

Morrison County Board of Adjustment
Morrison County Government Center Board Room
Minutes

May 16, 2023

Members Present: Dave Stish, Clint Kathrein, John Kunelius, Brent Lindgren and Marvin Trettel

Members Absent: None

Ex-Officio Members Present: Amy Kowalzek and Sharon Peterson

Ex-Officio Members Absent: Robert Wall

County Commissioners: Bobby Kasper, Greg Blaine

County Commissioners Absent: Randy Winscher, Jeff Jelinski and Mike LeMieur

Other Members: Matt LeBlanc and Alan Ringwelski (SWCD)

Chairperson Dave Stish called the meeting to order at 6:35 p.m.

Pledge of Allegiance

Chairperson Dave Stish read the opening statement.

- 1. Duane & Rebecca Klisch – 18289 Nature Rd; Royalton, MN 56373 - Application for a Variance to expand to a Tier II feedlot within the setback to the City of Royalton; located in pt of NE ¼ of SW ¼, Section 36, Township 39, Range 32, Bellevue Township.**

Duane Klisch and Brian Steffen were present.

Amy Kowalzek entered into record Section 1209.1 of the Morrison County Land Use Control Ordinance, plat map with the parcel location, Variance application, background information questions, site plan, aerial photo, three (3) site plans, staff report, aerial photo showing the proximity to the City of Royalton, aerial photo showing the setbacks to the animal holding areas to the City Limits of Royalton, aerial photo showing the setback to the City Limits to the proposed chicken barn, letter from the City of Royalton and aerial photo showing the proximity of the feedlot to the City of Royalton's source water protection area for wellhead protection and high vulnerability for drinking water supply. There were 159 notices sent to neighboring property owners. No comment was received prior to the public hearing. Amy entered the finding of fact and decision questions.

Site visit: Amy Kowalzek, Dave Stish, Clint Kathrein, John Kunelius and Marvin Trettel visited the site on May 12, 2023. Brent Lindgren stated he did not view the property.

Dave Stish asked about Figure 6. Amy Kowalzek explained what the map and the colors meant on the map regarding the well head protection area. Dave asked what this would affect. Amy stated the quality of the water.

Marvin Trettel stated that the new barn will be even farther away than the first barn. Amy Kowalzek stated we have to look at the feedlot as a whole. This includes the beef feedlot area. Marvin asked if the pollution issue has been fixed. Amy stated it has.

Brian Steffen stated the beef area will be reduced to six or seven in the one lot.

Clint Kathrein stated that the City of Royalton is a very agriculture area. The City Council approved the request for the second barn. The area is clean where the new barn is proposed. The area is secluded and has wind blocks. Could you make the water from the barn not flow to the west? Duane Klisch stated all of the water currently flows to

the east. Clint asked where the clean out is. Duane states he carries it out on both ends. Clint if it could be done to the east this would help with anything going to the west.

Audience Comment:

Curtis Gregory – stated he lives by the high school. Concerns with the proximity to the city well. Wind from the east get cattle manure smell. Cattle portion seems to be the worst.

Marvin Trettel stated the offset is 86%. How can this be brought up? Amy Kowalzek stated this is due to the proximity to homes and city limits. Need to remove animals close to the homes.

Clint Kathrein asked how many beef cattle are on site. Duane Klisch stated just under 20.

The voting sheets were polled.

A motion was made by Brent Lindgren to approve the Variance request. The motion was seconded by Dave Stish. The vote was all in favor.

2. Shannon Johnston – 4731 Cable Rd; Swanville, MN 56382 – Application for a Variance to place a home within the setback to a feedlot; located in pt of the NW ¼ of NE ¼, Section 10, Township 128, Range 31, Swanville Township.

Shannon Johnston was present.

Amy Kowalzek entered into record Section 1209.1 of the Morrison County Land Use Control Ordinance, plat map with the parcel location, Variance application, background information questions, two (2) aerial photos, four (4) site photos, staff report, aerial photo showing zoning and wetlands, aerial photo showing the flood zone area, aerial photo showing the shared driveway and the two parcels and the structures on the parcels, aerial photo showing the setbacks from the animal holding areas to the proposed home site, aerial photo showing the building envelope that would be within the flood zone and aerial photo showing the surrounding land uses. There were 19 notices sent to neighboring property owners. No comment was received prior to the public hearing. Amy entered the finding of fact and decision questions.

Shannon Johnston stated the proposed spot for the home is the highest and does not interfere with the wetland and floodplain.

Site visit: Amy Kowalzek, Dave Stish, Clint Kathrein, John Kunelius and Marvin Trettel visited the site on May 12, 2023. Brent Lindgren stated he did not view the property.

Marvin Trettel asked why not build in the building envelope. Shannon Johnston stated that area gets water in it from time to time. Marvin asked if the variance is granted how will this affect the neighboring feedlot. Amy Kowalzek stated that feedlot setbacks are reciprocal. Marvin asked what can be done to the home on the feedlot parcel. Amy stated that is a feedlot dwelling and does not need to meet the setback to the feedlot on the same parcel.

Clint Kathrein stated the variance goes to the land not the landowner. We need to look into the future and remember that someone else that builds a home next to a feedlot.

Audience Comment:

Jerry Capko – stated he bought the feedlot parcel from Shannon and do not have any problems with him building a home here. What happens in the future when Shannon no longer owns the property?

Amy Kowalzek stated we can only say what the ordinance says now. If the property sells and you want an expansion you would need a variance.

Dave Stish asked about building in a floodplain. Amy Kowalzek stated the lowest floor needs to be 3' above the base flood elevation. Also need to see if you are in the floodway. May need to flood proof the structure.

Brent Lindgren asked what the acreage is. Amy Kowalzek stated about 13.6.

John Kunelius asked how much land is within the floodplain. Amy Kowalzek stated about half.

The voting sheets were polled.

A motion was made by Clint Kathrein to deny the Variance request. The motion was seconded by Dave Stish. The vote four in favor and John Kunelius opposed.

The public hearing was closed at 7:50 p.m.

A motion was made by Clint Kathrein to approve the May 2, 2023 minutes. The motion was seconded by Dave Stish. The vote was all in favor.

Correspondence - None

New business – None

Old business – None

A motion was made by Clint Kathrein to adjourn the meeting. The motion was seconded by John Kunelius. The vote was all in favor.

With no further business at hand, the hearing was closed at 7:51 p.m.

Respectfully submitted,

A handwritten signature in black ink, appearing to read 'Amy Kowalzek', written in a cursive style.

Dave Stish, Chairperson
Brent Lindgren, Vice-Chairperson
John Kunelius, Secretary
Amy Kowalzek, Appointed Secretary
Morrison County Board of Adjustment