please take into consideration our wildlife alongside the demands of farming. There is room for both without overusing what is appropriate for the area. Animals that are in the wild are just as important to our well being as those being farmed. Thank you-
Josi Severson

On February 16th, the Fillmore County Planning Commission will consider **doubling** the maximum industrial farm size from 2,000 "[animal units](#)" AU (over 6,600 hogs) to 4,000 animal units which would be over:

- 13,000 hogs
- 2,800 dairy cows
- 222,000 turkeys
- 4,000 steers

The current cap of 2,000 animal units is already too high for Fillmore County.

In fact, in 2018 the Fillmore County Commissioners wisely and *unanimously* requested that the Catalpa hog operation (2,000 AU or 5,000 sows) complete an Environmental Impact Study due to the size and risk of the operation.

Doubling this cap would lead to enormous industrial farms that could put our communities, health, air, water, and property values at risk.

Josi Severson- Owner & Designer
Design for Home, Fashion, & Fabrics

612-708-7696
josiseverson@gmail.com
www.josiseverson.com

Email received from James Gallina:

Administrator Adkins,

Please forward my comments below to each of the members of the Fillmore County Planning Commission. This includes Commissioners Hovey, Johnson, Bisek, Duxbury, Thompson, and Ruskell.

I want to voice my opposition to increasing the maximum industrial feedlot size in Fillmore County. I am a rural Fillmore County resident who has installed a reverse osmosis water filtration system in my home due to the presence of various pesticides and nitrate in my well water. Fillmore County's karst topography is porous and larger industrial feedlots will increase the likelihood of even greater contamination of our groundwater. Please do not allow this increase. It is bad for our health and property values.

It's no secret that many lakes and streams in Iowa are not safe for swimming or fishing due to the lax laws regarding farms and animal feedlots. Please do not let Fillmore County's water become more like that in Iowa. We should be more responsible for our residents and the children in our county.

Sincerely,
James Gallina
30232 County 7
Chatfield, MN 55923

Email received from Angela Anderson:

Dear County Officials,

We are desperately trying to save our local, sustainable farming practices and protect the health and wellbeing of our communities. Our local natural resources and the health of our communities should not be sacrificed for the profits of large agricultural enterprises, exploiting our resources only to export their product to countries like China and Mexico. This unfair, unethical market competition destroys a place with sustainable practices in service of global enterprise. This does not work for agriculture in which each area has limitations to its available specific natural resources. Doubling the animal units which are already too high for Fillmore Karst country is unacceptable and to local communities' detriment.

Sincerely,
Angela Anderson

Email received from Daniel Bergin:

My name is Dan Bergin,

I would like to discuss the realities of Livestock farming in 2023

1st off---let's think of towns and areas where there no longer is any or few livestock operations? For the most part, the towns are ghost towns! Without livestock there's no need for a vet, a nutritionist, a feed mill, feed delivery trucks, our feed mill in Houston employs 25 people, Cresco 10, all 100% connected to feed. There's also no need for A.I. service people, no need for dairy equipment people, no need for milk truck drivers, no need for DHIA testers!

Any piece of equipment a grain farmer needs, a dairy farmer also needs! However, the dairy farmer needs a huge amount of equipment that a grain farmer does not need! FORAGE EQUIPMENT! Hay cutters, rakes/mergers, choppers, trucks, wagons, packing tractors. Skid loaders, manure spreaders. Fences, waters, gates, curtains, free stalls, post, buildings, and bunkers.

Everything I've just mentioned involves many, many jobs and business's, like I already mentioned "GHOST TOWNS "

The financial realities of dairy farming today is unfortunately one of scale. One larger operation is more economically sensible than 6 smaller dairies that each one would need all the same equipment as the one! In 2023, tires for a tractor can cost more than a tractor cost 50 years ago! In 2023, a tractor can cost more than an entire farm cost 50 years ago!

In the early 1990's there were close to 200,000 dairy farmers in the USA. In 2023 there are now below 40,000 dairy's left! I feel it's extremely important to support any Dairy Farmer who has the tenacity to want to farm in this always challenging field!

Without the livestock farmer say good-bye our small towns, schools, implement dealers, without all these jobs, there most likely will be no restaurants etc.

I'm 65 years old and have spent my entire adult life in this business. Yes, things have changed a lot. Yes, it's a sad reality that farmers have been economically forced to get larger to stay in business , Another fact is , what we in our area consider a large dairy is in many other areas even in Minnesota a not so large operation? Riverview dairy in western MN. And South Dakota is now over 120,000 cows! These are the large operations that our Dairy Farmers have to compete with!

I hope my letter helps people realize just how important Dairy Farmers are to our local economy!

Sincerley, Dan Bergin, Land O Lakes /Purina
Farmers Win coop, Caledonia, MN.
507 313 8844

Email received from Alayna Sobieniak:

I am writing to express my concern for the proposed changes to the limit of "animal units" in Fillmore County. These very large feedlots are a huge environmental concern as well as a health concern for the people who live near them. We live in a very fragile watershed that is impacted greatly by the local agricultural practices. Our beautiful natural resources in Fillmore county are a valuable asset to your constituents and tourists who come to the area to support local businesses. Doubling this cap

would lead to enormous industrial farms that could put our communities, health, air, water, and property values at risk.

Thank you for your consideration of this very important issue.

Alayna Sobieniak
Lanesboro, Minnesota

Email received from Lance Prado:

I am writing to express my concern for the proposed changes to the limit of "animal units" in Fillmore County. These very large feedlots are a huge environmental concern as well as a health concern for the people who live near them. We live in a very fragile watershed that is impacted greatly by the local agricultural practices. Our beautiful natural resources in Fillmore county are a valuable asset to your constituents and tourists who come to the area to support local businesses. As a natural recreation business owner in Fillmore County this concerns me greatly. Our success in business depends on clean water and healthy habitat for our local fish population. Doubling this cap would lead to enormous industrial farms that could put our communities, health, air, water, and property values at risk.

Thank you for your consideration of this very important issue.

Lance Prado
Lanesboro, Minnesota

Email received from Jerry Cleveland:

Crystal,

I think the idea of doubling the capacity of feedlots in Fillmore County is a big mistake. This is a Karst area with many caves, sink holes, and underground streams. Many of our wells are already compromised. Allowing larger feedlots will only make matters worse.

Thanks.

Jerry Cleveland,
Spring Valley

Email received from Aaron Bishop:

Fillmore County Commissioners,

We are writing to you in the unfortunate event that the proposal to increase the allowable AU size to any degree for feedlots in Fillmore County moves forward as a recommendation from the Planning and Zoning Board. Nearly five years ago, the Fillmore County Commissioners supported the request for an Environmental Impact Statement from the MPCA regarding a CAFO in Newburg Township. You listened to the science then, and it was the right decision.

At that time the science was made clear by esteemed karst geologists, hydrogeologists, and volunteers with backgrounds in local soil and water that large confinement operations such as this, pose multiple risks to surrounding acreages, wells, and the watershed. Nutrient runoff from manure application negatively impacts the drinking water that residents of our county rely upon.

Nearby counties such as Mower, Freeborn, Blue Earth, Dodge, Le Sueur, and Nicolett have a cap of 3,000 AUs, and they don't exhibit our karst features. We have such a tremendous resource in our springs, rivers, and caves, yet these are all conduits for rapid and often unpredictable excess nitrogen transport. Both Faribault and Rice counties have a 2,000 AU cap, and they are also not karst counties. Why would we want to match or exceed these numbers?!

If someone wishes to risk their own health (by smoking for example), and let's assume they do so responsibly by doing so only outdoors and never around anyone else who would have to breathe that smoke. That's fine and they will likely suffer some consequences of that choice. But we don't live in a vacuum. This is the water that we all drink and the air that we all breathe. What of the neighbors who didn't sign up for increased nitrates? What about those of us who can't afford to dig a new well deep enough to keep the nitrates out of the water on our own property? Who pays for that? Is that fair? Is that right?

In recent years, nitrates have been directly linked to ovarian cancer, kidney cancer, colorectal cancer, bladder cancer, and thyroid disease. It's been discovered that, depending where you live, "nitrate-attributable cancer in Iowa ranges from 2.3 to 10.43 cases per 100,000 people." Nationally, that's 12,600 people annually, and heavily concentrated where there are excessive nitrates found in drinking water. Nearly all of Fillmore County's townships that you represent have wells that illustrate excessive nitrate contamination.

We don't have a cure for cancer, but we can identify certain sources which cause it. And do our best to limit those exposures. Please take this simple step to limit these unwanted (and often unknown) dangers to the residents of our county.

Considering the nitrate levels already present in our water in this county, I should think and hope the county's desire and prerogative would be to decrease exposure; not maintain the exposure, and certainly not *increase* it. For example, Winona County (which shares similar geology) has placed a more responsible AU cap of 1,500. We who live here and those who represent us could instead team up with communities in similar situations to spearhead calls to re-evaluate the current "acceptable" levels of nitrate contamination in drinking water.

I implore you to once again, use the resources we have available at the county, state, and national level; read the studies and in particular, the health case studies from our state neighbors to the south, who also struggle with water quality issues. Please, listen to the science now, as it has only gotten a lot more detailed, and nitrates are being recognized as a more dangerous issue to families, as well as a more costly issue for local and state governments.

Do we want higher nitrates to endanger more of our residents? Will your decisions increase or decrease the risk of health problems for families with infants, those who are pregnant, or those who want to become pregnant? You won't be in your positions forever, and there will be many more people who have to live with your decisions here in Fillmore County, beyond you (and me, for that matter). They will live with the decisions you make. An ounce of prevention is worth more than a pound of cure.

Thank you for your time and consideration,
Aaron and Amy Bishop

Email received from Donna Rasmussen:

Members of the Fillmore County Planning Commission:

I am writing in opposition to raising the feedlot animal unit cap from 2000 to 4000 AU. In my 28 years in Fillmore County working on water quality issues, nitrates and bacteria in groundwater were the primary concerns due to the negative impacts to drinking water quality and the potential health effects. Livestock manure is one of the sources of nitrate and bacteria contamination. Increasing the concentration of animals in feedlots further concentrates manure production raising the risk of overapplication and, consequently, the risk of increased leaching of contaminants into groundwater and runoff into surface waters. These concerns were the same at the time the 2000 AU cap was put in place, and the vulnerability of our groundwater has not changed. According to MN Department of Agriculture in the state's Nitrogen Fertilizer Management Plan, all 24 townships in Fillmore County are considered vulnerable to groundwater contamination. Township nitrate testing shows 11 townships with at least 5% of the wells with nitrate levels over 10 mg/L, the safe drinking water standard; 3 of those townships have over 10% of the wells over 10 mg/L, and 1 township has over 20% of the wells over 10 mg/L. Past data has shown that an even higher percentage of the county's wells have bacterial contamination. Any detection of bacteria in drinking water is considered unsafe for human health.

We still have work to do to ensure safe drinking water for all. There are about 4000 private wells in Fillmore County, and less than half are constructed to meet the state well code standards. That means a significant number of rural residents have wells susceptible to contamination. Preventing further contamination of water table aquifers is the best option for ensuring a safe water supply. There are some who say that the solution is drilling deeper wells, but deeper aquifers will eventually be recharged with water from the water table aquifer pushing water quality problems into the future which will still have to be dealt with then.

In addition to water quality concerns, concentrating more animals into smaller areas raises animal health concerns. Now that avian flu has been detected in mammals, and knowing the devastation that avian flu has had on the poultry industry, further concentration of other livestock populations could have major negative economic impacts.

One other consideration is the impact on county and township roads with increased transportation of manure. I live about a mile from a 600+ dairy and have seen the damage done to the roads used for hauling large quantities of manure.

Thank you for considering these comments and for your service on the Planning Commission. It's not an easy job; your commitment to protecting Fillmore County's natural resources is appreciated.

Donna Rasmussen
Retired Fillmore SWCD Administrator

Email received from Marc Brogan:

Here we are again having to defend our rights to clean air and clean water. Myself, like many others, thought Fillmore County settled this argument previously. Fillmore County should be doing more to increase small farm support, land stewardship, & eco friendly practices. Even entertaining this idea that these large feed lots & hog setups is the opposite of progressive thinking. Fillmore county, the Driftless region, and the karst geology is far to sensitive & valuable to entertain these selfish practices. Catering to Big ag destroys the appeal of the area. Tell them

to go to Mower County where it always smells of livestock, it's all monoculture destroying water ways, & the visual appeal is monoculture farming & windmills. I don't know why anyone would want to relocate or invest in Fillmore County if this is the direction it chooses to go.

We tax payers have already lost our federal government to corporate corruption. Often questionable on the state level. We shouldn't have to fight our own neighbors to protect our rights to clean air and drinking water.

Please oppose all expansion proposals and protect your neighbors and the land for future generations.

Thanks
Marc Brogan

Email received from George Spangler:

Honorable Commissioners: Attached is a letter to you asking for your consideration of a new feedlot cap proposed for Fillmore County. I will attend the public meeting scheduled for this evening at the Fillmore County courthouse. I look forward to hearing the views of others on this important issue. ----George Spangler (see attached letter)

Email received from Rob Engelhardt:

Hello,

My name is Rob Engelhardt, I grew up on a dairy farm in Northeast Iowa and for the last 32 years have been with Lang's Dairy Equipment company in Decorah, we also have a dealership in Lewiston. Half of the customers we serve are in Fillmore and Houston county area. Farming in general and especially dairy farming requires a love and passion for what needs to be done, caring for the land, planting crops, and then putting their trust in mother nature to grow those crops for them. Dairy farming is especially tough, caring for those animals 7 days a week, 365 days a year requires a dedication above any other. I have first hand witnessed how much the dairymen and women have invested in their animals wellbeing, not only financially but personally as well. There are times when the financial return just isn't there, but they still have to keep moving forward because that is just what needs to be done! Over the last 32 years I have unfortunately witnessed hundreds of dairy farmers and friends have to exit the industry they love because they financially could not continue. Volatile input costs and lack of a strong market for their products have made it very difficult for many to keep going. In order to survive and provide a living for their families, they must get more efficient, and getting more efficient sometimes requires adding animals. The more families that need to scratch out a living from that operation, the more animals that are needed. We have made it almost impossible for a young person interested in farming to get started, due to high land prices, high input costs and no guarantees of a decent market for what they are producing. Then we add in the government hoops to jump through! Sometimes the only path for these people is to join the family farm, or partner with someone else, but that requires growing the farm and the number of animals on that farm. It doesn't matter if there are 250 animals on that farm or 2500 animals, they all will receive the same amount of care, yes there will be more manure to deal with. To a farmer, that manure is a valuable commodity not to be wasted, commercial fertilizer is growing more and more expensive all the time. There are already strict regulations on how that manure can be applied to the fields, but regardless of that, the farmer applying that manure doesn't want any of it washing away or contaminating ground water. Their families rely on clean, good water just like you and I do. Assuming that will change by increasing the number of animals allowed is just ludicrous. Our local

farmers are tasked with feeding a large population in this world, let's not forget that. If we continue to make it increasingly more difficult for them to do just that, we are hurting not only the local economy but also putting our food supply in jeopardy. We rely on our area farmers for not only the dollars they bring to the local economy but more importantly a safe and affordable food supply. I encourage all of us to think about that in light of what this country has been dealing with these past few years.

Thanks for your time

Rob Engelhardt
General Manager
Lang's Dairy Equipment
Cell 563-419-8608
Office 563-382-8722

Email received from Heather Hill:

PLEASE vote NO on increasing the allowable animal units in Fillmore County, MN. We are currently doing too much damage in our area and we need to focus on repairing and creating a clean, healthy environment so that our children have clean water and soil to grow up on and have for their future. Let's focus on supporting small family farms that provide food and community to their neighbors. We don't need added stench from the industrial farming practices, we don't need added runoff (poison) into our groundwater, wells and streams.

Let's focus on educating and teaching area farmers the importance of building soil health, rotational grazing methods, no-till implementation, and preventing excessive runoff. Create affordable programs and grant money to local farmers to get on board. Invest in Fillmore County's future by voting NO.

We need to keep farms small, animal units low. There is no room for big ag in Fillmore County.

Please forward my concerns to each member of the Planning Commission.

VOTE NO.

Thank you for your time,

Heather Hill
Spring Valley, MN 55975

Email received from Jim Ostlie:

Please see attached.

Jim Ostlie
Livestock Development & Planning Specialist/FarmLink Coordinator
Minnesota Department of Agriculture
320-444-1113
Jim.ostlie@state.mn.us

Email received from Joan Thilges:

To whom it may concern:

We were horrified to that the Fillmore County Planning Commission and county commissioners would even contemplate doubling the size of factory farms in the county. Fillmore County already rates 3rd in the state for manure and fertilizer risking our groundwater for obscene levels of nitrogen.

<https://www.ewg.org/interactive-maps/2020-manure-overload/>

We lived 35 years in Martin County, MN, about 180 miles straight west of us and watched the county go from having a number of resorts and campgrounds to the most polluted in the state, devoid of a place to park a camper. The county has more lakes than any other in the state and has a very high water table. From our home, we could see massive hog confinement operations in every single direction. Our lake home was often overwhelmed by the stench and dust coming from them. The county produced 1.7 million hogs 4 years ago.

About 10 years we purchased 76 acres of mostly forested land in Newburg Township. Riceford Creek borders our property. We had left the land of hog confinement on orders from my doctor. I was developing severe health problems from the hog production sites near us. We have built our home here. We have had our well water along with water from Riceford Creek and the spring on our property tested. So far, they're all drinkable, at least in the winter. This region of karst land is one of the most delicate in the state. How much standing water do you see after a rain? Our road has literally been washed out more than once in 10 years from heavy rainfall yet a day or 2 later there is no standing water anywhere. I come from a family of scientists but I don't need science to know that our ground is like a massive sponge. Whatever is dumped on top quickly works through the porous limestone into the groundwater. I have served on Planning Commissions in both Minnesota and Iowa and I know that your priority is to protect the land and the citizens from attacks to their very lives from pollution. You have a responsibility to stand up to pressure from factory farms. The land value of recreational property in the county is rising. What happens to your tax dollars when property values plummet? We both know industry, recreational property, and business pay far higher tax rates than farmers.

Please protect the earth and the citizens of Fillmore County.

Joan Thilges

Email received from Carolyn Baker Meyer:

Good Afternoon, Cristal

I am writing you today to express my sincere concern on the topic of this evening's meeting of Fillmore County Planning & Zoning. My husband and I have lived out most of our lives around numerous sink holes in this Karst region of Minnesota, and we know how sink holes have a direct line to groundwater. As lifelong residents and property owners in northern Fillmore County, we strongly encourage that the animal cap unit for feedlots in Fillmore County NOT be raised. Such a change would have detrimental effects on the population of Fillmore County throughout the 21st century and beyond, effecting future generations!

Let's not do something that future generations would surely curse such a decision for years to come.

Think of your grandchildren and great-grandchildren! Please exercise care for our descendants' future in Fillmore County.

Thank you,

Dennis and Carolyn Meyer

Wykoff, MN, 507-352-4200

Email received from Roxi Thompson:

I'm writing to state my support for increasing the animal unit cap to 4,000 animal units.

Animal agriculture is complementary to row crop production and the manure utilized reduces commercial fertilizer use and increases soil health.

I understand that this increase simply allows farmers to apply for a permit up to 4,000 animal units and that every application for 4,000 animal units must be evaluated not only by the County, but also the Minnesota Pollution Control Agency.

Sincere regards,
Roxanne Thompson
507-259-3774
36202 180th St
Harmony, MN 55939

Email received from Margaret Johnson:

Ms. Adkins,
Good afternoon, I have attached a statement of support for the proposed animal unit cap change. Thank you for your work on this project. We appreciate all that you do.

Margaret Johnson

Email received from John Rein:

Hello Crystal, this is John Rein. I was planning on being there at the committee meeting tonight but am still out running calls and am pretty sure I won't be able to attend the meeting. I had a statement prepared that I was going to deliver during the public comment time. I have texted it to Chris Miller and he said he would be willing to read it on our behalf if it was allowed by the meeting rules. I am also forwarding the statement to you so it is on the record, and if Chris can't read it, would you or someone else be able to? Thank you for whatever you are able to do. Please confirm that you received this. I hope tonight is productive.

John

John H. Rein, DVM
36830 Evergreen Rd
Lanesboro, MN 55949
507-421-3814
rein0195@hotmail.com

Email received from Enid Dunn:

Cons Of Increasing Units

High water use could result in a drought.

The chance for a zoonosis event increases.

Ex.: Bird flu

Swine flu

Fosters antimicrobial resistance. Antibiotics are used for preventing and treating disease and to foster growth.

CAFO creates air and water pollution, has aesthetic impacts, and creates noise, rodents and insects.

Respectfully submitted,

Enid L. Dunn

Email received from Dennis Gavin:

I would like to comment about the feedlot ordinance with wanting to expand the animal numbers. I think it's like any business, we all have to keep trying to grow and to do more with less. In transportation, we have to try to run bigger trucks with more axles to haul more with less people. Similarly for feed lots, by feeding more, feedlots can be more efficient and control cost at the same time. I do understand the importance of being good stewards of the land, and State guide lines are designed to prevent pollution. However, we believe that most farms respect the importance of being good land stewards, and there is a way to continue to safely expand operations to allow these farms to remain sustainable and profitable. We see small farms disappearing every day, and we think it's important to support those who remain in our area.

Dennis Gavin

CALEDONIA HAULERS / CEO

Direct: (507)725-9008

Cell: (507)951-2601

420 West Lincoln Street PO Box 31

Caledonia, MN 55921

Dodge County Concerned Citizens

dodgecc.org

February 6, 2023

SENT VIA E-MAIL

Fillmore County Commissioners
101 Fillmore Street West
Preston, Minnesota 55965

Re: Fillmore County – Proposed Modification of Animal Unit Cap

Dear Fillmore County Commissioners:

I am an attorney in Minneapolis, but I write as a farmer's daughter and as a member of Dodge County Concerned Citizens (dodgecc.org). I am actively involved in the day-to-day operation of our family farm in neighboring Dodge County, Minnesota.

I urge you to deny the efforts to increase the number of Animal Units in Fillmore County. In the alternative, I suggest that you adopt a moratorium on the construction of all animal confinement facilities in Fillmore County, thus providing all residents an opportunity to participate in this important decision that will forever change the character of Fillmore County.

My family has been on the frontlines for years fighting industrial animal agriculture. In the early 1990s, we witnessed significant changes to the rural countryside, as concentrated animal feeding operations ("CAFOs") began to disrupt the rural area. In 1993, the first pig CAFO was constructed approximately one mile north of our farm, which today confine approximately 4,000 pigs. Since then, numerous pig CAFOs have been constructed in the immediate area, including one located one-half mile west of our farm and another located a mile north of our farm. Today, there are 12 swine CAFOs within a 3-mile radius of our farm, housing an estimated 30,000 pigs.

These facilities generate a substantial amount of waste. One pig produces approximately 10 times more fecal waste than a human,¹ so the pigs right around our farm generate the same amount of waste as a city of 300,000 people. This waste contains antibiotics, nitrogen, phosphorus and other contaminants.²

This accumulation of fecal waste is terribly disruptive to our lives. At the nearby CAFOs, the confinement barns are located over manure pits capable of holding hundreds of thousands of gallons of urine and feces. Each evening, the facilities raise the curtain that close off parts of the confinement barns, and the putrid stench from the manure pits rolls across the countryside. During the fall, the CAFO operators pump the urine and feces out of the manure pits. During

¹ See Mark Sobsey & Vincent Hill, *Hog Waste Treatment to Control Microbial Contamination* (June 2008), <https://repository.lib.ncsu.edu/bitstream/handle/1840.4/4110/NC-WRRI-380.pdf>.

² Michael A. Mallin et al., *Industrial Swine and Poultry Production Causes Chronic Nutrient and Fecal Microbial Stream Pollution*, 226 *Water, Air, Soil & Pollution* 407, 407 (2015).

pump-out, the manure pits are agitated, which causes them to release hydrogen sulfide, ammonia, methane, and other dangerous gases. CAFO operators then apply the manure pumped from the pits on neighboring field by injecting it into the soil.

Immediately adjacent to our farm, I have personally witnessed application of manure onto frozen ground that cannot absorb the manure, as well as over-application of manure. These are dangerous practices, as manure frequently pools and eventually runs off into area drainage ditches, rivers and road ditches, which in turn increases the risk of water pollution.

My elderly parents spent their twilight years consumed by a series of legal battles that my parents initiated against Dodge County officials and area swine contract growers. Rather than enjoying the fruits of their labors, they tirelessly fought the swine industry to protect our land from the encroachment of industrial factory farms that scarred the rural landscape, polluted the air and water, harmed the local economy, and detrimentally affected human health in Dodge County. Despite the emotional scars of these lawsuits, it's something my family would do all over again. My family re-lives these fights over and over again. If we can stop one more factory farm and save one more community, we will. It is our calling.

One of my parents' legal proceedings advanced to the Minnesota Court of Appeals. We invited *amicus* (friends of the court) to submit briefs to the Minnesota Court of Appeals. I encourage you to review the attached briefs, which are available at dodgecc.org.

We know firsthand the dangers associated with industrial swine operations. We have shared our story in Buffalo, North Dakota; Devils Lake, North Dakota; Becker County, Minnesota, western Wisconsin and other frontline communities—the swine industry's new territory as the industry seeks to move its territory north and east to minimize disease progression. I am here to warn the citizens of Fillmore County—do everything in your power to limit industrial factory farms from moving into beautiful southeastern Minnesota and karst country!

Our family farm is situated at the headwaters of the Cedar River, which flows south to Austin, Minnesota, world headquarters of Hormel Foods. According to the Minnesota Pollution Control Agency ("MPCA"), "improper application of manure can contaminate surface or groundwater."³ The MPCA lists the Cedar River as an impaired water that is "non-supporting of aquatic life for aquatic macroinvertebrate communities," in part because of high concentration of nitrogen and phosphorous, two pollutants often present in animal waste.⁴ I believe that the Cedar River is impaired, at least in part, because of water pollution from CAFOs.

This belief was confirmed in 2017, when our citizens group, Dodge County Concerned Citizens, worked with the Izaak Walton League on the Cedar River Watershed Project, which documented water pollution in our community. Over a 19-week period, 40 volunteers collected 498 samples from 83 sites across the Cedar River watershed.⁵ Of the samples collected, 70 percent indicated

³ MPCA, Mississippi River – Sartell Watershed E. coli and Phosphorus Total Maximum Daily Load (Nov. 2020), <https://www.pca.state.mn.us/sites/default/files/wq-iw8-61e.pdf>.

⁴ MPCA, Cedar River Watershed Stressor Identification Report 46 (June 2016). <https://www.pca.state.mn.us/sites/default/files/wq-ws5-07080201a.pdf>.

⁵ See, Izaak Walton League, Cedar River Watershed Project Report (Feb. 2018).

the presence of *E. coli* exceeding health standards for safe recreational uses, such as swimming, wading or boating.⁶ Throughout the watershed, DNA testing also indicated contamination from pig and cattle fecal waste. After major rainstorms, testing consistently found high *E. coli* readings, indicating that “the rain is flushing *E. coli* on the land, and in tile lines and ditches into the streams,” raising concerns “about the health of children and adults who enjoy our streams, rivers and lakes.”⁷ According to the U.S. Geological Survey, exposure to *E. coli*-contaminated water can cause “health problems and sickness,” including “urinary tract infections, respiratory illness, and pneumonia.”⁸

Local wells in Dodge County often have high levels of nitrate, a chemical component of manure that can run off fields, seep into groundwater, and cause serious health problems, including an increased risk of cancer and birth defects.⁹ Recently, Dodge County officials acknowledged that 21 percent of local private wells contained nitrate and were potentially unsafe for supplying drinking water.¹⁰ According to the Minnesota Department of Health, nitrate pollution has been detected “in more than 8,000 [] drinking water wells” across the state, and the agency’s testing showed that “[m]ore than 1,000 had nitrate levels deemed unsafe for infants and pregnant women.”¹¹ Due to the proliferation of CAFOs in Minnesota, which now ranks second in the nation in hog production according to the Minnesota Pork Board,¹² I believe that CAFOs are in large part responsible for this statewide problem. 16 million hogs were raised in Minnesota last year alone.¹³

CAFOs have completely changed life in Dodge County and throughout southern Minnesota. With a front row seat, my family has witnessed the destructive power of the swine industry. While fighting back against CAFOs, my family has faced repeated harassment and intimidation for speaking out against the swine industry, including bullet holes shot in the stop sign just steps from the field where my brother and I pulled weeds a few hours earlier; constant garbage dumped in our roadside ditches and driveway; blue farm booties strategically planted every few feet from a neighboring swine factory farm to our driveway, a reminder that the industry is large and in charge; a large piece of metal hidden in the tall grass that damaged our mower; pure Roundup sprayed on the field and caused thousands of dollars of damage; harassing late-night phone calls to my elderly father, stating “Have you changed yet?,” false telephone calls to the

⁶ Id.

⁷ Id.

⁸ U.S. Geological Survey, *Bacteria and E. Coli in Water* (June 5, 2018), <https://www.usgs.gov/special-topics/water-science-school/science/bacteria-and-e-coli-water> (last visited Dec. 23, 2021).

⁹⁹ See, Minn. Dept. of Health, *Nitrate in Drinking Water* (Oct. 2021).

<https://www.health.state.mn.us/communities/environment/waer/docs/contaminants/nitratefactsht.pdf>.

Sarah Porter, *Tap Water for 500,000 Minnesotans Contaminated with Elevated Levels of Nitrate*, Environmental Working Group (Jan. 14, 2020), https://www.ewg.org/interactive-maps/2020_nitrate_in_minnesota_drinking_water_from_groundwater_sources/

¹⁰ *Nitrogen in Dodge County Ground and Surface Waters*, Dodge County Environmental Services.

¹¹ Mark Zdechlik, *Trouble in the Water: Can Minnesota Stop Polluting its Lakes, Rivers?*, MPRNews (May 16, 2016), <https://www.mprnews.org/story/2016/05/16/water-can-minnesota-stop-polluting-family-and-me-ng-lakes-rivers>.

¹² Fact Sheet 2022 distributed at the Minnesota State Fair, Minnesota Pork Board; see, www.mnpork.com/porkfacts

¹³ Id.

local sheriff's department, not to report some infraction, but to put the heat on my family and me personally and get us to shut up; and other tactics. In the face of these tactics, we continue to speak out and are aware of other frontline families facing similar harassment and intimidation tactics. I frequently tell others—We went to the press, not to grab headlines, but for our own safety.

I urge you to limit the efforts to increase the number of Animal Units that may be permitted in Fillmore County. Protect the health and welfare of your citizens, protect beautiful southeastern Minnesota, and protect your county from the irreversible damage that industrial-sized factory farms will cause to your community. Seeing is believing—I personally invite you to Dodge County for a tour of the damage sustained to this once idyllic farming community.

Very truly yours,

/s/ Sonja Trom Eayrs

Sonja Trom Eayrs

On behalf of Dodge County Concerned Citizens (dodgecc.org)

February 14, 2023

To: Ms. Cristal Adkins
Fillmore County Zoning Administrator
101 Fillmore Street
Preston, MN 55965

Re: Zoning Ordinance proposal to increase animal unit cap from 2,000 to 4,000

Ms. Adkins,

The Livestock Team at the Minnesota Department of Agriculture was recently made aware of a proposal to increase the animal unit cap of the Fillmore County Feedlot ordinance from 2,000 animal units to 4,000 animal units with a planning commission meeting date of February 16 to discuss and hold a public hearing.

Zoning is an important tool for governments to utilize regarding strategic planning of resources and for welfare of the residents and businesses that reside within its jurisdiction. As science, technology, and industry standards change and improve, it is important to review the rules that were once created for a standard that may no longer exist. Many of the zoning ordinances that were enacted decades ago incorporated numbers for caps and setbacks that had no data driven validation.

Today, we have tools such as the Odor From Feedlot Setback Estimation Tool (OFFSET) and the Minnesota Feedlot Annualized Runoff Model (MinnFARM) developed by the University of Minnesota to assist in making informed policy and rules. It is applaudable for a local government to periodically review its zoning ordinances to include changes in industry and incorporate scientific and resource-based information.

Below are some key bullet points to remember as your county undergoes a review of your feedlot ordinance, but note Minnesota has and continues to have some of the most stringent policies and rules regarding the environment. The Minnesota Pollution Control Agency is committed to protecting our natural resources and since its adoption, Minnesota Rules Chapter 7020 have been reviewed and updated as the livestock sector of agriculture has progressed. Minnesota is still one of the few states that still require environmental assessments and reviews at certain thresholds.

- Farming has changed since many local governments enacted feedlot zoning ordinances thirty years ago. Family farms, which still are the vast majority today (98% according to the United States Department of Agriculture's Economic Research Service) have changed as well.
- Where it was once feasible for a person to reach out to a lender for the purchase of land, equipment, and animals, today some family farms have become larger to support multiple families in one farming business.
- In the late 1990's, feedlots with 2,000 animal units were nearly unheard of in Minnesota. Today, 1,000-2,000 animal units is uncommon.
- Minnesota environmental rules have adapted to comply and protect karst areas, sensitive environmental features, water sources, and community residents.
- Rules are backed by scientific data regarding construction methods, design, and technology. Examples include vegetative buffer infiltration, tree belts to prevent odor, and feed additives that reduce the amount of phosphorus excreted by swine. Others include equipment designed to spread manure at specific rates by field

625 Robert St. N., St. Paul, MN 55155-2538 651-201-6000 or 1-800-967-2474 www.mda.state.mn.us

In accordance with the Americans with Disabilities Act, this information is available in alternative forms of communication upon request by calling 651-201-6000.

TTY users can call the Minnesota Relay Service at 711. The MDA is an equal opportunity employer and provider.

location to prevent over application and to automatically feed specific animals based on their nutritional requirements.

Economic impacts of livestock are also important to consider:

- As farms get larger, they can often weather several years of low market prices because they can spread that loss over more acres or animals keeping the business in the area.
- The Minnesota Department of Agriculture's Economic Impact Study on the Dairy Industry states that dairy production at the farm level has a multiplier effect of \$1.7 for every dollar of output. Minnesota's dairy production creates economic activities in other economic sectors including agriculture, manufacturing, transportation, trade, services, finance, insurance, real estate, and construction.
- The new publication by Iowa State Extension called "Comprehensive Review of Iowa's Dairy Industry" states the annual economic impact of a single dairy cow is \$25,495. This multiplier effect can add value to local feedstuffs by creating demand for grains and hay, contributing to the tax base, paying employees who in turn use their salary to spend locally and send their children to local schools.
- The 2020 report "The role of Dairy Farmers in Minnesota's Economy" by the University of Minnesota Extension revealed that an average Minnesota dairy farm generates \$1.6 million to the economy and \$48,000 in local taxes.
- According to the 2020 Report on Minnesota Farm Finances (*note this is if the farm operation does not rely on other farm income outside of the specific specie listed, like other livestock or crops*),
 - The overall net return per cow was \$219. The United States Census Bureau reports the average household (2.5 people) income to be \$77,706 in 2021. This would mean a dairy farm would roughly need 354 cows per 2.5 people part of the business.
 - The average net return for contract swine growers was \$8.11 per pig. This equates the need to raise roughly 9,500 pigs annually for an average sized household to reach an average income.
 - Beef cattle finishers received a \$67 net return per finished beef animal. This equates the need for the average family farm to raise roughly 1,160 head per year to reach an average income.
- According to the 2020 Nationwide Dairy Labor Survey, the average number of employees on dairies is 11.5 full-time and 2 part-time.

Please reach out with any questions or requests for information. I am happy to provide information that will bring about the best decision for Fillmore County.

Sincerely,

Jim Ostlie, Livestock Development and Planning Specialist
Minnesota Department of Agriculture
320-444-1113
Jim.ostlie@state.mn.us

625 Robert St. N., St. Paul, MN 55155-2538 651-201-6000 or 1-800-967-2474 www.mda.state.mn.us

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TTY users can call the Minnesota Relay Service at 711. The MDA is an equal opportunity employer and provider.

To the Planning and Zoning Committee and our Fillmore County Commissioners,

As a young dairy farmer in Fillmore County MN I recognize and embrace the changes modern agriculture presents. Farming in my family goes back for generations and with each generation it looks different because of the experiences and research that has taught us better ways to care for our land and animals. We continue to farm with the knowledge that experience will continue to assist us in becoming better caretakers of our precious resources.

Protecting and preserving our clean water, air, and soil is very important for my family and for my animals. I am raising my 5 children on this land and in this community as well. Everyday my Dad and I are together teaching the third generation, my kids, to be good stewards of the land and animals. From a young age it is instilled in our kids to care for the land and the animals and they will in turn take care for you. My farm may look different than my grandpas, but these strong values of care and respect for our resources have not changed. I understand and respect the concerns of people within the community about what this proposed change looks like for our county. However, instead of trying to change one another's views, I hope I can be a resource to people in our local communities for information and conversations that lead to an understanding between agriculture and concerned community members.

Livestock agriculture adds diversity to a rural county including crops, practices and people. Perennial crops such as alfalfa and cover crops are grown to make feed for cattle. Crops that are grown here, fed here and transformed by the cow into food for people in our community. The manure our cattle produce provides an alternative to chemical fertilizers which help to support our soils biodiversity and structure while nourishing the growing crops.

Every gallon of milk we sell has an economic ripple through the community. The health of our rural economies rely on a thriving agriculture sector. Our farm alone, does business with over 30 different businesses within the county.

A unique part about farming is the variety in which farms operate. Every farm is different and has been molded by the experiences they have endured. I am in support of the proposed increase to the animal unit cap in Fillmore County MN. At this time my family does not have plans to expand, but I do not believe in inhibiting other families who may be looking to include their children or other partners.

I feel fortunate to live and farm in our beautiful area of the world and I appreciate the opportunity to share my perspective with you.

Michael Johnson

Fountain, MN

To The Fillmore County Commissioners and the Planning and Zoning Committee,

This statement is in support of doubling the animal unit cap to 4,000 animal units in Fillmore County, MN. I live and work within Fillmore County as a stay at home mom raising 5 small children. We appreciate the beautiful landscape and unique features of this area including the agricultural landscape. As a family, we enjoy the rural community and knowing that our children are being raised in a safe place. A place that they can feel connected to where their food comes from. We breathe the same air and drink the same water as others living and visiting the area. We trust the practices that agriculture have in place to preserve those resources.

Although we understand the thoughts and concerns of others, we also believe that farmers are good people looking out for the land and community. Without their diligent conservation farmers would not be successful today or for future generations of farmers.

Many of the people we spend time with in the community (library, church, school, etc.) are connected to agriculture. Agriculture provides many of the jobs in this area. The jobs that agriculture provide are important for the people that live here, to make a living, to fill the schools and to patron the other businesses.

Limiting the animal cap is not going to change the progression or practices of modern agriculture, it will only move it- out of Fillmore County. Causing Fillmore County to lose out on the economic impact and jobs that agriculture provides for a small community. Not everyone in Fillmore County will choose to expand to the proposed animal cap now or perhaps ever, but it does give the opportunity for family farms to work in younger, passionate family members and partners. People who will live in and serve our community.

Fillmore County is a beautiful place to live and raise a family. Changing the animal unit cap will not change the values of the area.

Thank you,

Margaret Johnson

Fountain, MN



MINNESOTA MILK PRODUCERS ASSOCIATION
E-Mail: mmpa@mnmilk.org | Web: www.mnmilk.org

February 13, 2023

Subject: Public Hearing on a proposed amendment to the Fillmore County Feedlot Ordinance

Dear Fillmore County Planning Commission:

Please accept this letter of support in support of a higher animal unit limit within the Fillmore County Feedlot Ordinance. Farms above 1,000 animal units, or 700 dairy cows, have many regulations they need to follow under one of two permits – the State Disposal System (SDS) or National Pollutant Discharge Elimination System (NPDES) permits.

Dairy farmers contribute greatly to their communities and the overall economy and taxbase. Because crops grown close to the dairy site are economically advantageous, the inputs and outputs of a dairy farm stay local along with the jobs and economic activities they create.

Since the time Fillmore county instituted the 2,000 animal unit limit in 1997, both of these permits have had many requirements added. These permits cost money, require an environmental assessment worksheet before beginning construction and requirements for operation and maintenance of the feedlot. Virtually all current and future dairies choose the NPDES permit because it provides federal protection if all rules are followed, so we'll focus on those requirements – essentially best management practices needed to run an operation over 1,000 animal units.

The following 20 pages are the current NPDES permit. Every single rule contained within must be followed by farms at this size.

In summary, please support this change to the feedlot ordinance. As our major international competitors slow in milk production, the question is not whether more milk will be made – the question is do we want it made utilizing the sound environmental regulations here in Minnesota. We believe allowing this improvement to your animal unit limit will allow more in Minnesota. If you should have any questions, please do not hesitate in contacting me at Lucas@MnMilk.org.

Sincerely,

A handwritten signature in black ink that reads "Lucas Sjostrom". The signature is written in a cursive, flowing style.

Lucas Sjostrom
Executive Director

Advancing the Success of Minnesota Dairy Farms

February 15, 2023

Honorable Commissioner Duane Bakke
Ms. Cristal Adkins, County Zoning Administrator
Mr. Arlynn Hovey, Planning Commission Official
Mr. Trinity Johnson, Planning Commission Official
Mr. Andy Bisek, Planning Commission Official
Mr. Steve Duxbury, Planning Commission Official
Mr. Tom Thompson, Planning Commission Official
Mr. Gary Ruskell, Planning Commission Official

Re: Proposed Doubling of Animal Unit Limit for Fillmore County Feedlots
Delivered: Via Email

Dear Fillmore County Officials and members of the Planning Commission:

Due to the environmental and personal reasons stated below, we strongly oppose the expansion of the limit on feedlot size to 4,000 animal units in Fillmore County.

- We live in Canton Township and would have been directly and negatively impacted by the proposed Catalpa project for 4,890 hogs in 2018. Two of the impacts included water and air pollution. We will be similarly affected if a like project is proposed in our neighborhood with the doubled, or 4,000 animal unit, limit being considered by the Planning Commission.
- The Department of Agriculture has determined that the vast majority of Fillmore County is highly vulnerable to water table aquifer contamination due to our karst geology. With 17% of private wells in our 24 townships testing at or above the health standards in the 2018 MN sampling, this doubling of allowable animal unit size will likely further deteriorate our water quality in Fillmore County. In 2018, the proponents acknowledged in the Environmental Assessment Worksheet (EAW) that their facility "may affect at least three domestic water supply wells". With ground water only 1.5 feet from the surface and bedrock only 2.5 feet from the surface in some of the areas, we have very serious concerns about the safety of our drinking water with the new limit being considered.
- Another negative impact would be the increased amount of manure being applied from larger feedlots with this new limit. Again, the 2018 project EAW stated that an estimated "7.8 million gallons of manure would be applied" and some of this would have been in close proximity to our home and church. We understand that we live in an agricultural county, but this change would produce odors and air particulate contamination well beyond current county practices.
- Also, any leakage or spill in our vicinity would flow through tributaries and ultimately pour contaminants into Wisel Creek, a designated trout stream. Heavy rainstorms would increase the leakage and outright flow of manure into the surrounding karst formations, wells, waterways, and tributaries to the trout streams. With extreme weather becoming the new normal, this would occur throughout Fillmore County.
- A very concerning negative impact would be the volume of water needed to sustain these larger operations. Again, referring to the 2018 proposal, the EAW indicated that this one facility planned to use "8.8 million gallons of water annually"! With those amounts doubled, will there even be water in our private well and our shared church well?

Jim and Karen Brown

February 15, 2023

Fillmore County's karst geology and the proposed 4,000 animal unit facilities are not compatible and would be at the expense of our current quality of life in Fillmore County. We respectfully request that this proposal not be approved by the Planning Commission. Thank you for your careful consideration of our concerns and objections, as well as those of our fellow community members.

Sincerely,
Jim and Karen Brown
15415 Deer Road
Canton MN 55922

Cc: Honorable Marc Prestby, Fillmore County Commissioner, District 5
Honorable Mitch Lentz, Fillmore County Commissioner, District 1
Honorable Randy Dahl, Fillmore County Commissioner, District 2
Honorable Larry Hindt, Fillmore County Commissioner, District 3

Good evening, my name is Dr. John Rein, I'm a partner and owner of the Harmony and Cresco Veterinary Clinics. I am here in favor of the proposed increase in the allowed animal units in the feedlot ordinance.

I was born and raised here as the 4th generation of my family to be involved in agriculture in this community. God willing, there will very likely be a 5th generation that can some day carry on our family legacy. This idea of generational transition and the ability for agriculturally strong families to maintain and carry on their livelihood is the backbone of the sustainability of our agricultural heritage and land stewardship.

Throughout my career I have seen many family farms dissolve for multitudes of reasons, but often one of them was because there were not enough resources, whether that be land or livestock, to support retaining those family members who wished to make their living on the farm. By the way, what is a family farm? Is it a mom and dad and a bunch of kids on 40 acres with a few pigs, sheep, cows, and coop of chickens? Is it 2 older bachelor bothers cropping 2000 acres with some seasonal neighborly hired help? Is it 3 or 4 extended families working together to run and manage a large hog or cattle operation that includes thousands of head of livestock or thousands of acres of land? Is it a sole individual and a sibling with a greenhouse growing plants and produce and selling eggs off of a ½ acre building site? I would argue they are all family farms and it would be presumptive of me to suggest that any one of the families in those scenarios cares more for the land and its condition than the other. All of their lives depend on the natural balance of resources and all feel responsibility to maintain the natural beauty that surrounds them. If we are going to maintain the ability of our agricultural sector to grow and thrive and produce food for the entire planet, it behooves us to allow flexibility in how different operations are able to fulfill that lofty goal.

Thank you for giving all of us the time to voice our concerns on this proposed ordinance change.

February 16, 2023

Fillmore County Planning Commission
Fillmore County Commissioners
101 Fillmore Street
Preston, MN 55965

I am writing to inquire about the proposal to increase the number of Animal Units permissible in Fillmore County Confined Animal Feeding Operations (CAFOs, or Feedlots). In the two attachments to this letter (Figures 6 and 7 of the report cited below) I am asking the reader to contemplate our current understanding of well-water resources in juxtaposition with our current landscape of feedlots in Fillmore County. Please bear with me.

While you are considering the "permitting" proposal, please remember that many of our private wells already exceed levels of nitrate contamination above the federal (Center for Disease Control) and Minnesota Dept. of Health HRL (Health Risk Limit) of 10 mg/L. (https://www.mda.state.mn.us/sites/default/files/2019-10/fillmorefinalttnreport_0.pdf). Keep in mind also that we are aware of nitrate contamination in Fillmore County well water because the Minnesota Department of Agriculture report cited above is based on a network of test sites that includes over a thousand wells rigorously chosen to avoid poorly constructed or damaged wells, or wells close to known point-source sites of nitrogen inputs, including feedlots. Because of the well-sampling selection protocol, the averaged overall results must be interpreted as *minimum indicators* of the degree of nitrate contamination in the drinking water drawn from private wells in Fillmore County. Analysis of Root River water quality has also revealed significant surface water nitrate contamination throughout the watershed (Root River Watershed Stressor Identification Report, Jan.2015). It is also important to note that nitrate concentrations reported from well-water testing should be regarded as markers for other agricultural contaminants in our drinking water. In addition to herbicides and pesticides, animal agriculture entails livestock waste that contains plant nutrients, sediment, pathogens, and hormones which further degrade water destined for human consumption.

The continuing deterioration of our surface and groundwater quality has long been known to be the result of current agricultural practices, particularly those relating to nitrogen management. (Final GEIS on Animal Agriculture Environmental Quality Board (EQB) July 2002). Farmers know when, and when not to spread manure and industrial fertilizers on their fields. They have developed Best Management Practices (BMPs) from their own experience and with input from university extension services and the agriculture industry. They understand how karst

physiography can constrain agricultural operations. In short, They know how to protect, or to contaminate our aquifers, but none of us knows how to clean them.

Just 5 years ago, the Fillmore County Commissioners wisely and unanimously requested that the Catalpa LLC hog operation proposed for the Wisel Creek watershed (2,000 AU) complete an Environmental Impact Study due to the size of the operation. MPCA Commissioner John Linc Stine denied the general permit because of the threat to public health and further recommended that the state Environmental Quality Board authorize a broader, state-funded study of groundwater pollution in the region. Additional studies may well be informative, but today's question remains: what is the rationale for permitting additional inputs of nitrogen on lands and crops incapable of using what is already there? Clearly, supplemental inputs of nitrogen and the current cap of 2,000 Animal Units are already too high for Fillmore County.

So, today, push becomes shove and once again we must choose a path that honors our ancestors without compromising the futures of succeeding generations.

Worst case scenarios of our agricultural futures paint an image of enormous industrial farms that could put our communities, health, air, water, and property values at risk. For a glimpse of those futures, just go to the 5 Rivers Cattle Feeding website where the imagery portrays a landscape of bucolic beauty and children can have a free ride on a center-pivot sprinkler while the senior at the next table looks between the buns and exclaims "where's the beef?" The answer to that question will be apparent if you drive the length of the Platte River valley with your windows open on a humid summer afternoon. This is the result of more than 2.3 million cattle in Kansas feedlots dropping millions of pounds of waste each year; the environmental challenge is immense. Groundwater quality and the mid-summer flow of the Platte River continues to decline.

A more positive approach would be to ask what was the rationale for the current animal cap limits in Fillmore County? Was that cap entirely arbitrary, or was it based on a thoughtful evaluation of farm management as we knew it during our grand-parents' days? Can the proponents of today's proposal identify how the commonweal (We, the People!) will benefit from raising the cap? Advocates of the factory farm will cry: "Economies of scale" in a predictable response, but why do these elusive economies remain unspoken, and how will they benefit the public in general, and Fillmore County residents, in particular?

A simple rule for judgment in these matters was offered by the environmental philosopher, Aldo Leopold, in his *Sand County Almanac* (1949): **"A thing is right when it tends to preserve the integrity, stability, and beauty of the biotic community. It is wrong when it tends otherwise."**

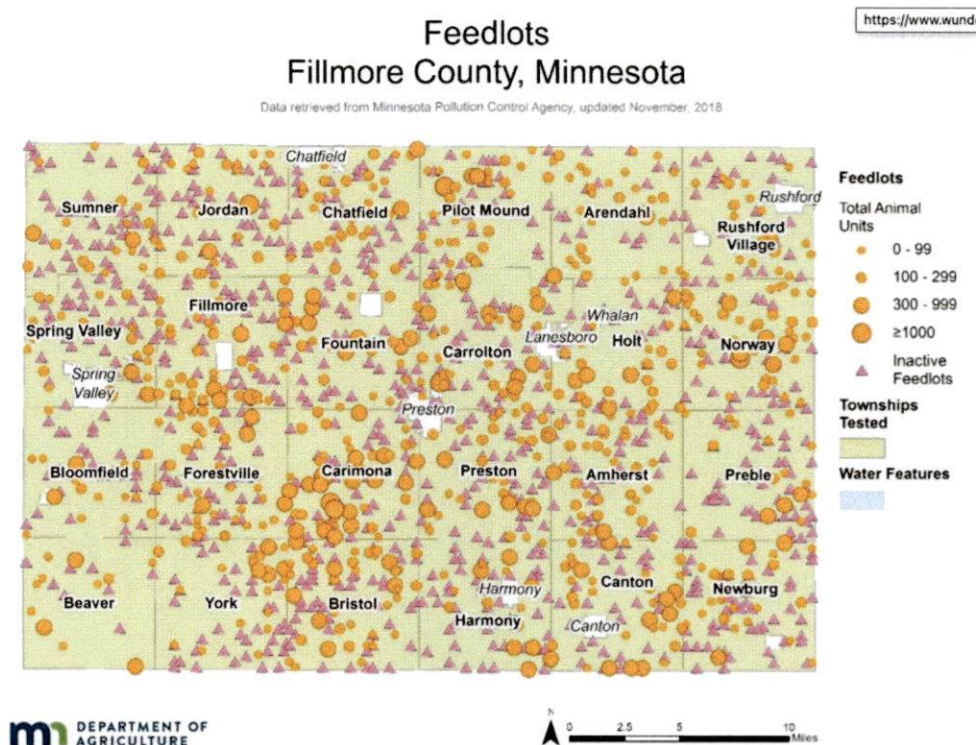
An alternative view is expressed in William Least Heat-Moon's contemplation of two farmers viewing abandoned junked vehicles and machinery along the banks of the Missouri River, knowing that, eventually, erosion will topple the junk into the river. For them, the poetry has a different ring:

**Over the edge,
And out of view,
I live upstream,
My dear neighbor,
So to hell with you!**

Once again, the lay of our future land rests within the hearts of poets. I wish you the very best of luck in coming to your conclusion. Thank you for the opportunity to comment.

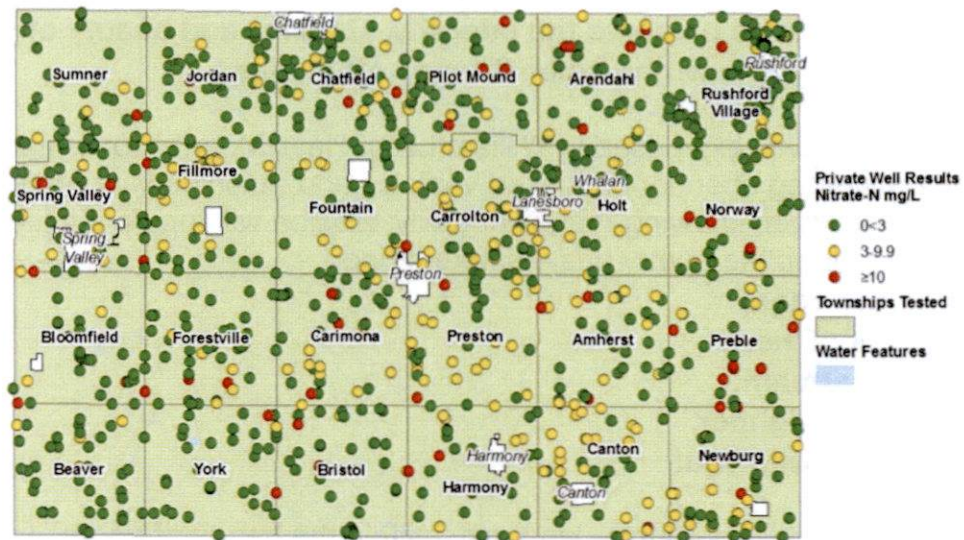
Most Sincerely,

George R. Spangler, Ph.D.
Professor Emeritus, University of Minnesota



Caption

Final Well Dataset Results Fillmore County, Minnesota



mn DEPARTMENT OF
AGRICULTURE

0 2.5 5 10 Miles

Caption

Attachments (two figures)

Winona County's Water: A Resource in Crisis

A Resource That Connects Us All

What connects people in Winona County is a deep love of this beautiful region that we call our home. From our state parks and rich farmland to the numerous trout fishing streams and the mighty Mississippi, Winona County residents are committed to preserving the beauty and the vital resources that our people and economy depend upon. A key resource running through this unique landscape is water. Water is the foundational element for all life on Earth. Water must be treated as a scarce and precious gift held in common.

However, it has become evident in recent years that water in our region faces unprecedented threats. In short, there is a growing water quality crisis in Winona County and southeastern Minnesota in general. This is an issue that affects urban and rural people and requires coming together around shared values. Elected officials and environmental regulators must represent the community and respond to our shared concern over clean water.

A Unique & Vulnerable Landscape

The landscape of Winona County and southeastern Minnesota in general is defined by what is known as karst geology. Karst is characterized by the heavy presence of limestone, which over time erodes into winding and unpredictable caves, cracks, and sinkholes throughout the area. This geology is well documented as making southeastern Minnesota especially susceptible to pollution through groundwater contamination.¹ Once groundwater is contaminated, it is extremely difficult to make it safe for drinking again.

Why Our Water is in Trouble

In the past five years, Winona County has experienced three major fish kills, as well as many unreported smaller ones. The most recent one in late July 2022 near Lewiston left 2,500 fish, mostly brown trout, dead. That assessment does not include the damage that was done to the other wildlife in the area. Many pollution incidents are accompanied by large, intense rainfalls, which have been steadily increasing in frequency due to climate change.

But fish kills are just the tip of the iceberg when it comes to the threats our water faces. In its most recent report, in 2017 the Minnesota Department of Agriculture found there were over 1,300 residents in Winona County who were unable to drink the water from their tap due to high levels of nitrate contamination.²

Most cities' wells in Winona County are within the legal nitrate contamination limit — 10 milligrams per liter (mg/L) or parts per million (ppm) — set by the federal government. But many private wells in the county exceed the federal limit for nitrates.

Of all the counties participating in the Minnesota Department of Agriculture's Southeast Minnesota Volunteer Nitrate Monitoring Network in 2021, Winona County had the highest average level of nitrates in private wells, with an average level of 5.1 ppm. The average for all nine counties was 2.87 ppm. The highest level sampled was 24.45 ppm, in Winona County.³

In 2021, the Environmental Working Group found that wells tested near the city of Lewiston, in the heart of Winona County, had 8.6 times the state average for nitrate concentration.⁴ At this level, there is a significant threat of increased risks of colorectal, ovarian, thyroid, bladder and kidney cancers.^{5,6,7,8,9} At these same levels, pregnant women are also at risk of spontaneous abortion, fetal deaths, low birth weight, and congenital malformations.¹⁰

In 2013, the Minnesota Pollution Control Agency estimated that 70% of nitrates in Minnesota streams comes from agricultural sources.¹¹

The Economics of Our Ecology

Water pollution doesn't just threaten human and ecological health. A study published in 2017 in the *Milwaukee Journal Sentinel* showed that trout fishing in the Driftless Region, which encompasses southeastern Minnesota as well as parts of Wisconsin and Iowa, generates \$1.6 billion dollars of economic activity annually.¹² The pristine nature of Winona County is also a prime driver of its booming tourism industry, which in 2019 accounted for over \$97.6 million dollars, and employed 2,634 private sector employees.¹³

Barriers to Solving the Problem

Municipalities in the area are attempting to grapple with this water quality crisis by completing or working on the construction of extra-deep wells to escape the contamination nearer the surface. Projects of this magnitude strain the resources and tax base of the small towns which need them most, either leaving the projects undone or putting the cities in precarious financial situations. Although these deeper wells may temporarily solve the clean water issue in an area, they do not address underlying causes of pollution and they do not assist residents who drink from a private well. These projects also open small communities up to major financial risks.

Winona County residents with contaminated sources of water are faced with the reality of either accepting poor health outcomes, needing to purchase and maintain expensive water filtration systems, or even being forced to only drink store-bought bottled water in their own homes.

We must also address the fact that legislation relating to environmental health has not kept up with the current reality. The legal limits for most water contaminants were set in 1962 at a time when the understanding of pollution's role in health outcomes was much less than it is today. Consider this: lead paint wasn't made illegal until 1978 and asbestos insulation wasn't completely banned until 1989.^{14,15}

What Can We Do?

The solutions to this issue are many faceted and will evolve over time. However, the first step we can take is to require our elected officials and environmental regulators to honor their responsibilities by adopting more rigorous standards to protect the health, safety, and welfare of citizens by ensuring the right to safe drinking water. This is a crisis that requires action from local and statewide elected officials, as well as environmental agencies. The public needs more scientific information and more options for preventing water pollution, as well as an assurance

that those entities that are posing these threats to water will face concrete, consistent regulation. Without such steps, the quality of our water will only worsen.

The Land Stewardship Project

The Land Stewardship Project (LSP) is a membership-based nonprofit with the mission of fostering an ethic of stewardship for farmland, promoting regenerative agriculture, and developing healthy communities. Since 1985, when it opened an office in Lewiston, LSP has worked extensively with its members in Winona County around the issues of advancing regenerative farming systems, training the next generation of farmers, protecting local democracy, and stewarding soil, water, and the landscape. Members of LSP are interwoven throughout Winona County. We are farmers, teachers, social workers, small business owners, and, above all, neighbors.

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February 14, 2023

To: Ms. Cristal Adkins
Fillmore County Zoning Administrator
101 Fillmore Street
Preston, MN 55965

Re: Zoning Ordinance proposal to increase animal unit cap from 2,000 to 4,000

Ms. Adkins,

The Livestock Team at the Minnesota Department of Agriculture was recently made aware of a proposal to increase the animal unit cap of the Fillmore County Feedlot ordinance from 2,000 animal units to 4,000 animal units with a planning commission meeting date of February 16 to discuss and hold a public hearing.

Zoning is an important tool for governments to utilize regarding strategic planning of resources and for welfare of the residents and businesses that reside within its jurisdiction. As science, technology, and industry standards change and improve, it is important to review the rules that were once created for a standard that may no longer exist. Many of the zoning ordinances that were enacted decades ago incorporated numbers for caps and setbacks that had no data driven validation.

Today, we have tools such as the Odor From Feedlot Setback Estimation Tool (OFFSET) and the Minnesota Feedlot Annualized Runoff Model (MinnFARM) developed by the University of Minnesota to assist in making informed policy and rules. It is applaudable for a local government to periodically review its zoning ordinances to include changes in industry and incorporate scientific and resource-based information.

Below are some key bullet points to remember as your county undergoes a review of your feedlot ordinance, but note Minnesota has and continues to have some of the most stringent policies and rules regarding the environment. The Minnesota Pollution Control Agency is committed to protecting our natural resources and since its adoption, Minnesota Rules Chapter 7020 have been reviewed and updated as the livestock sector of agriculture has progressed. Minnesota is still one of the few states that still require environmental assessments and reviews at certain thresholds.

- Farming has changed since many local governments enacted feedlot zoning ordinances thirty years ago. Family farms, which still are the vast majority today (98% according to the United States Department of Agriculture's Economic Research Service) have changed as well.
- Where it was once feasible for a person to reach out to a lender for the purchase of land, equipment, and animals, today some family farms have become larger to support multiple families in one farming business.
- In the late 1990's, feedlots with 2,000 animal units were nearly unheard of in Minnesota. Today, 1,000-2,000 animal units is uncommon.
- Minnesota environmental rules have adapted to comply and protect karst areas, sensitive environmental features, water sources, and community residents.
- Rules are backed by scientific data regarding construction methods, design, and technology. Examples include vegetative buffer infiltration, tree belts to prevent odor, and feed additives that reduce the amount of phosphorus excreted by swine. Others include equipment designed to spread manure at specific rates by field

625 Robert St. N., St. Paul, MN 55155-2538 651-201-6000 or 1-800-967-2474 www.mda.state.mn.us

In accordance with the Americans with Disabilities Act, this information is available in alternative forms of communication upon request by calling 651-201-6000.

TTY users can call the Minnesota Relay Service at 711. The MDA is an equal opportunity employer and provider.

location to prevent over application and to automatically feed specific animals based on their nutritional requirements.

Economic impacts of livestock are also important to consider:

- As farms get larger, they can often weather several years of low market prices because they can spread that loss over more acres or animals keeping the business in the area.
- The Minnesota Department of Agriculture's Economic Impact Study on the Dairy Industry states that dairy production at the farm level has a multiplier effect of \$1.7 for every dollar of output. Minnesota's dairy production creates economic activities in other economic sectors including agriculture, manufacturing, transportation, trade, services, finance, insurance, real estate, and construction.
- The new publication by Iowa State Extension called "Comprehensive Review of Iowa's Dairy Industry" states the annual economic impact of a single dairy cow is \$25,495. This multiplier effect can add value to local feedstuffs by creating demand for grains and hay, contributing to the tax base, paying employees who in turn use their salary to spend locally and send their children to local schools.
- The 2020 report "The role of Dairy Farmers in Minnesota's Economy" by the University of Minnesota Extension revealed that an average Minnesota dairy farm generates \$1.6 million to the economy and \$48,000 in local taxes.
- According to the 2020 Report on Minnesota Farm Finances (*note this is if the farm operation does not rely on other farm income outside of the specific specie listed, like other livestock or crops*),
 - The overall net return per cow was \$219. The United States Census Bureau reports the average household (2.5 people) income to be \$77,706 in 2021. This would mean a dairy farm would roughly need 354 cows per 2.5 people part of the business.
 - The average net return for contract swine growers was \$8.11 per pig. This equates the need to raise roughly 9,500 pigs annually for an average sized household to reach an average income.
 - Beef cattle finishers received a \$67 net return per finished beef animal. This equates the need for the average family farm to raise roughly 1,160 head per year to reach an average income.
- According to the 2020 Nationwide Dairy Labor Survey, the average number of employees on dairies is 11.5 full-time and 2 part-time.

Please reach out with any questions or requests for information. I am happy to provide information that will bring about the best decision for Fillmore County.

Sincerely,

Jim Ostlie, Livestock Development and Planning Specialist
Minnesota Department of Agriculture
320-444-1113
Jim.ostlie@state.mn.us

625 Robert St. N., St. Paul, MN 55155-2538 651-201-6000 or 1-800-967-2474 www.mda.state.mn.us

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The individual nitrate results from this final well dataset are displayed spatially in Figure 6. Due to the inconsistencies with geocoding the locations, the accuracy of the points is variable.

The final well dataset summary statistics are shown in Table 7. The minimum values were all below the detection limit. The maximum values ranged from 4.4 mg/L (Beaver Township) to 29.6 mg/L (Arendahl Township). The 90th percentile ranged from 1.4 mg/L (York Township) to 16.1 mg/L nitrate-N (Norway Township).

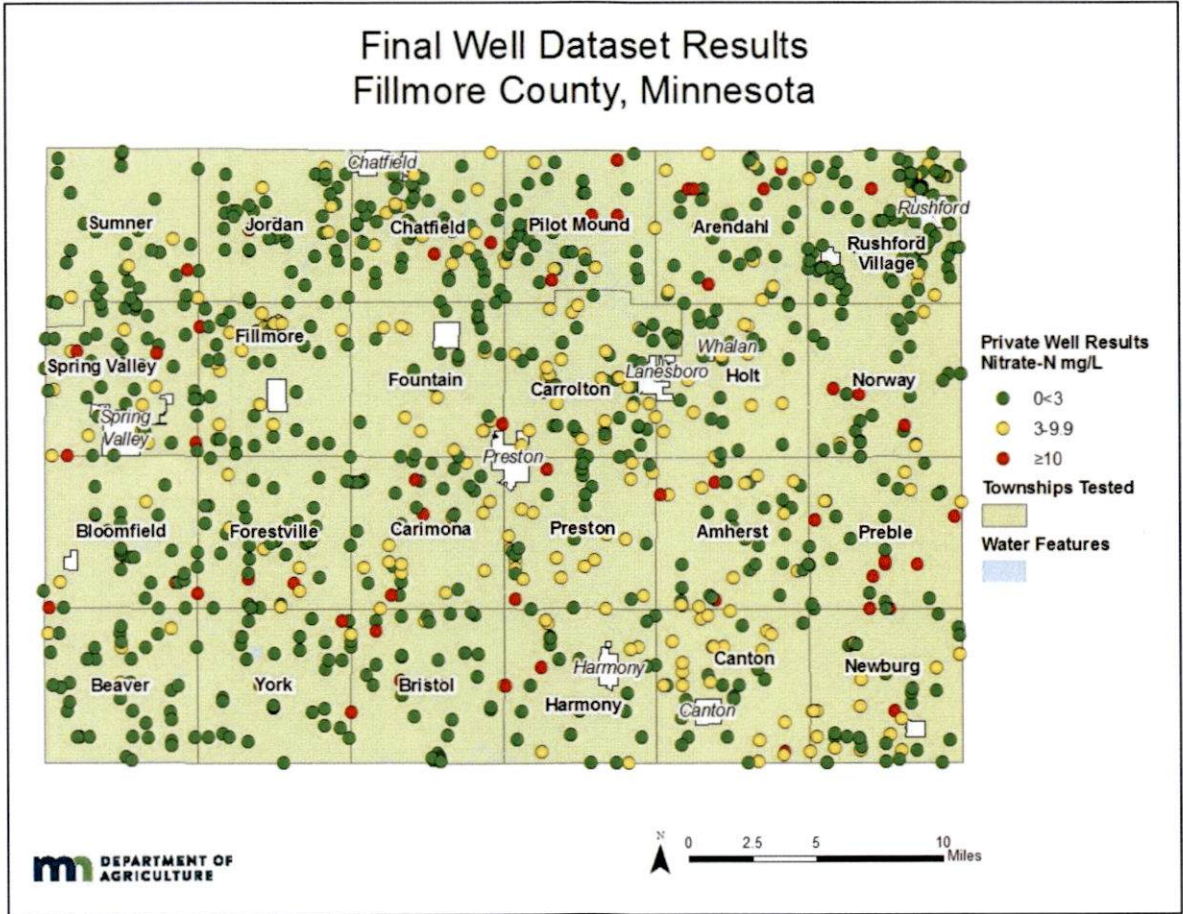


Figure 6. Well Locations and Nitrate Results from Final Well Dataset in Fillmore County





February 15, 2023

Fillmore County Planning Commission

The Minnesota State Cattlemen's Association (MSCA) does not support or agree with imposing limits on the number of animal units allowed in an animal feedlot. As an association that is comprised of Minnesota cattle producers, we support agricultural expansion, which in turn supports the economy.

A study published by the University of Minnesota in 2017 explains the economic contribution of Minnesota's beef industry:

- The beef industry contributes \$4.9 billion and 47,300 jobs to Minnesota's economy.
- The beef industry impacts non-beef industries including trucking, agricultural feed, wholesale trade industries and more.
- Minnesota's beef industry supports an estimated 47,300 full and part time jobs in the state, and the beef industry directly employs an estimated 30,400 people.

There are over 16,000 beef producers in Minnesota, and MSCA is here to be their voice. MSCA supports cattle producers having the right to manage their operations and expand. Minnesota cattle producers are stewards of the land – they are the original conservationists.

Minnesotans are producing nutritious beef more efficiently than ever before. The same pound of beef today uses significantly less land, water and feed to produce, allowing cattle producers to be global leaders in good environmental efficiency.

Sincerely,

Kaitlyn Root

Kaitlyn Root
Executive Director
Minnesota State Cattlemen's Association

James Early
President
Fillmore County Cattlemen

Statement to Planning Commission on Animal Unit Cap
February 16, 2023
Loni Kemp
Canton Mn
lonikemp@gmail.com

Fillmore County has a long history of supporting appropriate scale livestock operations, and opposing dangerous feedlots. In 1989, our own MN Representative Elton Redalen from Fountain led passage of the Minnesota Groundwater Protection Act.

In 2001, our own Fillmore County Judge Bob Benson ruled against the proposed Reiland Dairy, a seven million gallon open manure storage basin above Forestville State Park. He declared MPCA had failed to do an Environmental Impact Study to consider groundwater pollution, and the citizen lawsuit prevailed. The 500 cow project was dropped.

In 2018, Fillmore citizens organized to oppose the nearly 2000 animal unit Catalpa hog operation proposed for a vulnerable site in Newberg township. Minnesota Pollution Control Agency Commissioner Stine denied the permit. Two townships went on to permanently reduce the number of animal units they will allow.

You see the pattern. Now, we are here to oppose the proposal to double the county animal unit cap of 2000 animal units. **Leave the 2000 animal unit limit alone.**

Two facts: **The vast majority of Fillmore county has an aquifer vulnerability rating of HIGH** - red on the MDA map. Only a few locations have low vulnerability to pollution. We have to keep our rules with the knowledge that most CAFOS must cope with high aquifer vulnerability for both storage and application of manure. While it can work with diligent care in some locations, doubling livestock numbers would invite failure.

Second fact: **Pollution levels are already unacceptable.** The Minnesota Dept. of Agriculture did a Township Testing Program in 2017, testing nearly 1500 private drinking water wells in Fillmore County. **Seventeen percent of our private wells are now at or above the health standard** (10 mg/l for nitrate-N.) **Nineteen of the 24 townships have 10 percent or more of their wells over the health standard.** Babies are most vulnerable, and recent research points to colon cancer from exposure to nitrates in drinking water.

Nitrate pollution comes from agriculture. It can be a natural cycle that works well if manure and commercial fertilizer are contained safely, and if land application holds the nitrogen in the topsoil for crops to take up.

It can be a disaster if manure leaks from storage facilities or is over applied or misapplied in any way that pollutes our groundwater and sends the pollution to someone's well. Larger facilities pose larger risks.

The danger signs are red and flashing. Let's focus on reducing nitrate pollution. Keep the feedlot cap at 2000 animal units.

RESOLUTION

**FILLMORE COUNTY BOARD OF COMMISSIONERS
Preston, Minnesota 55965**

Date February 28, 2023 Resolution No. 2023-XXX

Motion by Commissioner _____ Second by Commissioner _____

WHEREAS; Fillmore County has elected to adopt an amendment to the Fillmore County Feedlot Ordinance, Section 9, New Animal Feedlots and Expansion of Existing Animal Feedlot Facilities; and
WHEREAS; the Fillmore County Planning Commission has taken testimony on this amendment at a Public Hearing held on February 16, 2023; and
WHEREAS; the Fillmore County Planning Commission has voted to recommend this amendment be adopted by the County Board of Commissioners:
NOW THEREFORE BE IT RESOLVED, that the Fillmore County Board of Commissioners hereby adopts an amendment to the Fillmore County Feedlot Ordinance as amended and contained herein.

SECTION 9

New Animal Feedlots and Expansion of Existing Animal Feedlot Facilities

The construction of all new animal feedlots and the expansion of existing animal feedlots over 999 animal units shall require an onsite evaluation by the County Feedlot Officer and the County Planning Commission. No new or existing animal feedlot shall exceed a capacity of ~~2,000~~ **4,000** animal units.

VOTING AYE

Commissioners Hindt ☐ Bakke ☐ Prestby ☐ Dahl ☐ Lentz ☐

VOTING NAY

Commissioners Hindt ☐ Bakke ☐ Prestby ☐ Dahl ☐ Lentz ☐

STATE OF MINNESOTA
COUNTY OF FILLMORE

I, Bobbie Hillery, Clerk of the Fillmore County Board of Commissioners, State of Minnesota, do hereby certify that the foregoing resolution is a true and correct copy of a resolution duly passed at a meeting of the Fillmore County Board of Commissioners held on the 28th day of February, 2023.

Witness my hand and official seal at Preston, Minnesota the 28th day of February, 2023.

SEAL

Bobbie Hillery, Administrator/Clerk
Fillmore County Board of Commissioners

REQUEST FOR COUNTY BOARD ACTION

Agenda Date: 2/28/2023	Amount of time requested (minutes):	10 minutes
Dept.: Highway/Airport	Prepared By:	Ron Gregg

State item(s) of business with brief analysis. If requesting multiple items, please number each item for clarity. Provide relevant material(s) for documentation. Please note on each item if documentation is needed and attached.

Consent Agenda: None

Regular Agenda:

Documentation
Yes or No

Highway Department

1. Review bid results for the Concrete Surfacing on CSAH 8 in the City of Lanesboro with award to the lowest responsible bidder, SAP 23-608-044.

Airport Department

1. Request out of state travel for Pam Schroeder to attend a Legislative fly-in to Washington DC on March 7th, 8th & 9th. Representing MOCA (Minnesota Council of Airports).

Bid results will be available on Monday February 27th.

All requests for County Board agenda must be in the Administrator's office **No later than noon Thursday prior to the Board date**. Items received after this time **will not** be placed on the Board agenda. All requests should be sent to: bhillery@co.fillmore.mn.us and tkraling@co.fillmore.mn.us

REQUEST FOR COUNTY BOARD ACTION

Agenda Date:

Amount of time requested (minutes):

5

Dept.:

Veterans

Prepared By:

Jason Marquardt

State item(s) of business with brief analysis. If requesting multiple items, please number each item for clarity. Provide relevant material(s) for documentation. Please note on each item if documentation is needed and attached.

Consent Agenda:

Documentation
(Yes/No):

Regular Agenda:

Documentation
(Yes/No):

Request for Board approval to apply for the New MDVA CVSO competitive grant. The Veterans Office would use the grant if awarded to replace the current Ford Transit that has about 150,000 miles on it. We are looking at going with a 2023 Chevrolet Equinox.

All requests for County Board agenda must be in the Coordinator's office **No later than noon Thursday prior to the Board date.** Items received after this time **will** not be placed on the Board agenda. All requests should be sent to: bhillery@co.fillmore.mn.us and tkraling@co.fillmore.mn.us



Minnesota Department of Veterans Affairs

“County Veteran Service Office”

Grant Application Instructions

Request for Proposal (RFP)

Americans with Disabilities Act (ADA) Statement: This information is available in accessible formats for people with disabilities. For this and for other information on disability rights and protections, contact the MDVA Agency ADA Coordinator at: 612-548-5961.

I. Introduction

A. Purpose of the Request

The Minnesota Department of Veterans Affairs (MDVA) CVSO/competitive Grant Program is seeking proposals for grants starting at \$1,000 from eligible applicants to provide services with the purpose of supporting and improving the lives of Veterans and their families. Projects/Activities of special interest for this grant cycle include:

Priorities:

- **Veteran homelessness**
- **Suicide prevention programs**

IMPORTANT: “Veteran” is defined by MN Statute §197.447. Grant Awardees are required to collect and submit to MDVA Veteran’s Certificate of Release or Discharge (DD214’s) to ensure that SOT Projects/Activities funded by the SOT grant serve Veterans as defined by this Statute.

This grant opportunity is intended to serve the entire Veteran community in Minnesota. By default, Veterans represent a diverse population and include, but are not limited to, all cultures, races, colors, ethnicities, genders, sexual preferences and both able bodied and differently abled groups.

Projects/Activities that will not be considered are:

- Construction (brick & mortar) and/or maintenance projects
- Building development or structural improvements

To be considered for the current grant period, Grant Applications and all required documentation must be emailed to the grantprogram.mdva@state.mn.us by:

- 4:00 p.m. Central Time on **Friday, March 3, 2023**

Complete submission instructions are in Section III – Grant Application Process. Required forms are in a separate document – CVSO Competitive Application Forms.

This RFP does not obligate the State to award a grant or complete the project, and the State reserves the right to cancel the solicitation if it is considered to be in its best interest. All costs incurred in responding to this RFP will be borne by the Grant Applicant.

B. Eligible Applicants

“Eligible Applicant” must be a Minnesota County Veteran Service Office (CVSO).

All funding contained in this RFP will be distributed through a competitive review process. Funding will be awarded based on the applicant’s ability to comply with Minn. Stat. 197.608 to provide additional grants on a competitive basis to any county that proposes to provide programs and services that the commissioner determines to be new and innovative in serving veterans and their families.

Following the Grant Application review process, organizations recommended to receive the CVSO/competitive grant must also be approved by the Commissioner of the Minnesota Department of Veterans Affairs. Potential awardees will be contacted by phone or email and may be invited to meet in-person at MDVA. Additional Applicant information may be required at that time.

C. Duration of Funding and Period of Performance

Grant Applicants may request a grant period of up to 24 months (2 years). Applicants are encouraged to address the sustainability of their proposal in their Grant Application and should not make the success of their proposed grant Program/Activity dependent upon receiving on-going “CVSO” funding. Though generally discouraged, Grantees, (Grant Applicants selected by MDVA to receive funding) may apply for successive CVSO Grants but may not apply if the Grantee has a current MDVA CVSO/competitive grant in-process.

II. **Grant Application Format**

The Grant Application is in fillable PDF format. **Data entry fields are intentionally limited.** Grant Applicant responses must conform to the space provided in the forms. The forms must not be modified. Furthermore, the Grant Applicant must follow all instructions, conditions, and requirements identified in the Grant Application. Failure to observe the Grant Application instructions, conditions, and requirements will result in disqualification of the Grant Application for unresponsiveness.

III. **Grant Application Process**

A. Grant Applicant’s Questions (MDVA Website – Grant Page “Q&A Addendum”)

All Grant Applicants are strongly encouraged to read the Questions and Answers (Q&A) Addendum page on the [MDVA Website – Grant Page](#).

Questions not addressed in the Q&A Addendum may be submitted directly in writing by email to: MDVA Grant Administrator at: GrantProgram.MDVA@state.mn.us until **Friday, February 24 (4:00 p.m.)**. Grant Applicant’s questions and MDVA’s responses will periodically be updated throughout the Grant Application submission period until **Wednesday, March 1 (4:00 p.m.)**.

Note: The only authorized MDVA personnel to discuss this RFP is the MDVA CVSO/competitive Grant Administrator. Contact regarding this RFP with any other State personnel could result in disqualification. The State will not be held responsible for oral responses to Grant Applicants.

B. Grant Application Submission

1. To apply, Applicants must email the **completed CVSO/Competitive Grant Application** to GrantProgram.MDVA@state.mn.us:

- **Friday, March 3, 2023 (no later than 4:00 pm Central Standard Time)**

Applicants should use the format as shown below in the email Subject Line:

Subject: Organization Name – CVSO/competitive Application “Project/Activity Name”

Note: Applicants assign a “Project/Activity Name” in the Application.

2. Every effort should be made by the CVSO Office to email one CVSO/competitive Grant Application. However, if the CVSO Office determines that the CVSO/competitive Grant Application requires correction and must be resubmitted a second time, **only the email containing the complete and final Application (and any supporting documentation) with the latest email Sent Date will be considered.**
3. Late Notifications or Grant Applications will not be considered. Faxed, mailed or hand delivered Grant Applications will not be accepted.
4. Counties may submit a maximum of one application.
5. It is the sole responsibility of each Grant Applicant to ensure that the Grant Application is emailed to **GrantProgram.MDVA@state.mn.us** in the specified format prior to the deadline for submission. **Failure to abide by these instructions for submitting Grant Applications will result in disqualification from consideration.**

IV. Grant Application Evaluation and Selection

A. Overview of Grant Application Evaluation Methodology

1. All responsive Grant Applications received by the deadline will be evaluated. Grant Applications evaluation will be conducted in three phases:
 - **Phase I** – Minimum Mandatory Requirements Review (pass/fail)
 - **Phase II** – CVSO District Representatives evaluation of Grant Applications
 - **Phase III** - Selection of the Successful Grant Applicant(s)
2. Grant Applications that are not selected for funding indicates that: 1) the Application did not meet the minimum, mandatory Phase I requirements, 2) another Grant Application(s) was determined to be more advantageous to the State or 3) the State has exercised its right to reject any or all Grant Applications.
3. At its discretion, the State may perform an appropriate cost and pricing analysis of a Grant Applicant's Grant Application, including an audit of the reasonableness of any Grant Application.

B. Evaluation Team “CVSO District Representative”

1. The evaluation team will be assigned by the Minnesota Association of County Veteran Service Offices (MACVSO) President, or his/her designated assignee and will consist of a combination of 3 to 9 CVSO District Representatives based on availability.

2. The MDVA grant team will assist the evaluation team by managing the evaluation process. This assistance will include, but is not limited to, the initial mandatory requirements review and answering technical questions from evaluators. However, CVSO District Representatives alone will evaluate and score the Phase II Grant Applications and make grant award recommendations to the MDVA Commissioner.
3. The State reserves the right to alter the composition of the evaluation team and their specific responsibilities.
4. All final grant award decisions are subject to the approval of the MDVA Commissioner.

C. Grant Application Evaluation Phases (I – III)

At any time during the evaluation phases, the State may submit a list of detailed comments, questions, and concerns to one or more Grant Applicant. The State may require said responses to be written, oral, or both. The State will only use written responses for evaluation purposes. The total scores for those Grant Applicants selected to submit additional information may be revised because of the new information.

Phase I: Minimum Mandatory Requirements Review

The specified documents will be evaluated on a pass or fail basis. Grant Applicants must "pass" each of the requirements specified in Phase I to be evaluated by the CVSO Evaluation Team in Phase II.

The following will be considered on a pass/fail basis:

- Grant Applications must be submitted electronically according to the instructions outlined in Section: III.B. Grant Application Process.
- All information requested in the Grant Application.
- Grant Applications must be received on or before **Friday, March 3, 2023 (4:00 p.m.)**.

Phase II: Evaluation of Grant Applications

Only the Grant Applications found to be compliant under Phase I will be considered in Phase II.

- CVSO Evaluation Team members will review the components of each Phase II Grant Application submitted. Applications will be evaluated based upon the Grant Applicant's understanding of Veterans' need(s), the quality of the Project/Activity proposal and the completeness of the Grant Application.
- After reviewing the Grant Applications, the CVSO Evaluation Team will score each Grant Application.
- CVSO Evaluation Team scores for each Applicant will be combined and divided by the number of Applicants to determine an average score.
- Grant Applicants will be ranked according to their average score.

Phase III: Selection of the Successful Grant Applicant(s)

- After receiving the CVSO Evaluation Team Grant Applicant funding recommendations, the MDVA Commissioner will make the final determination of successful Grant Applicants.

D. Grant Negotiations, Award Notifications and Unsuccessful Grant Applicant Notice

Selected Grant Applicants will be notified by phone of the State's interest in pursuing Grant Agreement Contract negotiations, usually within one month of the Grant Application deadline. However, all submitted Grant Applications remain eligible for selection by the State, until the State successfully completes grant agreement negotiations with the selected Grant Applicant(s).

Time is of the essence. Selected Grant Applicants must be responsive during the Grant Agreement negotiation process to have an executed Grant Agreement on or before June 1, 2023. (Four months from the RFP publish date of February 6, 2023.) In the event grant agreement contract negotiations are unsuccessful with the selected Grant Applicant(s), the CVSO Evaluation Team may recommend another Grant Applicant(s).

Final Award decisions will be made by the MDVA Commissioner. MDVA staff will post the County *conditional* Awardees on the SharePoint – Grant Page.

Consistent with Minnesota Statute 13.591, subdivisions 4, Grant Applications and evaluative data will be available upon request.

E. Grant Applicant – Important Dates To Remember

CVSO/Competitive Grant Cycle BEGINS – Applications Accepted	Monday, Feb. 6 th
Grant Applications Questions for the Q&A Addendum DEADLINE	Friday, Feb. 24 th
MDVA Final Posting of Online Q&A Addendum Update	Wed. March 1 st
CVSO/competitive Grant Application DEADLINE	Friday, March 3 rd 4pm

V. Required Grant Agreement Terms and Conditions

Grant Applicants must be familiar with the State's standard Grant Agreement Terms and Conditions and MDVA Grant Program requirements when preparing their Grant Application. Grant Applicants may view a Sample Grant Agreement and the MDVA Grants Manual by visiting the MDVA Website - Grants Webpage at:

<https://mn.gov/mdva/resources/federalresources/grants/>.

Most of the requirements defined in the Sample Grant Agreement and MDVA Grants Manual is required by Minnesota statute. However, if a Grant Applicant chooses to take exception to any of the terms, conditions, or language in the Sample Grant Agreement or in the MDVA Grants Manual, the Applicant must indicate those exceptions in their Grant Application (Form 5 Section E - Narrative). Grant Applicants should note that certain exceptions may result in the Grant Application being disqualified from further review and evaluation. Only those exceptions indicated in the Grant Application will be available for discussion or negotiation.

VI. State's Rights Reserved

Notwithstanding anything to the contrary, the State reserves the right to:

- A. Reject any and all Grant Applications received in response to this RFP.
- B. Disqualify any Grant Applicant whose conduct or Grant Application fails to conform to the requirements of this RFP.
- C. Have unlimited rights to duplicate all materials submitted for purposes of RFP evaluation, and duplicate information in response to data requests regarding the Grant Application.
- D. Select a Grant Application other than that with the highest evaluation score.
- E. Consider a late modification of a Grant Application if the Grant Application itself was submitted on time and if the modifications were requested by the State and the modifications make the terms of the Grant Application more favorable to the State and accept such Grant Application as modified.
- F. At its sole discretion, waive any non-material deviations from the requirements and procedures of this RFP.
- G. Negotiate as to any aspect of the Grant Application with any Grant Applicant and negotiate with more than one Grant Applicant at the same time.
- H. Extend the grant contract, in increments determined by the State, not to exceed a total contract term of two (2) years.
- I. Cancel the RFP at any time and for any reason with no cost or penalty to the State; and

- J. Correct or amend the RFP at any time with no cost or penalty to the State. If the State should correct or amend any segment of the RFP after submission of Grant Applications and prior to announcement of the successful Grant Applicant, all Grant Applicants will be afforded ample opportunity to revise their Grant Application to accommodate the RFP amendment and the dates for submission of revised Grant Applications announced at that time. The State will not be liable for any errors in the RFP or other responses related to the RFP.

Table 1 – Required Grant Application Contents

Instructions – Forms are in fillable PDF format and must be completed in entirety!

Form 1 – Application Package Cover Page	Organization's demographics
Form 2 – Collaboration, Planning & Approach (General)	Refers to: 1) Organization's external affiliations, 2) other general Project/Activity information
Form 3 – Planning & Approach (Details)	Refers to: Program/Activity specific methods and outcomes
Form 4 – Explanation of Expenses	Refers to: <u>Overall</u> organization.
Form 5 – Program/Activity Budget Narrative	<p>Form 5 (Sections A - F) – Sections A, D – F refers to the Grant Application Program/Activity <u>only</u>.</p> <ul style="list-style-type: none"> • Section A – Program/Activity Budget • Section B – Statement of Future Sustainability • Section C – MDVA Grant Agreement Terms Review • Section D – Detailed Description of Cost • Section E – Program/Activity Narrative

Table 2 – Grant Application Scoring Components

SCORING CRITERIA	<p><u>Organizational Assessment (Forms 1, 2 & 3)</u> (10 points)</p> <ul style="list-style-type: none"> Organization's demographics, experience serving veterans, number and qualifications of staff/volunteers, and overall capacity to fulfill the purpose the Applicant's grant proposal. County's planning and approach to program/activity
	<p><u>Program Design (Forms 3, 4 & 5)</u> (25 points)</p> <p>Workplan & Deliverable Considerations</p> <ul style="list-style-type: none"> <u>Need for Program and Funding</u> <ul style="list-style-type: none"> Does Program/Activity duplicate existing State, Federal or other Veteran programs? <ul style="list-style-type: none"> If yes, does proposed Project/Activity address unmet Veteran needs? Does Applicant's grant proposal align with CVSO grant funding priorities as specified in Minnesota Statute § 197.608
	<ul style="list-style-type: none"> <u>Appropriate Services for the proposed Program/Activity</u> (20 points) <ul style="list-style-type: none"> Quality and Clarity of Grant Application – Is the proposed Program/Activity clear? Will the proposed Program/Activity have a significant, measurable positive impact on Veteran's lives?
	<ul style="list-style-type: none"> <u>Appropriate Outcomes for Target Population</u> (20 points) <ul style="list-style-type: none"> Does Applicant have a well-articulated, measurable "Evaluation Plan"? Will there be tangible, positive Outputs/Outcomes <u>within</u> the requested grant period? <ul style="list-style-type: none"> Is the Applicant's stated "# of Veterans to be Served" a good value for the grant \$ requested? Are the projected Outputs/Outcomes Achievable?
	<p><u>Program Revenue and Budget (Forms 4 & 5)</u> (15 points)</p> <ul style="list-style-type: none"> Does the written Narrative effectively describe how the project will be implemented (Who, What, Where, How & When)? Are there any significant unanswered questions? Is the proposed Budget reasonable?
	<p>Number of Geographic Locations Served (more locations/higher score) (10 points)</p>
BONUS	<p>#1 Grant Project/Activity <u>exclusively</u> targets Vets representing one or more of the sub-populations listed below (10 points)</p> <p>a) Minority racial and/or ethnic groups, b) differently abled Veterans, c) LGBTQI Veterans, d) Women Veterans, and/or e) Veterans residing <u>solely</u> in greater Minnesota</p> <p>*****</p>
	<p>#2 Grant Project/Activity specifically addresses this RFP's funding priorities... Veteran Homelessness or Suicide Prevention (10 points)</p>

FILLMORE COUNTY MINNESOTA

NOTICE OF PUBLIC HEARING AND INTENT TO ADOPT THE INTERIM ORDINANCE AND MORATORIUM ON THE SALE OF EDIBLE CANNABINOID PRODUCTS AND/OR HEMP DERIVED THC FOOD & BEVERAGES

NOTICE IS HEREBY GIVEN; pursuant to the provisions of Minnesota Statutes 375.51 Subdivision 2, that the Fillmore County Board of Commissioners intends to adopt the "Interim Ordinance & Moratorium on the Sale of Edible Cannabinoid Products and/or Hemp Derived THC Food & Beverages". The proposed interim ordinance and moratorium will be considered at a meeting of the Fillmore County Board of Commissioners, in the Commissioners' Room at the Fillmore County Courthouse, located at 101 Fillmore St. W., Preston, Minnesota, on Tuesday, February 28, 2023, at 10:00 a.m.

- A. The purpose of the interim ordinance placing a moratorium is to allow Fillmore County (hereinafter "county") time to conduct a study to better understand the public health and safety issues associated with edible cannabinoid products and/or hemp derived tetrahydrocannabinols (THC) food and beverage products. The interim ordinance and resulting moratorium will give county time to study the issues related to the manufacture, sale, labeling, testing, licensing, and distribution of the hemp derived foods and beverages containing THC and/or edible cannabinoid products pursuant to Minn. Stat. Sec. 151.72. The moratorium will allow the County time to establish guidelines to properly regulate said products.

Copies of the proposed "Interim Ordinance & Moratorium on the Sale of Edible Cannabinoid Products and/or Hemp Derived THC Food & Beverages" are available on the Fillmore County website at www.co.fillmore.mn.us or can be picked up at the Fillmore County Administrator's Office, 101 Fillmore St. W., Preston, MN 55965.

All interested persons are invited to attend the Public Hearing in person.

Written comments are encouraged as well and will be read aloud at the meeting. Said comments must be submitted in at least one of three ways:

(1) personal delivery to the Administrator's Office, (2) U.S. mail to the Administrator's Office, or (3) email to Administrator bhillery@co.fillmore.mn.us. All comments requested with a (hard copy and e-mail) must be received by the Fillmore County Administrator, 101 Fillmore St. W., Preston, MN 55965 **no later than 4:30 p.m. on Friday, February 24, 2023,** or they will not be considered.

All Fillmore County Board meetings are offered virtually; however you must attend in person or provide written comments as stated above to be able to participate in this hearing.

Bobbie Hillery
Fillmore County Administrator

Fillmore County

Interim Ordinance Placing a Moratorium on the Sale of Edible Cannabinoid Products and/or Hemp Derived Tetrahydrocannabinols (THC) Food and Beverages within the County of Fillmore

The County Board of Fillmore County ordains as follows:

SECTION I: PURPOSE AND FINDINGS

WHEREAS, this ordinance is necessary for the immediate preservation of public peace, health, morals, safety, and welfare because of the inherent risk of injury to persons related to the recently legalized (See Minn. Stat. Sec. 151.72) sale of edible cannabinoid products containing Tetrahydrocannabinol (THC) and/or hemp derived THC food and beverage products. A prohibition on the establishment of new uses or the expansion of existing uses related to the sale of such hemp derived edible cannabinoid products is necessary to ensure that the County of Fillmore (the "County") has sufficient time to study and implement appropriate local regulations that will protect the health and safety of the residents of Fillmore County. Due to the recent legislative changes to Minnesota Statute Section 151.72 that are already effective, there has not been sufficient time to engage in policy discussions regarding possible regulations or complete the ordinary process for the introduction and adoption of a County ordinance which will address the numerous concerns associated with the sale of edible cannabinoid products containing Tetrahydrocannabinol (THC) and/or hemp derived THC food and beverage products; and

WHEREAS, the County recognizes that there is significant uncertainty and public interest regarding the effect of Minnesota Statute Section 151.72, and which now makes it legal to sell certain edibles and beverages infused with tetrahydrocannabinol (THC), the cannabis ingredient extracted from hemp; and

WHEREAS, the purpose of this interim ordinance placing a moratorium on the sale of hemp derived THC food and beverages is to allow the county time to study the issue and consider licensing and rules, sales management controls for the sale of hemp derived THC food and beverages. This would include behind the sales counter controls and other regulations similar to tobacco sales and products and which include checking identifications (IDs), enforcement, labeling requirements, compliance checks, license fees, and other regulatory oversight; and

WHEREAS, based on reliable and scientific evidence, the County Board finds that the rapid introduction of newly-legalized edible THC food and beverage products ("edibles"), presents a significant potential threat to the public health, safety, and welfare of the residents of Fillmore County, and particularly to youth of Fillmore County; and

WHEREAS, the term THC includes all forms of tetrahydrocannabinols and includes Delta

8, Delta 9, and Delta 10 THC; and

WHEREAS, Fillmore County has the opportunity to be proactive and make decisions that will mitigate these threats and reduce exposure of young people to the hemp derived tetrahydrocannabinols (THC) food and beverages and to the marketing of said edible cannabinoid products containing Tetrahydrocannabinol (THC); and

WHEREAS, under Minnesota state law, counties are the local public health authority and have chief local jurisdiction over matters concerning safety and security of their citizens. The July 2022 legalization of hemp derived edible cannabinoid products and/or hemp derived tetrahydrocannabinols (THC) food and beverages pursuant to Minn. Stat. Sec. 151.72 introduces a new threat to the public without clearly establishing Fillmore County's ability to respond. There is little or no regulatory structure to track manufacturing, labeling, sales, jurisdiction, and criminalization of hemp derived edible cannabinoid products and/or hemp derived tetrahydrocannabinols (THC) food and beverages; and

WHEREAS, the Minnesota Board of Pharmacy has filed a civil lawsuit against a Minnesota manufacturer and retailer of edible Cannabis products. Under Minn. Stat. Sec. 151.72 which provides that an edible cannabinoid product sold in Minnesota must not contain more than five milligrams of any hemp derived tetrahydrocannabinol (THC) in a single serving or more than a total of 50 milligrams per package. The lawsuit alleges the retailer sold edible cannabinoid products that contain THC far in excess of five milligrams per serving and far in excess of 50 milligrams per package. Investigators allegedly found packages containing 2,500 milligrams of THC. This is 50 times the amount permitted under Minnesota law.

In addition, Minn. Stat. Sec. 151.72 states that edible cannabinoid products must not resemble or contain cartoon-like characteristics of a real or fictional person, animal, or fruit that appeals to children and must not be modeled after brands primarily consumed by or marketed to children. Investigators allegedly found products resembling characteristics of a fictional bear, as well as products that are modeled after common gummy bear candies that are primarily consumed by and marketed to children, including packages of gummy bears that contained 50 times the amount of THC permitted under Minnesota law. (See *Minnesota Board of Pharmacy vs. Northland Vapor Moorhead, LLC; Northland Vapor Bemidji; and Wonky Confections, LLC* filed in Clay County, Minnesota)

WHEREAS, the proposed moratorium would enable Fillmore County to actively study Minn. Stat. Sec. 151.72 and to better understand and support the safe implementation of edible cannabinoid products containing Tetrahydrocannabinol (THC) and hemp derived edibles and beverage products containing THC. Said moratorium would allow Fillmore County time to establish its authority over the hemp derived tetrahydrocannabinols (THC) food and beverage products, properly regulate said products, and protect public health and safety.

WHEREAS, the multitude of public health and safety concerns related to the manufacture and sale of hemp derived tetrahydrocannabinols (THC) food and beverages require

consideration by health officials and policy makers before Fillmore County can ensure the public safety is preserved.

SECTION II: AUTHORITY AND JURISDICTION

- A. This Ordinance is enacted pursuant to Minnesota Statutes Chapters 145A which allows counties to adopt ordinances which regulate actual and potential threats to the public health.
- B. Pursuant to Minn. Stat. § 145A.05, Subd. 1, this ordinance shall apply throughout all of Fillmore County including all municipalities and unincorporated areas therein. Nothing in this Ordinance shall prevent other local levels of government within Fillmore County from adopting more stringent measures.
- C. This ordinance is also enacted pursuant to the authority in Minnesota Statute Section 394.34 which provides that if a county is conducting, or in good faith intends to conduct studies within a reasonable time for the purpose of considering or adopting an official control or an amendment, extension, addition to an official control, the board, in order to protect the public health, safety, and general welfare, may adopt an emergency measure, a temporary interim zoning ordinance. The purpose of the interim ordinance is to provide the county with the opportunity to study its comprehensive plan and official controls so that it can, in a meaningful way, consider potential amendments to its ordinances. An interim ordinance may regulate, restrict, or prohibit any use within the County for a period not to exceed one year from the effective date of the interim ordinance. Many jurisdictions have adopted interim ordinances to study the impacts of certain uses and determine whether regulations are appropriate for the purpose of protecting the public safety, health, and welfare of their citizens.

SECTION III: DURATION AND EFFECTIVE DATE

- A. This is an emergency interim ordinance which shall become effective immediately upon its approval by the Board. No prosecution based on the provisions of this Ordinance shall occur until the Ordinance has been filed with the County Auditor/Treasurer, unless the person charged with violation had actual notice of the passage of the Ordinance prior to the act or omission complained of.
- B. This interim ordinance shall be in effect for a period of twelve (12) months from the date of adoption or until the earlier of one of the following events: (a) one year from the effective date of this Ordinance or (b) the date upon which the County Board repeals this Ordinance.
- C. In the absence of state licensing, cities that establish licensing and rules, sales management controls, checking identification s (ID's), enforcement, compliance checks, license fees and address other regulatory issues may, by resolution of the city council, be

exempt from this moratorium.

SECTION IV: STUDY BY THE COUNTY

- A. The County Board hereby authorizes and directs County staff to conduct a study to better understand the public health and safety issues associated with hemp derived edible cannabinoid products and/or hemp derived tetrahydrocannabinols (THC) food and beverages. County staff shall also study the issues related to the manufacture, sale, labeling, testing, licensing, and distribution of the hemp derived foods and beverages containing THC and/or edible cannabinoid products pursuant to Minn. Stat. Sec. 151.72. The moratorium will allow the County time to establish its authority to regulate said products.

SECTION V: MORATORIUM

In accordance with the findings set forth above, a moratorium is hereby established and imposed as follows:

- A. No business, person or entity may establish a use or expand an existing use authorized by Minnesota Statute Section 151.72. This prohibition includes and involves the sale, testing, manufacturing, or distribution of edible cannabinoid products or hemp derived food and beverage products which contain THC under Minn. Stat. Sec. 151.72. The moratorium shall continue for a period of up to twelve (12) months from the effective date of this Ordinance or until the Board repeals this Ordinance, whichever occurs first.
- B. During the term of this Ordinance and resulting moratorium, County staff will not issue any license or permit, nor will it accept or process any applications for uses related to the sale, testing, manufacturing, or distribution of hemp derived cannabinoids, edible cannabinoid products or related THC food and beverage products under Minn. Stat. Sec. 151.72.
- C. The moratorium established by this Ordinance **does not apply** to the sale, testing, manufacturing, or distribution of products that were lawful prior to enactment of Minn. Stat. Sec. 151.72 relating to THC Products. The moratorium established by this ordinance **applies** to the sale, testing, manufacturing, or distribution of products authorized by Minn. Stat. Sec. 151.72.

SECTION VI: ENFORCEMENT

In addition to any criminal penalties allowed by law, the County may enforce this Interim Ordinance and the resulting moratorium by injunction or any other appropriate civil remedy in any court of competent jurisdiction. A violation of this Ordinance is also considered a violation of the Fillmore County Zoning Ordinance and shall be subject to County enforcement pursuant to the provisions of said Fillmore County Zoning Ordinance.

SECTION VII: SEVERABILITY

Every section, subsection, provision, or part of this Ordinance is declared severable from every other section, subsection, provision, or part. If any section, subsection, provision, or part of this interim ordinance is adjudged to be invalid by a court of competent jurisdiction, such judgment shall not invalidate any other section, subsection, provision, or part.

NOW THEREFORE, this interim ordinance, placing a moratorium on the sale of hemp derived edible cannabinoid products , and/or hemp derived THC food and beverage products and which allows the county time to study the public health and safety concerns, licensing, rules, labeling requirements, sales controls, methods for checking identifications (ID's), compliance checks, overall enforcement, and other regulatory issues is hereby adopted by the Fillmore County Board of Commissioners and effective this _____ day of _____, 2023.

FILLMORE COUNTY

By _____
Larry Hindt, Chair
Fillmore County Board of Commissioners

Date: _____

Attested to by:

Bobbie Hillery
Fillmore County Administrator

Date: _____

151.72 SALE OF CERTAIN CANNABINOID PRODUCTS.

Subdivision 1. **Definitions.** (a) For the purposes of this section, the following terms have the meanings given.

(b) "Certified hemp" means hemp plants that have been tested and found to meet the requirements of chapter 18K and the rules adopted thereunder.

(c) "Edible cannabinoid product" means any product that is intended to be eaten or consumed as a beverage by humans, contains a cannabinoid in combination with food ingredients, and is not a drug.

(d) "Hemp" has the meaning given to "industrial hemp" in section 18K.02, subdivision 3.

(e) "Label" has the meaning given in section 151.01, subdivision 18.

(f) "Labeling" means all labels and other written, printed, or graphic matter that are:

(1) affixed to the immediate container in which a product regulated under this section is sold;

(2) provided, in any manner, with the immediate container, including but not limited to outer containers, wrappers, package inserts, brochures, or pamphlets; or

(3) provided on that portion of a manufacturer's website that is linked by a scannable barcode or matrix barcode.

(g) "Matrix barcode" means a code that stores data in a two-dimensional array of geometrically shaped dark and light cells capable of being read by the camera on a smartphone or other mobile device.

(h) "Nonintoxicating cannabinoid" means substances extracted from certified hemp plants that do not produce intoxicating effects when consumed by any route of administration.

Subd. 2. **Scope.** (a) This section applies to the sale of any product that contains cannabinoids extracted from hemp and that is an edible cannabinoid product or is intended for human or animal consumption by any route of administration.

(b) This section does not apply to any product dispensed by a registered medical cannabis manufacturer pursuant to sections 152.22 to 152.37.

(c) The board must have no authority over food products, as defined in section 34A.01, subdivision 4, that do not contain cannabinoids extracted or derived from hemp.

Subd. 3. **Sale of cannabinoids derived from hemp.** (a) Notwithstanding any other section of this chapter, a product containing nonintoxicating cannabinoids, including an edible cannabinoid product, may be sold for human or animal consumption only if all of the requirements of this section are met, provided that a product sold for human or animal consumption does not contain more than 0.3 percent of any tetrahydrocannabinol and an edible cannabinoid product does not contain an amount of any tetrahydrocannabinol that exceeds the limits established in subdivision 5a, paragraph (f).

(b) No other substance extracted or otherwise derived from hemp may be sold for human consumption if the substance is intended:

(1) for external or internal use in the diagnosis, cure, mitigation, treatment, or prevention of disease in humans or other animals; or

(2) to affect the structure or any function of the bodies of humans or other animals.

(c) No product containing any cannabinoid or tetrahydrocannabinol extracted or otherwise derived from hemp may be sold to any individual who is under the age of 21.

(d) Products that meet the requirements of this section are not controlled substances under section 152.02.

Subd. 4. Testing requirements. (a) A manufacturer of a product regulated under this section must submit representative samples of the product to an independent, accredited laboratory in order to certify that the product complies with the standards adopted by the board. Testing must be consistent with generally accepted industry standards for herbal and botanical substances, and, at a minimum, the testing must confirm that the product:

- (1) contains the amount or percentage of cannabinoids that is stated on the label of the product;
- (2) does not contain more than trace amounts of any mold, residual solvents, pesticides, fertilizers, or heavy metals; and
- (3) does not contain more than 0.3 percent of any tetrahydrocannabinol.

(b) Upon the request of the board, the manufacturer of the product must provide the board with the results of the testing required in this section.

(c) Testing of the hemp from which the nonintoxicating cannabinoid was derived, or possession of a certificate of analysis for such hemp, does not meet the testing requirements of this section.

Subd. 5. Labeling requirements. (a) A product regulated under this section must bear a label that contains, at a minimum:

- (1) the name, location, contact phone number, and website of the manufacturer of the product;
- (2) the name and address of the independent, accredited laboratory used by the manufacturer to test the product; and
- (3) an accurate statement of the amount or percentage of cannabinoids found in each unit of the product meant to be consumed.

(b) The information in paragraph (a) may be provided on an outer package if the immediate container that holds the product is too small to contain all of the information.

(c) The information required in paragraph (a) may be provided through the use of a scannable barcode or matrix barcode that links to a page on the manufacturer's website if that page contains all of the information required by this subdivision.

(d) The label must also include a statement stating that the product does not claim to diagnose, treat, cure, or prevent any disease and has not been evaluated or approved by the United States Food and Drug Administration (FDA) unless the product has been so approved.

(e) The information required by this subdivision must be prominently and conspicuously placed on the label or displayed on the website in terms that can be easily read and understood by the consumer.

(f) The labeling must not contain any claim that the product may be used or is effective for the prevention, treatment, or cure of a disease or that it may be used to alter the structure or function of human or animal bodies, unless the claim has been approved by the FDA.

Subd. 5a. **Additional requirements for edible cannabinoid products.** (a) In addition to the testing and labeling requirements under subdivisions 4 and 5, an edible cannabinoid must meet the requirements of this subdivision.

(b) An edible cannabinoid product must not:

(1) bear the likeness or contain cartoon-like characteristics of a real or fictional person, animal, or fruit that appeals to children;

(2) be modeled after a brand of products primarily consumed by or marketed to children;

(3) be made by applying an extracted or concentrated hemp-derived cannabinoid to a commercially available candy or snack food item;

(4) contain an ingredient, other than a hemp-derived cannabinoid, that is not approved by the United States Food and Drug Administration for use in food;

(5) be packaged in a way that resembles the trademarked, characteristic, or product-specialized packaging of any commercially available food product; or

(6) be packaged in a container that includes a statement, artwork, or design that could reasonably mislead any person to believe that the package contains anything other than an edible cannabinoid product.

(c) An edible cannabinoid product must be prepackaged in packaging or a container that is child-resistant, tamper-evident, and opaque or placed in packaging or a container that is child-resistant, tamper-evident, and opaque at the final point of sale to a customer. The requirement that packaging be child-resistant does not apply to an edible cannabinoid product that is intended to be consumed as a beverage and which contains no more than a trace amount of any tetrahydrocannabinol.

(d) If an edible cannabinoid product is intended for more than a single use or contains multiple servings, each serving must be indicated by scoring, wrapping, or other indicators designating the individual serving size.

(e) A label containing at least the following information must be affixed to the packaging or container of all edible cannabinoid products sold to consumers:

(1) the serving size;

(2) the cannabinoid profile per serving and in total;

(3) a list of ingredients, including identification of any major food allergens declared by name; and

(4) the following statement: "Keep this product out of reach of children."

(f) An edible cannabinoid product must not contain more than five milligrams of any tetrahydrocannabinol in a single serving, or more than a total of 50 milligrams of any tetrahydrocannabinol per package.

Subd. 6. **Enforcement.** (a) A product regulated under this section, including an edible cannabinoid product, shall be considered an adulterated drug if:

(1) it consists, in whole or in part, of any filthy, putrid, or decomposed substance;

(2) it has been produced, prepared, packed, or held under unsanitary conditions where it may have been rendered injurious to health, or where it may have been contaminated with filth;

(3) its container is composed, in whole or in part, of any poisonous or deleterious substance that may render the contents injurious to health;

(4) it contains any food additives, color additives, or excipients that have been found by the FDA to be unsafe for human or animal consumption;

(5) it contains an amount or percentage of nonintoxicating cannabinoids that is different than the amount or percentage stated on the label;

(6) it contains more than 0.3 percent of any tetrahydrocannabinol or, if the product is an edible cannabinoid product, an amount of tetrahydrocannabinol that exceeds the limits established in subdivision 5a, paragraph (f); or

(7) it contains more than trace amounts of mold, residual solvents, pesticides, fertilizers, or heavy metals.

(b) A product regulated under this section shall be considered a misbranded drug if the product's labeling is false or misleading in any manner or in violation of the requirements of this section.

(c) The board's authority to issue cease and desist orders under section 151.06; to embargo adulterated and misbranded drugs under section 151.38; and to seek injunctive relief under section 214.11, extends to any violation of this section.

History: *1Sp2019 c 9 art 11 s 76; 2021 c 30 art 3 s 27; 2022 c 98 art 13 s 3-9*

**CITY OF CALEDONIA
HOUSTON COUNTY, MINNESOTA**

ORDINANCE NO. 2023-01

**AN ORDINANCE AMENDING TITLE XI OF THE CITY CODE BY ADDING
CHAPTER 118 REGULATING TETRAHYDROCANNABINOL PRODUCTS**

THE CITY COUNCIL OF THE CITY OF CALEDONIA HEREBY ORDAINS AS FOLLOWS:

SECTION 1. AMENDMENT. City Code Title XI is amended by adding Chapter 118 as follows:

TETRAHYDROCANNABINOL PRODUCTS

118.01. PURPOSE AND INTENT.

The purpose of this chapter is to regulate the sale of legalized adult-use of any product that contains tetrahydrocannabinol and that meets the requirements to be sold for human or animal consumption under Minn. Stat. §151.72, also known as “THC Products” for the following reasons:

- (a) By enacting 2022 Session Law Chapter 98, Article 13, the Minnesota Legislature amended Minn. Stat. §151.72 to allow the sale of certain products containing tetrahydrocannabinol, also known as “THC”.
- (b) The new law does not prohibit municipalities from adopting and enforcing local ordinances to regulate THC product businesses including, but not limited to, local zoning and land use requirements and business license requirements.
- (c) The National Academies of Science, Engineering, and Medicine note that the growing acceptance, accessibility, and use of THC products, including for medical purposes, have raised important public health concerns, while the lack of aggregated knowledge of cannabis-related health effects has led to uncertainty about the impact of its use.
- (d) The City recognizes the danger THC use presents to the health, welfare, and safety of youth in Caledonia.
- (e) The Minnesota Legislature recognized the danger of THC product use among the public at large by setting potency and serving size requirements.
- (f) The Minnesota Legislature recognized the danger of THC product use among youth by prohibiting the sale of any product containing THC to those under the age of 21, requiring that edible THC products be packaged without appeal to children and in child-resistant packaging or containers.
- (g) State law authorizes the Board of Pharmacy to adopt product and testing standards in part to curb the illegal sale and distribution of THC products and ensure the safety and compliance of commercially available THC products in the state of Minnesota
- (h) The City has the opportunity to be proactive and make decisions that will mitigate this threat and reduce exposure of young people to the products or to the marketing of these products and improve compliance among THC product retailers with laws prohibiting the sale or marketing of THC products to youth.

- (i) A local regulatory system for THC product retailers is appropriate to ensure that retailers comply with THC product laws and business standards of the City of Caledonia to protect the health, safety, and welfare of our youth and most vulnerable residents.
- (j) A requirement for a THC product retailer license will not unduly burden legitimate business activities of retailers who sell or distribute THC products to adults but will allow the City of Caledonia to regulate the operation of lawful businesses to discourage violations of state and local THC Product-related laws.
- (k) In making these findings and enacting this ordinance, it is the intent of the Caledonia City Council to ensure responsible THC product retailing, allowing legal sale and access without promoting increases in use, and to discourage violations of THC Product-related laws, especially those which prohibit or discourage the marketing, sale, or distribution of THC products to youth under 21 years of age.

117.02 DEFINITIONS.

Except as may otherwise be provided or clearly implied by context, all terms shall be given their commonly accepted definitions. The following words, terms, and phrases, when used in this article, shall have the meanings ascribed to them in this section, except where the context clearly indicates a different meaning:

COMPLIANCE CHECKS. The system the City uses to investigate and ensure that those authorized to sell licensed products are following and complying with the requirements of this article. Compliance checks involve the use of persons under 21 who purchase or attempt to purchase licensed products. Compliance checks may also be conducted by the City, West Hennepin Public Safety, or other units of government for educational, research, and training purposes, or for investigating or enforcing Federal, State, or local laws and regulations relating to licensed products.

EXCLUSIVE LIQUOR STORE. An establishment that meets the definition of exclusive liquor store in Minn. Stat. § 340A.101, subd. 10.

LICENSED PRODUCT OR THC PRODUCT. Any product that contains more than trace amounts of tetrahydrocannabinol and that meets the requirements to be sold for human or animal consumption under Minn. Stat. §151.72, as may be amended from time to time. Licensed product does not include medical cannabis as defined in Minn. Stat. §152.22, subd. 6, as may be amended from time to time, , excluding “medical cannabis” as defined by Minn. Stat. §152.22, Subd. 6, as the same may be amended from time to time.

MOVEABLE PLACE OF BUSINESS. Any form of business operated out of a kiosk, truck, van, automobile, or other type of vehicle or transportable shelter and not a fixed address storefront or other permanent type of structure authorized for sales transactions.

SALE. Any transfer of goods for money, trade, barter, or other consideration.

SCHOOL. Any public or private elementary, vocational, or secondary school, or a public or private college or university, or a state licensed date care center.

SELF-SERVICE MERCHANDISING. Open displays of licensed products in any manner where any person has access to the licensed products without the assistance or intervention of the licensee or the licensee's employee. Assistance or intervention means the actual physical exchange of the licensed product between the customer and the licensee or employee.

THC. Is the acronym for tetrahydrocannabinol, the principal psychoactive constituent of

cannabis.

TOBACCO STORE. A retail store utilized primarily for the sale of tobacco products and accessories and which the sale of other products is incidental.

VENDING MACHINE. Any mechanical, electric, or electronic, or other type of device that dispenses licensed products upon the insertion of money, tokens, or other form of payment directly into the machine by the person seeking to purchase the licensed product.

118.02 LICENSE.

Subd. 1. License Required. No person shall sell or offer to sell any licensed product within the City without first having obtained a license to do so from the City.

Subd. 2. Application. An application for a license to sell licensed products shall be made on a form provided by the City. The application shall contain the full name and date of birth of the applicant, the applicant's residential and business addresses and telephone numbers, the name of the business for which the license is sought, and any additional information the City deems necessary. A business applicant, at the time of application, shall furnish the City with a list of all persons that have an interest of five percent or more in the business. The list shall name all owners and show the interest held by each, either individually or beneficially for others. It is the duty of each business licensee to notify the City Administrator in writing of any change in ownership in the business. If the City Administrator determines that an application is incomplete, the City Administrator shall return the application to the applicant with notice of the information necessary to make the application complete. Upon receipt of a completed application, the City Administrator shall forward the application to the Caledonia Chief of Police to conduct a criminal and financial background investigation. Upon completion of the background investigation, the City Administrator shall forward the application to the City Council for action at its next regularly scheduled City Council meeting.

Subd. 3. Action. The City Council may either approve or deny the application for a license, or it may delay action for a reasonable period of time as necessary to complete any investigation of the application or the applicant it deems necessary. If the City Council approves the license, the City Administrator shall issue the license to the applicant. If the City Council denies the license, notice of the denial shall be given to the applicant along with notice of the applicant's right to appeal. Appeals of any decision must be made within thirty (30) days of the denial. If a license application is denied, the earliest an applicant may reapply is 12 months from the date the license is denied.

Subd. 5. Term. All licenses issued under this article shall expire on December 31 of each year.

Subd. 6. Revocation or Suspension.

- (1) Any license issued under this chapter may be revoked or suspended for failure of the license holder to meet the conditions of Section 188.04, or as otherwise provided in this chapter.
- (2) If a license is mistakenly issued or renewed to a person or a business, it shall be revoked upon the discovery that the person or business was ineligible for the license under this chapter and the City shall provide the person or business with a notice of revocation, along with information on the right to appeal.
- (3) Any change in the ownership or control of a licensed business shall be deemed equivalent to a transfer of the license, and any such license shall be revoked 30 days

after any such change in ownership or control unless the licensee has notified the Council of the change in ownership by submitting a new license application for the new owners, and the City Council has approved the transfer of the license by appropriate action. Any time an additional investigation is required because of a change in ownership or control of a business, the licensee shall pay an additional investigation fee to be determined by the City. The City may at any reasonable time examine the transfer records and minute books of any business licensee to verify and identify the owners, and the City may examine the business records of any other licensee to the extent necessary to disclose the interest which persons other than the licensee have in the licensed business. The City Council may revoke any license issued upon its determination that a change of ownership of a licensee has resulted in the change of control of the licensed business so as materially to affect the integrity and character of its management and its operation, but no such action shall be taken until after a hearing by the City Council on notice to the licensee.

Subd. 6. Transfers. All licenses issued under this chapter shall be valid only on the premises for which the license was issued and only for the person or business to whom the license was issued. The transfer of any license to another location, business, or person is prohibited.

Subd. 7. Display. All licenses shall be posted and displayed in plain view of the general public on the licensed premises.

Subd. 8. Renewals. The renewal of a license issued under this article shall be handled in the same manner as the original application. The request for a renewal shall be made at least 30 days but no more than 60 days before the expiration of the current license.

Subd. 9. Issuance as Privilege and Not a Right. The issuance of a license issued under this article is a privilege and does not entitle the license holder to automatic renewal of the license.

118.03 FEES.

No license shall be issued under this chapter until the appropriate license fee shall be paid in full. The fee for a license under this article shall be established by the City Council and adopted in the City fee schedule and may be amended from time to time.

118.04 ELIGIBILITY AND BASIS FOR DENIAL OF LICENSE.

Subd. 1. Eligibility.

- (1) *Moveable Place of Business.* No license shall be issued to a moveable place of business. Only fixed location businesses shall be eligible to be licensed under this article.
- (2) *Tobacco Store.* No license shall be issued except to a premises operating a tobacco store licensed under chapter 112, as it may be amended from time to time.
- (3) *Exclusive Liquor Store.* No license shall be issued to an exclusive liquor store as defined in Minn. Stat. § 340A.101, subd. 10.

Proximity to Schools. No license shall be issued for a premises within 500 feet of any school, as measured by the shortest line from the property line of the space to be occupied by the proposed licensee to the nearest property line of a school. This restriction does not apply to an existing license holder who has been licensed to sell licensed products in that same location for at least one year before the date this section was enacted into law.

Delinquent Taxes and Charges. No license shall be granted or renewed for operation on any premises on which taxes, assessments, utility charges, service charges, or other financial claims of the City are delinquent and unpaid. In the event an action has been commenced pursuant to the provisions of Minn. Stat. ch. 278, as it may be amended from time to time, questioning the amount or validity of taxes, the City Council may, on application by the licensee, waive strict compliance with this paragraph. No waiver may be granted, however, for taxes or any portion thereof which remain unpaid for a period exceeding one year after becoming due.

Subd. 2. Grounds for Denial. Grounds for denying the issuance or renewal of a license under this chapter include, but are not limited to, the following:

- (1) The applicant is under the age of 21 years.
- (2) The applicant is prohibited by Federal, State, or other local law, ordinance, or other regulation from holding a license.
- (3) The applicant has been convicted within the past five years for any violation of a Federal, State, or local law, other ordinance, provision, or other regulation relating to the licensed products, but not including possession or sale of licensed products.
- (4) The applicant has had a license to sell licensed products suspended or revoked during the 12 months preceding the date of application, or the applicant has or had an interest in another premises authorized to sell licensed products, whether in the City or in another jurisdiction, that has had a license to sell licensed products suspended or revoked during the same time period, provided the applicant had an interest in the premises at the time of the revocation or suspension, or at the time of the violation that led to the revocation or suspension.
- (5) The applicant is a business that does not have an operating officer or manager who is eligible pursuant to the provisions of this chapter.
- (6) The applicant is the spouse of a person ineligible for a license pursuant to the provision of subdivision 2(2) and 2(3) of this section or who, in the judgement of the City Council, is not the real party in interest or beneficial owner of the business to be operated, under the license.
- (7) The applicant fails to provide any information required on the application or provides false or misleading information. Any false statement on an application, or any willful omission of any information called for on such application form, shall cause an automatic refusal of license, or if already issued, shall render any license issued pursuant thereto void and of no effect to protect the applicant from prosecution for violation of this chapter, or any part thereof.
- (8) The premises for which the license is sought has real estate taxes, assessments, or other financial claims of the City or of the State are due, delinquent, or unpaid. If an action has been commenced pursuant to the provisions of Minn. Stats. Ch. 278, questioning the amount or validity of taxes, the City Council may, on application by the licensee, waive strict compliance with this provision; no waiver may be granted, however, for taxes, or any portion thereof, which remain unpaid for a period exceeding one year after becoming due unless such one-year period is extended through no fault of the licensee.

118.05 PROHIBITED ACTS.

Subd. 1. In general.

- (1) No person shall sell or offer to sell any licensed product:

- (i) By means of any type of vending machine.
 - (ii) By means of self-service merchandising.
 - (iii) By any other means, to any other person, on in any other manner or form prohibited by this chapter, or by other state or other local law, ordinance provision, or other regulation.
 - (iv) That is not in the original packaging with labeling in compliance with labeling requirements of Minn. Stat. §151.72, subd. 5, as may be amended from time to time.
- (2) No person shall sell or offer for sale a product containing THC that does not meet all the requirements of Minn. Stat. §151.72, subd. 3., as may be amended from time to time.

Subd. 2. Legal Age. No person shall sell any licensed product to any person under the age of 21.

- (1) *Age Verification.* Licensees shall verify by means of government issued photographic identification that the purchaser is at least 21 years of age. Verification is not required for a person over the age of 30. That the person appeared to be 30 years of age or older does not constitute a defense to a violation of this subsection.
- (2) *Signage.* Notice of the legal sales age and age verification requirement must be posted prominently and in plain view at all times at each location where licensed products are offered for sale. The required signage, which will be provided to the licensee by the City, must be posted in a manner that is clearly visible to anyone who is or is considering making a purchase.

Subd. 3. Samples Prohibited. No person shall distribute samples of any licensed product free of charge or at a nominal cost.

Subd. 4. Use of False Identification. It shall be a violation of this chapter for any person to attempt to disguise their true age by the use of a false form of identification, whether the identification is that of another person or one on which the age of the person has been modified or tampered with to represent an age older than the actual age of person.

Subd. 5. Unlawful Purchases. It shall be unlawful for any person who is under the age of 21 years to purchase any licensed product. Persons acting under the direct supervision of the City, law enforcement, or other governmental unit and which are actively engaged in a compliance check of the licensed premises are exempted from this provision while engaged in the compliance check.

Subd. 6. Hours and Days of Sale. No sale of THC products may be made between 10:00 p.m. and 8:00 a.m. Monday through Sunday.

Subd. 7. Possession. No person under the age of 21 shall be in possession of any THC Product. Any person under the age of 21 in possession of a THC Product may be subject to a petty misdemeanor. Any person under the age of 21 in possession of any THC Product may have it confiscated by a law enforcement officer.

118.06 ADDITIONAL REQUIREMENTS.

Subd. 1. Storage. All licensed products shall either be stored behind a counter or other area not freely accessible to customers, or in a case or other storage unit not left open and accessible to the general public.

118.07 RESPONSIBILITY.

All licensees are responsible for the actions of their employees in regard to the sale, offer to sell, and furnishing of licensed products on the licensed premises. The sale, offer to sell, or furnishing of any licensed product by an employee shall be considered an act of the licensee. Nothing in this section shall be construed as prohibiting the City from also subjecting the employee to any civil penalties that the City deems to be appropriate under this ordinance, state or federal law, or other applicable law or regulation.

118.08 COMPLIANCE CHECKS AND INSPECTIONS.

All premises licensed under this chapter shall be open to inspection by the City during regular business hours. From time to time, but at least once per year, the City or Caledonia Police Department or Houston County Sheriff's Office shall conduct compliance checks.

No person used in compliance checks shall attempt to use a false identification misrepresenting their age. All persons lawfully engaged in a compliance check shall answer all questions about their age asked by the licensee or their employee, and produce any identification, if any exists, for which they are asked. The City will conduct a compliance check that involves the participation of a person at least 18 years of age, but under the age of 21 to enter the licensed premises to attempt to purchase the licensed products. Persons used for the purpose of compliance checks shall be supervised by law enforcement or other designated personnel. Nothing in this chapter shall prohibit compliance checks authorized by state or federal laws for educational, research, or training purposes, or required for the enforcement of a particular State or Federal law. Additionally, from time to time, the City will conduct inspections to determine compliance with any or all other aspects of this chapter.

118.10 VIOLATIONS AND PENALTY.

Subd. 1 Criminal Penalty. Unless otherwise provided in this chapter, a violation of this chapter shall be a misdemeanor. Nothing in this chapter prohibits the City from seeking prosecution as a misdemeanor for an alleged violation of this chapter.

Subd. 2. Administrative Penalty. If a licensee or an employee of a licensee is found to have violated this article, the licensee shall be charged an administrative penalty as follows:

- (1) *First Violation.* The City Council shall impose a civil fine of \$300.00 and suspend the license for not less than 1 day or more than 3 days.
- (2) *Second Violation Within 36 Months.* The City Council shall impose a civil fine of \$750 and suspend the license for not less than 5 consecutive days.
- (3) *Third Violation Within 36 Months.* The City Council shall revoke the license for at least one year.

Subd. 3. Training in lieu of suspension. After the first violation, a licensee may request training from the Caledonia Police Department in proper identification procedures. Said training shall be at the expense of the licensee, shall be in lieu of the entire license suspension for a first violation and three of the 5-day license suspension for the second violation and shall be conducted per the following conditions:

- (1) Training for all employees of a licensee must be completed within two training sessions at the discretion of the Caledonia Police Department

- (2) If more than one licensee is requesting the training, the Caledonia Police Department retains control in deciding how many training sessions are necessary to accommodate the number of employees taking the training.
- (3) It shall be the responsibility of the licensee to make certain that all employees successfully complete the required training. Failure to do so means the licensee has failed to meet the “training in lieu of suspension” requirement of the administrative penalty and will be subject to the entire license suspension.
- (4) The licensee shall pay for all of the following costs for the training: supplies and materials, any facility costs, the personnel expenses for the trainer, all administrative costs of the training and any other costs staff deems necessary to conduct the training. Payment for the training must be made to the City Administrator prior to the commencement of the training. Failure to make the payment will result in the cancellation of the training and the immediate imposition of the appropriate license suspension.

Subd. 4. Administrative Penalty Procedures. No penalty shall take effect until the licensee has received notice (served personally or by mail) of the alleged violation and of the opportunity for a hearing before the City Council, and such notice must be in writing and must provide that a right to a hearing before the City Council must be requested within 10 business days of receipt of the notice or such right shall terminate.

Subd. 5. Persons Under the Age of 21. Persons under the age of 21 who use a false identification to purchase or attempt to purchase licensed products may only be subject to non-criminal, non-monetary civil penalties such as education classes, diversion programs, community services, or another penalty that the City determines to be appropriate. The City Council will consult with court personnel, educators, parents, children and other interested parties to determine an appropriate penalty for persons under the age of 21 in the City. The penalty may be established by ordinance and amended from time to time.

Subd. 6. Revocation. In addition to any other penalty imposed under this chapter, any license issued under this section may be revoked by the City Council for a violation of any provision of this chapter if the licensee has been given a reasonable notice and an opportunity to be heard.

Subd. 7. Appeal. Any appeal of the decision of the City Council to impose a civil penalty must be made within thirty (30) days of the decision of the City Council.

SECTION 2. FEE SCHEDULE AMENDMENT. The City of Caledonia Fee Schedule shall be amended as follows (*Underlined language is added.*);

<u>THC License</u>	<u>\$ 1,000.00</u>
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SECTION 3. EFFECTIVE DATE. This Ordinance shall be in full force and effect from and after its passage and publications as required by law.

SECTION 4. SUMMARY PUBLICATION. The following summary clearly informs the public of the intent and effect of the ordinance and is approved for publication:

SUMMARY FOR PUBLICATION
CITY OF CALEDONIA
ORDINANCE NO. 2023-01

AN ORDINANCE AMENDING TITLE XI OF THE CITY CODE BY ADDING
CHAPTER 118 REGULATING TETRAHYDROCANNABINOL PRODUCTS

The above-referenced Ordinance amends the Caledonia City Code by amending City Code Ordinance Title XI – Business Regulations by adding Chapter 118 regulating tetrahydrocannabinol products within the City. This summary is adopted pursuant to Minn. Stat. §412.191, Subd. 4. A printed copy of the entire Ordinance is available for inspection and copying at the Caledonia City Hall located at 231 E Main St., Caledonia, Minnesota, 55921. //Jake Dickson, City Clerk/Administrator

ADOPTED by the City Council of the City of Caledonia this __th day of ____, 2023.

DeWayne Schroeder, Mayor

ATTEST:

Jake Dickson, City Clerk/Administrator

Published in the _____ on _____, 2023

I, Jake Dickson, City Clerk/Administrator of the City of Caledonia, do hereby certify that this is a true and correct transcript of the resolution that was adopted at a meeting held on the _____ day of _____, 2023, the original of which is on file in this office. I further certify that _____ members voted in favor of this resolution and that _____ members were present and voting.

Signed _____

Date _____

CHAPTER 117: CANNABINOID PRODUCTS REGULATIONS

Section

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GENERAL PROVISIONS

§117.01 ADOPTION OF STATE LAW BY REFERENCE. The provisions of M.S. Chapter 151.72, as they may be amended from time to time, with reference to the definition of terms, conditions of operation, restrictions on consumption, provisions relating to sales, hours of sale, and all other matters pertaining to the retail sale, distribution, and consumption of cannabinoid products are hereby adopted by reference and are made a part of this Chapter as if set out in full. It is the intention of the City Council that all future amendments to M.S. Chapter 151.72 are hereby adopted by reference or referenced as if they had been in existence at the time this Chapter was adopted.

§117.02 DEFINITIONS. In addition to the definitions contained in M.S. §151.72, as it may be amended from time to time, the following terms are defined for purposes of this chapter:

- (A) CANNABINOID PRODUCT. “Cannabinoid products” as used in this Chapter are those products defined as edible cannabinoid products under M.S. §151.72, as it may be amended from time to time, and any additional cannabinoid products that may be permitted under future state law amendments.

- (B) CLUB. A “Club” is an incorporated organization organized under the laws of the state for civic, fraternal, social, or business purposes, for intellectual improvement, or for the promotion of sports, or a congressionally chartered veterans’ organization, which: (1) has more than 30 members; (2) has owned or rented a building or space in a building for more than one year that is suitable and adequate for the accommodation of its members; and (3) is directed by a board of directors, executive committee, or other similar body chosen by the members at a meeting held for that purpose. No member, officer, agent or employee shall receive any profit from the distribution or sale of beverages to the members of the club, or their guests, beyond a reasonable salary or wages fixed and voted each year by the governing body.
- (C) COMPLIANCE CHECKS. “Compliance Checks” means the system the City uses to investigate and ensure that those authorized to sell cannabinoid products are following and complying with the requirements of state laws and this ordinance. Compliance checks involve the use of persons under the age of 21 who purchase or attempt to purchase cannabinoid products. Compliance checks may also be conducted by the City or other units of government for educational, research, and training purposes or for investigating or enforcing federal, state, or local laws and regulations relating to cannabinoid products.
- (D) LICENSED PREMISES. The premises described in the approved license application. In the case of a restaurant or club located on a golf course, “licensed premises” means the entire golf course except for areas where motor vehicles are regularly parked or operated.
- (E) MOVEABLE PLACE OF BUSINESS. Moveable place of business means any form of business that is operated out of a kiosk, truck, van, automobile or other type of vehicle or transportable shelter and that is not a fixed address or other permanent type of structure licensed for over-the-counter sales transactions.
- (F) OPERATOR. “Operator” means the person in legal possession and control of a location by reason of ownership, lease, contract, or agreement, for the sale of cannabinoid products at retail.
- (G) PERSON. “Person” means any individual applicant and licensee as well as any business entity applicant or licensee under this Chapter.
- (H) RESTAURANT. An eating facility under the control of a single proprietor or manager, where meals are regularly prepared on the premises, where full waitress/waiter table service is provided, where a customer orders food from printed menus and where the main food course is served and consumed while seated at a single location. To be a “restaurant” as defined by this section, an establishment shall have a license from the state as required by M.S. §157.16, as it may be amended from time to time, and meet the definition of either a “small establishment”, “medium establishment” or “large establishment” as defined in M.S. §157.16, Subd. 3d, as it may be amended from time to time. An establishment which serves prepackaged food that receives heat treatment and is served in the package or frozen pizza that is heated and served, shall not be considered to be a restaurant for purposes of

this chapter unless it meets the definitions of “small establishment”, “medium establishment” or “large establishment”.

- (I) **RETAIL ESTABLISHMENT.** “Retail establishment” means any fixed place of business where cannabinoid products are available for sale to the general public, including restaurants and clubs.

LICENSING

§117.20 LICENSE REQUIRED. It is unlawful for any person to sell at retail any cannabinoid products within the City unless the person holds a valid retail cannabinoid products license. Any existing retail establishment selling cannabinoid products at the time of ordinance adoption will be required to obtain a license no later than July 1, 2023 and must follow the standards set forth in this Chapter. Failure to obtain a license prior to selling cannabinoid products, or for existing businesses at the time this ordinance is adopted no later than July 1, 2023, will result in a misdemeanor. Any issued license shall permit retail sales only and shall not authorize manufacturing or production of cannabinoid products.

§117.21 NUMBER OF LICENSES WHICH MAY BE ISSUED. The Council may grant an unlimited number of licenses to those applicants meeting the requirements of this Chapter.

§117.22 TERM AND EXPIRATION OF LICENSES. Each license shall be issued for a maximum period of one year. All licenses, except temporary licenses, shall expire on June 30 of each year. Temporary licenses expire according to their terms.

§117.23 APPLICATION FOR AND PROCUREMENT OF LICENSE.

- (A) **Form.** Any business owner or property owner desiring a retail cannabinoid products license shall file with the City Clerk or Administrator an application, in writing, on such form as provided by the City. Every application shall state the name, address, telephone number, and email address of the applicant and for any partners in the business to be licensed, the applicant's age, representations as to the applicant's character, with references as the Council may require, the business in connection with which the proposed license will operate and its location, a description of the premises, whether the applicant is owner and operator of the business, how long the applicant has been in that business at that place, disclosure of all prior felony controlled substance convictions, and other information as the Council may require from time to time. The application shall be accompanied by the required fee.
- (B) **Insurance.** The applications shall include proof of business liability insurance. Operation of a business which is required to be licensed by this chapter without having on file with the city at all times effective proof of business liability insurance is a cause for revocation of the license.

(C) **Background Investigation.** The City Clerk or Administrator will immediately transmit a copy of the application to the law enforcement, who will investigate all facts and information which the City Clerk or Administrator can reasonably find, bearing upon the question of the applicant's fitness to receive the license and to perform the duties imposed by this ordinance. On an initial application for a license, on an application for transfer of a license and, when in the sound discretion of the Council that it is in the public interest to do so on an application for renewal of a license, the city shall conduct a preliminary background investigation of the applicant or applicants, or it may contract with an outside party for the investigation. Upon completing the investigation and background check, the Chief of Police, Sheriff, or their designee will report, in writing, his/her findings to the City Clerk or Administrator, together with his/her recommendation as to the issuance of a license to the applicant. The City Clerk or Administrator will submit to the City Council the report of law enforcement, together with the recommendation as to the issuance of the license to the applicant.

(D) **Review.** Opportunity shall be given to any person to be heard for or against the granting of the license. The City Council will consider the facts and recommendations of law enforcement and of the City Clerk or Administrator, together with any material facts which it may have or obtain, and then, by motion, will approve or deny the application. If the City Council has approved the application, it is the duty of the City Clerk or Administrator to execute and deliver a license to the applicant.

§117.24 LICENSE FEES; PRO RATA. The Council may establish from time to time, in the Ordinance Establishing Fees and Charges, the fee for a cannabinoid product license (see §30.11.).

- (A) The license fee shall not exceed the cost of issuing the license and other estimated costs related to the enforcement of the cannabinoid product laws and this chapter.
- (B) All license fees shall be paid in full at the time the application is filed with the city. An application shall be considered incomplete until the applicable fee is paid. If the application is denied, the license fee shall be returned to the applicant.
- (C) Applications for less than a full year's license may be prorated at the discretion of the Council or City Administrator.

§117.25 COUNCIL DISCRETION TO GRANT OR DENY A LICENSE, RESTRICTIONS ON ISSUANCE. No applicant has a right to a license under this chapter. The Council in its sound discretion may either grant or deny the application for any license or for the transfer or renewal of any license, except no license shall be issued to:

- (A) An applicant under 21 years of age;
- (B) An applicant not of good moral character and repute;
- (C) An applicant who has had a license to sell cannabinoid products suspended or revoked within the preceding 12 months of the date of application;
- (D) An applicant who has been convicted within the past five years of any violation of federal, state, or local law, ordinance provision, or other regulation relating to cannabinoid products;
- (E) An applicant who is otherwise prohibited by federal, state or other local law or regulation from holding a license;

- (F) An applicant for which the license is requested is a moveable place of business. Only fixed-location retail establishments that are not excluded under the definition for retail establishments in this ordinance are eligible to be licensed;
- (G) An applicant whose primary place of business will be within 250 feet of a school, commercial daycare, or drug rehabilitation facility.
- (H) An applicant whose primary place of business will be within an R-1 or R-2 zoned district;
- (I) An applicant whose primary place of business is located on premises on which property taxes, special assessments, utility charges, service charges, or other financial claims of the city are delinquent and unpaid; and
- (J) An applicant who already holds a license under this Chapter, whether directly or indirectly through a partial or complete ownership interest in a separate business entity.

Each license shall be issued only to the applicant for the premises described in the application.

§117.26 APPLICATIONS FOR RENEWAL. At least 60 days before a license issued under this chapter is to be renewed, an application for renewal shall be filed with the city. The decision whether or not to renew a license rests within the sound discretion of the Council. No licensee has a right to have the license renewed.

§117.27 TRANSFER OF LICENSE. No license issued under this chapter may be transferred without the approval of the Council. Any transfer of stock of a corporate licensee is deemed to be a transfer of the license, and a transfer of stock without prior Council approval is a ground for revocation of the license. An application to transfer a license shall be treated the same as an application for a new license, and all of the provisions of this code applying to applications for a license shall apply. In the case of the death of a retail licensee, the personal representative is authorized to continue operation of the business for not more than 30 days after the death of the licensee.

Penalty, see §117.99

§117.28 CONDITIONS OF LICENSE. The failure of a licensee to meet any one of the conditions of the license specified below shall result in a suspension of the license until the condition is met.

- (A) Every licensee is responsible for the conduct of the place of business. The act of any employee on the licensed premises is deemed the act of the licensee as well, and the licensee shall be liable to all penalties provided by this chapter and the law equally with the employee.
- (B) Every licensee shall allow any peace officer, health officer, city employee, or any other person designated by the Council to conduct compliance checks and to otherwise enter, inspect, and search the premises of the licensee during business hours, and after business hours during the time when customers remain on the premises, without a warrant.
- (C) Compliance with the insurance conditions of this chapter is a continuing condition of any license.

Penalty, see §117.99

§117.29 PROHIBITED ACTIVITIES.

- (A) **Samples Prohibited.** Sampling of cannabinoid products within any retail establishment licensed under this ordinance is prohibited. No person shall distribute samples of any

cannabinoid products free of charge or at a nominal cost. The distribution of cannabinoid products as a free donation is prohibited.

- (B) **Coupon and Price Promotion.** No person shall accept or redeem any coupon, price promotion, or other instrument or mechanism, whether in paper, digital, electronic, mobile, or any other form, that provides any cannabinoid products to a consumer at no cost or at a price that is less than the non-discounted, standard price listed by a retailer on the item or on any related shelving, posting, advertising, or display at the location where the item is sold or offered for sale, including all applicable taxes.
- (C) **Self-service Displays.** All cannabinoid products must be stored behind the sales counter, in a locked case, in a storage unit, or in another area not freely accessible to the general public. No person shall allow the sale of cannabinoid products in open displays that are accessible to the public without the intervention of a store employee. This section does not apply to a retail establishment, as defined in this ordinance, that is continuously staffed by an employee from which persons under 21 years of age are prohibited from entering the store.
- (D) **Prohibition Against Retail Sales of Cannabinoid Products by Vending Machines.** No person will sell or dispense cannabinoid products through use of a vending machine.
- (E) **Delivery Sales.** All sales of cannabinoid products must be conducted in person, in a licensed retail establishment under this ordinance, in over-the-counter sales transactions.
- (F) **Manufacturing/Production.** The manufacturing and production of cannabinoid products is not permitted by any licensee under this Chapter.

Penalty, see §117.99

§117.30 MINORS ON PREMISES.

- (A) No person under the age of 18 years shall be employed in any rooms constituting the place in which cannabinoid products are sold at retail on sale, except that persons under the age of 18 may be employed as musicians or to perform the duties of a bus person or dishwashing services in places defined as a restaurant, hotel, motel or other multi-purpose building serving food in rooms in which cannabinoid products are sold at retail on sale.
- (B) No person under the age of 21 years may enter a licensed establishment except to work, consume meals on premises that qualify as a restaurant, or attend social functions that are held in a portion of the premises where cannabinoid products are sold.

Penalty, see §117.99

§117.31 SIGNAGE; AGE VERIFICATION.

- (A) **Signage.** At each location where cannabinoid products are sold, the licensee shall display a sign in plain view to provide public notice that selling any of these products to any person under the age of 21 is illegal and subject to penalties. The notice shall be placed in a conspicuous location in the licensed establishment and shall be readily visible to any person who is purchasing or attempting to purchase these products. The sign shall provide notice that all persons responsible for selling these products must verify, by means of photographic identification containing the bearer's date of birth, the age of any person under 30 years of age.
- (B) **Age Verification.** At each location where cannabinoid products are sold, the licensee shall verify, by means of government-issued photographic identification containing the bearer's date of birth, that the purchaser or person attempting to make the purchase is at least 21

years of age. Verification is not required if the purchaser or person attempting to make the purchase is 30 years of age or older. It shall not constitute a defense to a violation of this Section that the person appeared to be 30 years of age or older.

Penalty, see §117.99

§117.32 SUSPENSION AND REVOCATION.

- (A) The Council shall either suspend for a period not to exceed 60 days or revoke any cannabinoid product license upon finding that the licensee has failed to comply with any applicable statute, regulation, or provision of this chapter relating to cannabinoid products. Except in cases of lapse of proof of insurance, no suspension or revocation shall take effect until the licensee has been afforded an opportunity for a hearing pursuant to the Administrative Procedures Act, M.S. §14.57 to 14.70, as it may be amended from time to time. The Council may act as the hearing body under that act, or it may contract with the office of Hearing Examiners for a hearing officer.
- (B) The following are the minimum periods of suspension or revocation which shall be imposed by the Council for violations of the provisions of this chapter or M.S. Chapter 151.72, as it may be amended from time to time or any rules promulgated under that Chapter as they may be amended from time to time:
 - a. **Revocation.** The license shall be **revoked** as a consequence of commission of a felony related to the licensed activity or sale of cannabinoid products while the license is under suspension.
 - b. **Suspension.** The license shall be **suspended** by the Council after a finding under division (A) that the licensee has failed to comply with any applicable statute, rule, or provision of this chapter for at least the minimum periods as follows:
 - i. For the first violation within any three-year period, at least one day suspension in addition to any criminal or civil penalties which may be imposed.
 - ii. For a second violation within any three-year period, at least three consecutive days suspension in addition to any criminal or civil penalties which may be imposed.
 - iii. For the third violation within any three-year period, at least seven consecutive days suspension in addition to any criminal or civil penalties which may be imposed.
 - iv. For a fourth violation within any three-year period, the license shall be revoked.
 - c. The council shall select the day or days during which the license will be suspended.
- (C) Lapse of required proof of insurance shall cause an immediate suspension of any license issued pursuant to this chapter or state law without further action of the Council. Notice of cancellation or lapse of a current business liability policy shall also constitute notice to the licensee of the impending suspension of the license. The holder of a license who has received notice of lapse of required insurance or of suspension or revocation of a license may request a hearing thereon and, if a request is made in writing to the City Administrator/Clerk-Treasurer, a hearing before the Council shall be granted within ten days. Any suspension under this division (B) shall continue until the Council determines that the insurance requirements of state law and this chapter have again been met.

- (D) The provisions of §117.99 pertaining to administrative penalty may be imposed in addition to or in lieu of any suspension or revocation under this chapter.

Penalty, see §117.99

§117.99 PENALTIES.

- (A) Any person violating the provisions of this chapter or M.S. Ch.151.72 as it may be amended from time to time or any rules promulgated under that Chapter as they may be amended from time to time is guilty of a misdemeanor and upon conviction shall be punished as provided by law.
- (B) The Council shall impose a civil penalty of up to \$2,000 for each violation of M.S. Ch.151.72, as it may be amended from time to time, and of this chapter. Conviction of a violation in a court of law is not required in order for the council to impose the civil penalty. A hearing under the Administrative Procedures Act, M.S. §§14.57 to 14.70, as it may be amended from time to time, is not required before the penalty is imposed, but the Council shall hold a hearing on the proposed violation and the proposed penalty and hear any person who wishes to speak. Non-payment of the penalty is grounds for suspension or revocation of the license. The following is the minimum schedule of presumptive civil penalties, which must be imposed in addition to any suspension unless the license is revoked:
- a. For the first violation within any three-year period, \$500.
 - b. For the second violation within any three-year period, \$1,000.
 - c. For the third and subsequent violations within any three-year period, \$2,000.
- (C) The term “violation” as used in this section includes any and all violations of the provisions of this chapter, or of M.S. Ch.151.72, as it may be amended from time to time, or any rules promulgated under that Chapter as they may be amended from time to time. The number of violations shall be determined on the basis of the history of violations for the preceding three-year period. Revocation shall occur within 60 days following a violation for which revocation is imposed.

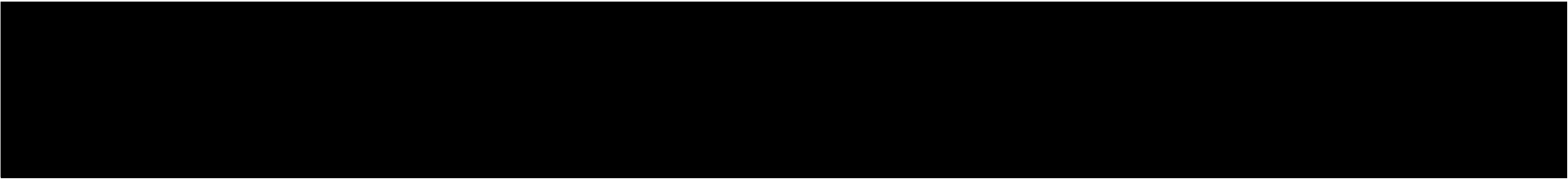
My name is Luis Hummel owner of 5th Sun Gardens LLC. I was one of the first farmers in Fillmore county to get a hemp license from the state back in 2018. At the time I was on the growing side of the industry mainly. I decided to get into this industry because I wanted to help people live a better quality a life. I started with offering full spectrum CBD products and have been selling them all over Minnesota for the last 5 years. As of July 1 2022 I have added the newly legal Hemp derived Delta -9THC edibles to the list. These new products make up at least 50% of my current sales and to have them taken away/ban in this county would really hurt my legal retail cannabis business here in Lanesboro.

I do understand the need to regulate and have compliance checks because we do need to make sure these New Hemp derived delta-9THC products are out of reach from our youth and used responsibly. That being said these products have been legal for over 6 months now and if this were a true emergency why wasn't this addressed last July with all the other counties that decided to ban these products? Has Fillmore county's data shown an increase of youth users or cases where minors illegally obtained these products? Another reason Fillmore should not put a ban on these products is that its just gonna force the consumer back on the illicit market and/or to other counties where it isn't banned. This is just hurting our local economy.

I would also like to point out in the case with the board of pharmacy and the company "death by gummy bears" up in Moorehead, that was a clear example of how regulation and enforcement is working here in Minnesota. That company was a bad player and they were caught and being dealt with in the correct manner. With the full legalization issue being one of the states first priorities this year adding more restrictions to already state approved cannabis products is asinine in my opinion.

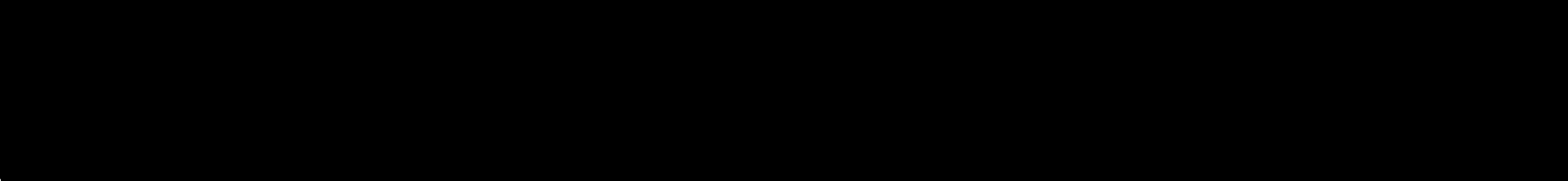
Thank you for your time,

Luis Hummel



I am writing today to say that I am pro THC edible cannabinoids in Fillmore County. I have personally used these products to help with pain relief and as a sleep aid and it has helped me more than any other prescribed or over the counter medications with no side effects. I have several people in my family that suffer from cancer, anxiety and depression and these products have helped my family members immensely. THC products are proven to be significantly safer and less addictive than opioids. We allow alcohol and prescribed opioid sales in Fillmore County, so why not THC? The State of Minnesota is in the middle of full legalization and is working on regulations and protocols to keep the public safe. Why is Fillmore County looking to go over their policies? The hemp industry creates jobs in Fillmore County and brings new ideas to tourism. Fillmore County has been an agricultural community for centuries. Hemp is agricultural. Another benefit for Fillmore County itself are the taxes that can be placed on the products. This is a direct benefit for the county. With the correct packaging to clearly state “must be 21 or older with photo ID to purchase and consume” as well as products that are not appealing to children, these products can and will be a benefit to those Fillmore County residents who are 21 and older. Please consider continuing to allow the sale and distribution of THC gummies, edibles and seltzers in Fillmore County and allow the State of Minnesota to govern the laws and regulations of these products. I personally feel that the residents of Fillmore County have a special election to vote on this recommendation to allow THC sales.

Sincerely,
Lucas Doering



This proposed moratorium appears to be an attempt for the county to over reach the State, which is trending a different direction. It seems to be founded in Reefer madness more so than any sort of forward thinking or concern for local economic impact & potential.

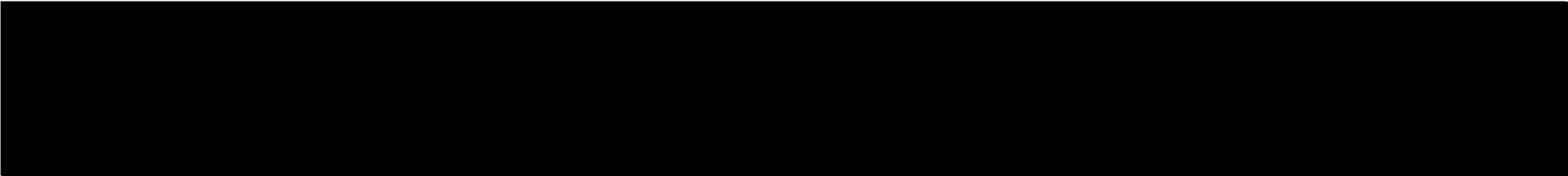
Fillmore County should be a very hemp friendly County based in its history in local agriculture. It should be supported and subsidized for small farmers.

Between the recent feedlot expansion proposal and this the hemp moratorium, I'd be very hesitant to invest doing business or investing in Fillmore County.

The products of concern are less harmful than the products served at every city festival beer garden. The moratorium accomplishes nothing but negative impact on legal business and gives the county a bad perception.

There are local breweries and establishments already concerned that the county DA will target them if they offer these legal products while observing similar small businesses in neighboring counties benefit from the added revenue. The county should be ashamed to treat small businesses that way. These types of proposals are exactly what limits rural counties from forward progress. Find better things to focus energy on than catering to Big Ag interests and Reefer madness ideologies. Citizens really shouldn't have engage with county government to defend the rights to clear air, water, and basic rights.

Marc Brogan



My name is Anna Rae Nelson. I have lived in Fillmore County my entire life. I have been diagnosed with multiple musculoskeletal issues over the years which have led me to procure a medical cannabis permit through the state of MN. I have personally gained multiple health benefits from following the THC dose prescribed to me. This experience has led me to a much deeper education on Cannabinoids and their benefits with very few negative results.

Legalized sales of THC edibles and beverages in Fillmore County can benefit our economy in multiple ways. Low licensing fees and taxation costs would help compete with the illegal and unregulated sales which would, in time, slow down that 'profession'. There has been evidence that legal THC products save in law enforcement costs in the arrest, trial & jailing of the illegal marijuana offenders.

THC is a proven health benefit for multiple ailments. The side effects and negative repercussions are extremely minimal. I do realize that there are instances where certain individuals will not indulge responsibly. Unfortunately, this has been an issue with alcohol since the beginning. There are field sobriety tests to assess an individuals right to be operating in public, whether they are under the influence of alcohol or cannabis.

THC edibles and beverages do not pose an immediate risk to the peace, health, morals, safety or welfare of the residents of Fillmore County. There are far more dangerous drugs in our communities that are posing a very real and dangerous threat to our citizens. These are the drugs that should be more of a focal point.

The interim ordinance that you are wanting to place on the sale of edible cannabinoid products is a waste of time and resources. The purpose of said moratorium would be to have sufficient time to study and implement appropriate local regulations. There is no reason that this study couldn't take place concurrently with the legal sales of said products.

Since the sale of these products began in Fillmore County, is there any evidence showing that any crimes have increased that are directly related to THC gummies? I would be so bold as to assume NO. I encourage you to look at the benefits that this legalization has had for our communities.

Please, keep in mind that by retaining legal THC edibles and beverages in our county, we are helping to mitigate the sales of illegal cannabis, funnel more money into our economy and create job opportunities.

All of this, while also allowing people to have access to a natural and safe health benefit.

Respectfully,
Anna Rae Nelson

Respectfully,
Anna Rae Nelson

REQUEST FOR COUNTY BOARD ACTION

Agenda Date: 2/28/2023	Amount of time requested (minutes):	5
Dept.: Human Resources	Prepared By:	Lindsi Engle

State item(s) of business with brief analysis. If requesting multiple items, please number each item for clarity. Provide relevant material(s) for documentation. Please note on each item if documentation is needed and attached.

Consent Agenda:

Regular Agenda:

	<u>Documentation</u>
1. Consider the request to hire replacement RN/ PHN effective April 4 th , 2023 as requested by the Director of Nursing and the Hiring Committee	NO
a. Katie Hamman	
b. Grade 12/ Step 3	
c. \$31.48 hourly	
2. Consider the request to promote Carrie Boyum, PHN to Lead PHN effective March 3 rd , 2023 as requested by the Director of Nursing and the Hiring Committee	NO
a. Internal hiring process executed	
b. Grade 14/ Step 4	
c. \$40.02 hourly	
3. Consider the request to hire replacement Office Support Specialist, Senior effective March 1 st , 2023 as requested by the Social Services Director and the Hiring Committee	NO
a. Stephanie Anderson	
b. Grade 6/ Step 1	
c. \$22.27 hourly	
4. Consider the request to hire replacement Finance Accounting Technician effective March 20 th , 2023 as requested by the Finance Director and the Hiring Committee	NO
a. Marilyn Snell	
b. Grade 7/ Step 1	
c. \$23.20 hourly	

All requests for County Board agenda must be in the Administrator's office **No later than noon Thursday prior to the Board date.** Items received after this time **will not** be placed on the Board agenda. All requests should be sent to: bhillery@co.fillmore.mn.us or tkraling@co.fillmore.mn.us

RESOLUTION

**FILLMORE COUNTY BOARD OF COMMISSIONERS
Preston, Minnesota 55965**

Date February 28, 2023 Resolution No. 2023-
Motion by _____
Commissioner _____ Second by Commissioner _____

WHEREAS; Fillmore County (Tax EIN #41-6005794) needs authorization for Account Signers and Treasury Management Signers for its bank accounts and access to account information and monitoring by other staff throughout FILLMORE COUNTY; and

WHEREAS; the Fillmore County Board based upon policy and the checks and balances of departments authorizes Signers for this account and the Treasury Management of this account; and

WHEREAS; the following people have been selected as official Account Signers and Treasury Management Signers on these accounts as follows holding the positions of Administrator, Auditor/Treasurer and Deputy Auditor/Treasurers:

Auditor/Treasurer and all Deputy Auditor/Treasurer as listed in Addendum A

WHEREAS; the following people have been selected as those that are authorized for online access for account information and the ability to monitor the accounts and every transaction as follows holding the positions of Finance Director and Deputy Finance Director;

Finance Director and Deputy Finance Director as listed in Addendum A

WHEREAS; the Board gives authorization to the County Administrator to monitor the signature cards for any and all accounts and the authorization to update staffing in any immediate situation for which those changes must be presented and approved at the next possible Board meeting; and

WHEREAS; the Board gives authorization for all persons listed in Addendum A to have online access to all accounts, and

NOW THEREFORE BE IT RESOLVED; that the Fillmore County Board of Commissioners hereby authorizes this as the official resolution for all FILLMORE COUNTY bank accounts.

VOTING AYE

Commissioners Hindt ☐ Bakke ☐ Prestby ☐ Dahl ☐ Lentz ☐

VOTING NAY

Commissioners Hindt ☐ Bakke ☐ Prestby ☐ Dahl ☐ Lentz ☐

STATE OF MINNESOTA
COUNTY OF FILLMORE

I, Bobbie Hillery, Clerk of the Fillmore County Board of Commissioners, State of Minnesota, do hereby certify that the foregoing resolution is a true and correct copy of a resolution duly passed at a meeting of the Fillmore County Board of Commissioners held on the 28th day of February 2023.

Witness my hand and official seal at Preston, Minnesota the 28th day of February 2023.

SEAL

Bobbie Hillery, Administrator/Clerk
Fillmore County Board of Commissioners

Addendum A - Fillmore County (Tax EIN #41-6005794) needs authorization for Account Signers and Treasury Management Signers for its bank accounts and access

RESOLUTION 2023-XXX

WHEREAS; the following people have been selected as official Account Signers and Treasury Management Signers on these accounts as follows holding the positions of Auditor/Treasurer and Deputy Auditor/Treasurers:

Heather Broadwater, Auditor/Treasurer
Shannon Smidt, Deputy Auditor/Treasurer
Sharon Miller, Deputy Auditor/Treasurer
Sarah Kohn, Deputy Auditor/Treasurer

WHEREAS; the following people have been selected as those who are authorized for online access for account information and the ability to monitor the accounts and every transaction as follows holding the positions of Finance Director and Deputy Finance Director:

Christy Smith, Finance Director
Marilyn Snell, Deputy Finance Director

WHEREAS; the Board gives authorization for all persons listed in Addendum A to have online access to all accounts:

Christy Smith, Finance Director
Marilyn Snell, Deputy Finance Director
Heather Broadwater, Auditor/Treasurer
Shannon Smidt, Deputy Auditor/Treasurer
Sharon Miller, Deputy Auditor/Treasurer
Sarah Kohn, Deputy Auditor/Treasurer

County Administrator, Bobbie Hillery, has rights to authorize changes to this addendum.

By: _____
Title: County Administrator

Dated: _____