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CHERRY COUNTY PLANNING AND ZONING MEETING
DECEMBER 1, 2020
CHERRY COUNTY COURTROOM
VALENTINE, NEBRASKA

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1 DECEMBER 1, 2020

2 MR. SWANSON: We're going to call the
3 meeting to order of the Cherry County Planning
4 Commission at 4:30 p.m. at the Cherry County
5 Courthouse.

6 First item on the agenda is the roll call.
7 Chelsea Luthy?

8 MS. CHELSEA LUTHY: Here.

9 MR. GARY SWANSON: Wade Andrews?

10 MR. WADE ANDREWS: Here.

11 MR. GARY SWANSON: Michael McCleod?

12 MR. MICHAEL McCLEOD: Here.

13 MR. GARY SWANSON: Duane Kime?

14 MR. DUANE KIME: Here.

15 MR. GARY SWANSON: John Lee?

16 MR. JOHN LEE: Here.

17 MR. GARY SWANSON: Albert Ericksen?

18 MR. ALBERT ERICKSEN: Here.

19 MR. GARY SWANSON: Gary Swanson, present.

20 Dave Rodgers. Absent.

21 Please also note that the Cherry County
22 Zoning Administrator, Jessica Coyle, is not here
23 today.

24 The Open Meetings Act is posted right back
25 here and is appropriate.

1 Next item on the agenda is the approval of
2 the minutes, and I believe Mr. Palmer, you would like
3 to make a correction.

4 MR. RODNEY PALMER: I would, Mr. Chairman.

5 At your last meeting I gave some testimony
6 and I wanted to correct a portion of it as was taken
7 down by the people effecting the minute --

8 MR. GARY SWANSON: It's on the second page.

9 MR. RODNEY PALMER: It's the last sentence,
10 it says, The Brown County Planning Commission and the
11 commissioners turned down a hog confinement due to
12 costs. I suggested that that may have been a factor.
13 I did not represent -- I do not represent them,
14 either one of them, and I want to make it clear that
15 it was my surmise that that may have been an issue in
16 their decision-making. I did not say it was the
17 primary issue or that it was an issue, I just said
18 that I thought it was. And I looked at the
19 transcript that's been prepared by the court reporter
20 and that more clearly reflects what I said. So I
21 would like that correction made.

22 MR. GARY SWANSON: Okay, so could you
23 clarify what you would like it clarified to say,
24 exactly?

25 MR. RODNEY PALMER: The only thing that I

1 really say is that I surmise that it may have been a
2 factor in their decision-making.

3 MR. GARY SWANSON: All right.

4 Confinement -- could we just add -- could we say, and
5 Brown County commission man add the turned down a hog
6 confinement.

7 MR. RODNEY PALMER: And I suggest that it
8 may have been -- the cost may have been a factor.

9 MR. GARY SWANSON: Okay, just -- we --

10 MR. RODNEY PALMER: When I deal with cost, I
11 was dealing with road cost.

12 MR. GARY SWANSON: Okay. With costs being a
13 factor?

14 MR. RODNEY PALMER: (Nods head.)

15 MR. GARY SWANSON: Would that -- Okay.
16 Let's take a few minutes and look at these. I guess
17 we printed on both front and back, didn't we.

18 MR. ALBERT ERICKSEN: I'll make a motion to
19 approve the minutes as amended.

20 MR. DUANE KIME: Second.

21 MR. GARY SWANSON: Albert Ericksen has made
22 a motion to approve the minutes as amended; Duane
23 Kime has seconded. We'll now vote.

24 Chelsea Luthy?

25 MS. CHELSEA LUTHY: Yes.

1 MR. GARY SWANSON: Wade Andrews?

2 MR. WADE ANDREWS: Yes.

3 MR. GARY SWANSON: Michael McLeod?

4 MR. MICHAEL McLEOD: Yes.

5 MR. GARY SWANSON: Duane Kime?

6 MR. DUANE KIME: Yes.

7 MR. GARY SWANSON: John Lee?

8 MR. JOHN LEE: Yes.

9 MR. GARY SWANSON: Albert Ericksen?

10 MR. ALBERT ERICKSEN: Yes.

11 MR. GARY SWANSON: Chair votes yes. Minutes
12 stand approved.

13 The next item on the agenda is the public
14 comment period. We reserved 30 minutes for that. We
15 will divide the time up, no more than five minutes.
16 So how -- show of hands of how many people would like
17 to say something? So we've got -- doesn't look like
18 that will be a problem; plenty of time.

19 The way the rest of the meeting will be
20 organized is you have your -- we have the public
21 comment period for you folks to say what's on your
22 mind or say whatever, and at the end of that period
23 we'll move into the new business, and the Planning
24 Commission will discuss the CUP 001/20. And we would
25 like you to respect our time and ask that you are

1 here to observe and listen and we hopefully will have
2 lively conversation about the subject matter.

3 And how far we'll get today, we don't know.
4 We don't have any predisposed intentions of
5 completing it today, but we are going to work our way
6 through it in a systematic methodology.

7 So anyway. Okay. Well at this point, let's
8 move into the public comment and go from there.

9 MR. TAGG FROM: I can start.

10 MR. GARY SWANSON: Say your name.

11 MR. TAGG FROM: Tagg From. And I guess what
12 I'd like to ask and present to you guys today is we
13 have put a petition together of individuals that
14 would be in opposition of the hog confinement being
15 put in.

16 And I've also added, with that, some water
17 tests on current facilities in Brown County and
18 Custer County that are already being tested and have
19 been tested roughly for the last four years, and I
20 would just ask that that be added to the information
21 to be put on record with what you already have.

22 If that -- I guess if you guys will accept
23 that, I guess is my question.

24 MR. GARY SWANSON: Okay. So we have a
25 petition and one --

1 MR. TAGG FROM: And water samples test, yes.

2 MR. GARY SWANSON: Do we know -- Okay, we
3 have these locations?

4 MR. TAGG FROM: Yes, you do, everything's
5 there, signed and --

6 MR. GARY SWANSON: All right.

7 MR. TAGG FROM: And I do have another copy
8 of it, if the court reporter needs one; whatever you
9 need. I've got another copy, too, Gary.

10 MR. GARY SWANSON: Okay.

11 MR. TAGG FROM: Thank you.

12 MS. NINA NELSON: I took a few minutes last
13 time to speak. Our concern and --

14 MR. GARY SWANSON: Name?

15 MS. NINA NELSON: Nina Nelson, I'm sorry. I
16 took some time last time to speak. Some of our
17 concern -- my husband Dave is able to be here today,
18 too, and we have a written letter that we wanted to
19 be added, or that we would like to be added to the
20 record, as well as a map that we have put together of
21 the land and where the house sits, as you guys had
22 helped me out last time to verify where the house and
23 buildings were and there was some confusion on that,
24 so I provided a map with this.

25 I'd be happy to read the letter out loud

1 or --

2 MR. GARY SWANSON: That would be fine. Go
3 ahead.

4 MS. NINA NELSON: Dear board members. We'd
5 like to address our concern of the proposed
6 Conditional Use Permit 001/20 swine confinement use.
7 Our house is within two miles east of the proposed
8 building site on German Settlement Road. We are
9 adjacent neighbors to Dan's property to the east and
10 share the same fence line. Most of our land and
11 therefore our cattle operation and pastures lie in
12 between our house and the proposed site.

13 We have sincere concern for our right of
14 clean air, our right of clean water, our right of
15 enjoyment of property being drastically disturbed by
16 the close proximity of such a large commercial hog
17 confinement operation. Furthermore, we are concerned
18 for the health and well being of our children and our
19 livestock due to the eminent air, water and brown
20 pollution, as well as other factors of sickness,
21 disease, flies and varmints, as well as seeing our
22 wildlife being greatly impacted by the daily
23 operations of the hog facility, the traffic noise
24 on -- and other environmental concerns.

25 In regard to the traffic, we feel like our

1 county road will not sustain the burden of 50-plus
2 vehicles of daily travel, nor will it be safe for any
3 of our neighbors and neighborhood teenage kids to
4 handle on such a narrow and curvy road. Last but not
5 least, the number of proposed workers and the
6 housing, as well as schooling, poses a big issue, as
7 our local workforce will not be able to satisfy the
8 need of over 80 workers to run such a large-scale
9 operation, nor will our limited small towns provide
10 enough appropriate housing.

11 After carefully reviewing all the facts of
12 the proposed facility against the Cherry County
13 Comprehensive Plan, as well as the Cherry County
14 Zoning Regulations, we feel like it will be a
15 detriment to allow such a large commercial facility
16 (inaudible) on German Settlement Road or anywhere in
17 Cherry County. The comprehensive plan, as well as
18 the zoning regulations, are stated very clearly
19 against the operation of such a mass confinement
20 borne in our county. These rules were put in place
21 to protect the residents of Cherry County and its two
22 main industries, which are the cattle industry and
23 the recreational industry. By changing the zoning
24 rules or approving this large scale hog confinement
25 application, you will not just be changing our

1 neighborhood indefinitely, but also the future of
2 Cherry County, as it will potentially allow other
3 producers into our area, which will not just impact
4 the natural beauty, but also the small-town
5 atmosphere we all enjoy and love.

6 This county is a unique, sacred and very
7 special treasure in comparison to many other overrun,
8 overpopulated, and over-commercialized counties in
9 Nebraska and it should be protected as such.

10 Sincerely, David Nelson and Nina-Marie
11 Nelson.

12 I have a couple of extra copies of this if
13 you need extras.

14 MR. GARY SWANSON: Thank you very much for
15 your time.

16 All right.

17 MR. DAVID NELSON: I'll just talk for a
18 minute because unfortunately, I haven't been able to
19 be here for the other meetings for -- due to work,
20 but yeah, Nina and -- our biggest concern is
21 basically the size that's being proposed to put in
22 over there. It's -- it's not about people being able
23 to do what they want to on their property, but the
24 impact of such a large facility in the neighborhood
25 that we live in, and our property being as close as

1 it is.

2 I've seen the stats and the proposed circle
3 for the smell and the environment, and I guess I
4 can't understand exactly where those numbers come
5 from when you go out a certain distance and it's a 90
6 percent smell. Well, what's a mile past that 50
7 percent and how much are you supposed to be able to
8 live with and --

9 But our main concern is -- you have the
10 size; the smell; the amount of employees coming into
11 the neighborhood; the source of the employees coming
12 into the neighborhood. I've lived in several
13 different places; grew up here, but lived in several
14 places that have been impacted with industries like
15 that, and it's not the same living environment. I
16 don't know too many of us that would probably want to
17 pick our families up and move them, you know, to
18 other towns within Nebraska that already deal with
19 these problems. That's why we live here.

20 So -- Yeah, I guess I don't have too much
21 more to say, but just the same thing everybody else
22 has said. But I just wanted you to know that's what
23 our feelings are, so thank you.

24 MR. GARY SWANSON: Okay, thanks, Dave.

25 You were going to get up, Mike.

1 MR. MIKE HAMM: Yeah, I was going to say --
2 Mike Hamm. I was just going to kind of say the same
3 thing that Dave said, you know, just the sheer size
4 of the project, you know, with 16,000, 17,000 pigs, I
5 know our rules call for 2,000, a maximum of 2,000 for
6 a feedlot operation, and I'm worried that the
7 setbacks aren't -- aren't big enough for this thing.
8 If you're going to allow three times the amount of
9 animals for a confined feeding operation, you should
10 expand the setbacks by three, too. That would be a
11 six and a three. Or at least make that a concern.

12 I don't think it's fair to these guys that
13 have to live that close to a facility that's three
14 times bigger than it should be.

15 That's what I'd have to say.

16 MR. GARY SWANSON: All right. Thanks, Mike.
17 So, who else today?

18 MR. TAGG FROM: I would like to add one
19 thing to my first comment. Tagg From, again.

20 When I mentioned that the petitions were
21 signed, I did not clarify that it was just not myself
22 that was part of that. There was several neighbors
23 around me that were part of collecting that very same
24 thing, so that was not just me personally. Or us
25 personally as my family.

1 So I just want to make that clear, because I
2 didn't when I first spoke, so.

3 MR. RODNEY PALMER: How many signatures you
4 got on there?

5 MR. TAGG FROM: I believe --

6 MS. JAYME FROM: That packet has 111 on it
7 and then we have seven more here.

8 MR. TAGG FROM: And I just received another
9 one. 111 signatures in six days.

10 MR. RODNEY PALMER: Are you collecting more
11 now?

12 MR. TAGG FROM: Yes, we haven't stopped.
13 I've still got probably ten of them circulating right
14 now that I wasn't able to get back.

15 MR. GARY SWANSON: All right. Ma'am, you
16 were about to say something.

17 MS. KRISTIN MOODY: I don't have anything
18 prepared, but I do want to just verbalize that Gordon
19 and I are in opposition to this. We've looked at the
20 facts that have been presented, and, you know, this
21 is our neighborhood. This is our community where
22 we're raising our kids, and this is above and beyond
23 the zoning regulations. And when you're talking
24 about our quality of life, it matters.

25 And I would agree with what has been said by

1 our neighbors, and by Mike, that I just want you to
2 really take all this into consideration.

3 MR. GARY SWANSON: Thank you, Kristin.

4 Who else?

5 MS. KATY KRUEGER: I agree with everything
6 that has been said by our neighbors. We are also
7 close to the vicinity where the facility will be
8 held. If it passes.

9 With the people that are coming in, we know
10 nothing about them. For the safety of not only my
11 neighbors' kids, but my kids as well, I just want
12 people to think about that, too. With everything
13 going on in our world, you're bringing in God knows
14 what from other countries and just think about if
15 they were your kids, how would you feel if something
16 were to happen. Would people want that on their
17 shoulders, who are bringing this in?

18 So, and I guess with all the health and the
19 water issues eventually, I guess we are against it as
20 well.

21 MR. GARY SWANSON: Okay.

22 MR. CHRIS DANIELSKI: You know, 2,000 animal
23 units, we've been talking about this number a lot. I
24 just want to point out that in 2013, Lone Creek
25 Cattle Company north of Mullen, which was a 3,000

1 animal unit, confined feed yard, was expanded to
2 4,990 by Cherry County.

3 MR. MIKE HAMM: And that's why I said, you
4 cannot open up this can of worms, boys, because if
5 you give concessions to one, you'll have to give them
6 to everybody.

7 MS. KRISTIN MOODY: You are. You're setting
8 a precedent. If this goes through, you're setting a
9 precedent and zoning regulations will be, you know,
10 under scrutiny.

11 MR. GARY SWANSON: All right. Is there
12 anyone else that wants to speak during the public
13 comment period?

14 MR. DEAN SETTJE: Mr. Chairman, my name is
15 Dean Settje with Settje AgriServices and Engineering,
16 and we're here from a standpoint of representing the
17 Danielski family with respect to the design and
18 construction of the facility.

19 I want to clarify a few things that, to
20 start with, talking with Len and his family, we
21 decided that the request for having a five-year time
22 period in which to construct the facility might be
23 troublesome for you and for others. So we would
24 withdraw that portion of our application and just let
25 it be a two-year time frame and make that amendment

1 or change, if you will, to the application.

2 The second thing I want to talk a little bit
3 about is the plan for housing. There is no plan for
4 housing on this facility. That's been talked about
5 quite a bit, and we want to make sure that the public
6 and everybody understands and knows that that is not
7 the intention and not the plan that the Danielski
8 family has today, and we want to make sure that's
9 clear and stated, you know, for the record.

10 The next question that comes up is the size
11 of this facility. When we had our presentation a
12 couple of weeks ago, I made the analogy that we have
13 basically the same size of facility from a nutrient
14 production standpoint as what a 37-head or hundred
15 head feedlot would be. So we tried to put it in
16 perspective of something that maybe we could
17 visualize and see a little bit easier because we're
18 around those kind of facilities more often. That's
19 about 37 acres in size. So a 3700-head feed yard,
20 roughly, is roughly about 37 acres in size.

21 And again, that feedlot has a couple things
22 going on. And I'm in the feed yard construction
23 business and we're in the swine construction business
24 and everything else, but that feed yard has got
25 something going on that this facility does not. It

1 has a continual -- continual leak of nutrients out of
2 that system. The pens are not bulletproof; we're
3 going to have groundwater seepage in those pens. The
4 lagoon system is typically going to be either clay
5 line or synthetic lines; it can be a little better of
6 a system in terms of recapturing nutrients. And to
7 contrast that, we've got an enclosed system that
8 we're talking about that's got a concrete --
9 reinforced concrete engineered structure all the way
10 around it to make sure that we don't have an escape
11 of any nutrients.

12 The second portion of it, we very seldom, if
13 ever, inject product from an open feedlot. All of
14 the manure nutrients from this facility are going to
15 be injected. So it gets put where the root can get
16 it and where the odor can't, and it minimizes the
17 odor impact significantly, and a hundred percent of
18 the product that's generated from this facility will
19 be injected.

20 And so we need to keep those things in
21 perspective of what the differences are between those
22 two types of facilities. And from an environmental
23 perspective, a groundwater and surface water
24 contamination, there's very little comparison between
25 that 3700-head feed yard and the facility that we're

1 talking about today.

2 And I know that because we designed hundreds
3 and hundreds of these facilities. And I've been
4 around those facilities for a long period of time.

5 And so from an environmental standpoint,
6 when it comes to groundwater and surface water, quite
7 frankly, there's not a comparison. This facility is
8 quite a bit better, if not a significant amount
9 better in terms of protecting problems with the
10 environment.

11 The next thing I want to talk a little bit
12 about is a clarification of setbacks. The county is
13 set together -- basically a setback of one mile east
14 and west in a direction of -- from north and south,
15 two miles. And when we look at that and we compare
16 that to what we did with our odor footprint tool --
17 and here's where some confusion might be coming in
18 and I want to clarify that.

19 The odor footprint tool, again, was designed
20 by the University of Nebraska after research of a lot
21 of these types of facilities in trying to figure out
22 what an annoyance rate was in any certain given area.
23 And the way that number is presented, it's either in
24 the 90 percentile, or 95, 96, 98, whatever number you
25 want to put in it in terms of avoidance rate.

1 So it basically says that if you're outside
2 of that circle, that there's only a 4 percent
3 avoidance rate, if your 96 percent avoidance rate
4 inside that circle. So that doesn't mean there's a
5 96 percent odor outside of that circle. It means
6 that every time you get that circle closer, that
7 percentile would go down, and so the avoidance rate
8 becomes higher.

9 So make sure you understand that. Because
10 it basically says that circle says that only 4
11 percent of the time will there be an odor impact
12 outside of it. And that circle then, when we overlay
13 that with what the map shows in terms of what our
14 setbacks are with that setback distance that was
15 created by the county, it's virtually the same.

16 So I would suggest that the county has done
17 a pretty good job, when you wrote your regulations
18 several years back, in trying to figure out what
19 impacts actually come from a facility like this.

20 And so when we put that into play, that
21 thing also takes into consideration the size, the
22 number of animals, and the type of waste control
23 facility that we're using to develop what is that
24 impact going out from that facility.

25 So that circle that's created by your county

1 setbacks is -- lines up very, very well with the
2 circle created from that odor footprint. It suggests
3 that the science that was used to develop that was
4 pretty valid. It also adds a lot of science to say
5 that, yeah, outside of that, what is reasonable.
6 That's a question that you have to ask yourself: Is
7 97 percent or 96 percent or 95 percent annoyance
8 free, is that reasonable? That's what you have to
9 ask yourselves.

10 And so that's what we're suggesting. We're
11 at 96 percentile, that follows very close to what
12 your setbacks were. And so outside of that there
13 would be a 4 percent annoyance, if you will, or 4
14 percent of the time, in any given year, you would
15 have some impact from odor. And I think we can say
16 that's probably pretty accurate based on what we know
17 about these facilities.

18 So make sure we understand that and are
19 taking that into consideration.

20 The last thing that I would add is that the
21 Cherry County regulations specifically state that you
22 can't authorize a facility larger than what the 2,000
23 animal units would suggest. Chris suggested one a
24 minute ago. We're also saying that, yeah, based on
25 what we're talking about, looking at that odor

1 footprint and looking and making sure that we always
2 are injecting that product, we are doing everything
3 we can to minimize that impact. And that's what the
4 regulation says. If you're -- if you can -- provided
5 that you're not causing an impact to a reasonable
6 measure, then that can be considered. And that's
7 what we're asking for.

8 So I want to make sure everybody understands
9 that. And with that, I'd open it up if you have any
10 questions specifically, I'd be more than happy to
11 answer them.

12 MR. GARY SWANSON: Okay, anybody else?

13 MS. CAROLYN SEMIN: I wasn't going to speak,
14 but just sitting here thinking about the injection.

15 And so we put this fluid into the sandhills,
16 and I talked to Leonard about that, and the plants go
17 in and they're supposed to use them right away. And
18 I did visit with someone about this. And it goes
19 very quickly down into the soil. Very quickly, when
20 I water my yard, I have to water it again. And I'm
21 pretty sure that probably happens with irrigation,
22 that the water goes down and it goes down quickly.

23 And so my question is, or my concern is, I
24 guess, again, the water. Because if it goes down as
25 quickly as my water goes down into my yard, then I

1 believe we might have a problem with this stuff going
2 down into our water system. And I'm really concerned
3 about that. Because this water is the best water in
4 the world. And if it's gone, where are we going to
5 go for it? Because we rely on it out here.

6 MR. LEN DANIELSKI: My name is Len
7 Danielski. I'm kind of nervous, so bear with me.

8 But, you know, I was just kind of thinking
9 back 40 years ago when we were first started farming,
10 I heard a lot of these same concerns that, you know,
11 we were going to be putting fertilizer on, chemicals
12 were going to pollute the water. 40 years later we
13 still have the cleanest water we've always had.

14 I remember hearing concerns, all the extra
15 traffic, all the grain trucks going up and down the
16 road, we're going to ruin our roads and it's going to
17 be dangerous to people, you know, and hazardous. Our
18 roads are in better shape today than they were 40
19 years ago. I don't recall very many accidents, or if
20 any accidents that we've had on roads.

21 And I mean, I heard about water quantity,
22 quality; we still have everything we had 40 years ago
23 when we come here. You know, I appreciate
24 everybody's concerns, but, you know, I heard a lot of
25 this many, many years ago, and I don't think any of

1 it has really come to fruition.

2 And as far as health and stuff, we've got
3 over 70-some employees in the area now; we've always
4 found them. I think they're pretty good employees.
5 You know, we're looking at probably 80 here. We've
6 got -- If this goes through, we've got four years to
7 find 80 employees before this is fully ramped up.
8 And I don't think the employees we brought in over
9 the years have been a problem. I don't think the
10 employees we would bring in for this would be a
11 problem.

12 So, thank you for your time and that's all
13 I've got to say, I guess.

14 Excuse me, I guess I do -- As far as the
15 nutrients, they aren't going to leach in the ground
16 any different than conventional fertilizers that we
17 have been using for over 40-some years here. So I --
18 I just -- the water quality is as good today as it
19 was many, many years ago. We soil sample, we take
20 water samples and stuff all the time. We keep up on
21 all this stuff; you know, we follow all the rules of
22 the county, all the rules of NRD, all the rules of
23 NRCS; I don't think we've ever been out of compliance
24 on anything, you know.

25 So I feel we can do this safely and in a

1 manner that's really not going to harm the community,
2 and I think it will help the community, you know.
3 I'd like to see some of our young people come back
4 from college and stuff. They go away and they don't
5 come back. You know, if I, with this facility, bring
6 two or three back, it would make me proud, you know,
7 so.

8 Thank you for your time.

9 MR. GARY SWANSON: Okay. Anybody else?

10 MS. JAYME FROM: Kind of in talking about
11 the odor again, I guess, we understand the science in
12 regards to the wind rose of the setback around the
13 confinement. In the nutrient management plan in
14 regards to the application, it does state that there
15 is -- the application of liquid and solid manure
16 around the crop bend may be a significant source of
17 odors and nuisance complaints from surrounding
18 neighbors.

19 So this doesn't just include us around the
20 confinement. It would include currently all the
21 application sites that they're interested in.

22 It says that they will, or they may -- The
23 following procedures may help alleviate those
24 concerns: You know, ensuring the wind direction is
25 not conducive; that the air is warm -- that it's not

1 wind, the air is warming and rising from the ground;
2 not on hot, humid days -- humid days and on weekends
3 or holidays. I'm not sure who's in charge of
4 managing that to make sure that they follow that
5 nutrient management part of it.

6 As well as the other thing on the nutrient
7 management plan. I know on the four that are signed,
8 two of them look very clear, names all match; but on
9 the other one there's three different names, the
10 dates coincide that the representative signed it
11 seven days before the owners did, or the land owner,
12 but the title owner, the landowner, there's different
13 names, different signatures. So we would just want
14 to make sure that the families that are doing the
15 application and sign that, that they are appropriate.

16 I did have one more comment. In regards to
17 the current organic fertilizer that they're using
18 with the chicken and the turkey mature, we have been
19 told by the local neighbors just how bad it does
20 stink; how anyone that may have some underlying lung
21 issues, health issues, that it does tend to increase
22 those, their symptoms.

23 MR. DAVID NELSON: One more thing. I guess
24 another concern for me is, you know, Danielskis may
25 be very good tenants of this project and may operate

1 it excellently, but my concern is to reapprove of a
2 facility like this to come in does open doors for
3 other people to bring in similar type of facilities
4 who may not be as good a tenant and may not have the
5 same type of employees and may not run the -- run the
6 operation near as good as Danielskis.

7 So it's not just this facility, it's what
8 Cherry County is allowing to come in any time down in
9 the future, so --

10 MR. GARY SWANSON: Okay, we're pulling up on
11 the end of 30 minutes, so if there's someone here
12 that hasn't spoken, I guess, we would like to hear
13 from them and not from folks that have already said
14 something.

15 So, anybody else?

16 So if not, we'll -- last chance, we'll be
17 closing out the public comment period.

18 MR. TAGG FROM: Gary, I'd like to add just
19 one more thing.

20 I understand what Dean is saying about the
21 nuisance level at the 96, 94 percent in regards to
22 right at the confinement itself, but we need -- what
23 you need to all take into consideration as you look
24 at the map and the application sites is that might be
25 the nuisance rate at that point. But what is the

1 nuisance rate at the injection points that might be a
2 half a mile, and some places, upwards of three miles
3 closer to somebody's residence? And that's something
4 that I think -- I know myself would like answered and
5 I would like it answered, you know, in a scientific
6 way, or if they have proof of that, I would be more
7 than happy to see it, but that has always been a
8 question for me. At what point and where does the
9 nuisance level start, and it's not just at the
10 confinement. It's wherever this is being applied.
11 Because I have talked to several individuals that
12 have been with these exact same setups and have told
13 me that when it is injected, there is a considerable
14 amount of smell. So that would be something that I
15 guess I would want to know personally. Not saying
16 that you guys are going to ask that, that's just a
17 concern of mine, as to where that nuisance level
18 actually starts and where it ends.

19 MR. GARY SWANSON: Okay. At this point the
20 floor is only open to somebody who hasn't had a
21 chance to speak.

22 MR. LEN DANIELSKI: Could I say one more
23 thing, or time?

24 MR. GARY SWANSON: (Shakes head.)

25 So, all right. Well we appreciate your

1 comments and we've been keeping track of them here.

2 All right. We're going to move on to the
3 next item on the agenda, which is New Business, Item
4 a: Discuss and act on CUP 001/20 Danielski
5 Farms/Valentine Feeders Swine facility to be used for
6 breeding, gestation and farrowing.

7 Everybody on the planning commission is a
8 little bit new, and some of you have been here for
9 plenty of public hearings in the past. When we had a
10 large project like this and we had a fairly
11 significant public hearing, we went ahead and took
12 the time to go back through everyone's testimony
13 quick and kind of categorize it, and that's what I
14 would like to do. And then when we get down to the
15 end, we will start talking about the CUP.

16 So, I'd like to -- Our minutes are good.
17 We'll start right out with the first part of the
18 public hearing, and what I'd like to do is kind of
19 categorize things that are in our wheelhouse or not
20 in our wheelhouse .

21 And so, anyway, we'll quickly go through
22 this and I'll kind of read everybody's name and I
23 would like you guys to express your concern; we'll
24 move right along.

25 Okay. For the applicant, we first had --

1 Chris Danielski spoke, gave us a general rundown;
2 that doesn't really apply to us. Chris read a letter
3 from Leonard; again, that doesn't apply to zoning or
4 code.

5 Next paragraph, Chris Danielski introduced
6 Dean from Settje Ag Service and went over the basic
7 premise of the operation.

8 Somebody can stop me if -- the planning
9 commission members, if there's something that you
10 want to flag.

11 Eric Ogren spoke on the -- what the farm
12 does; that doesn't apply to our zoning regs.

13 Dean spoke again, and he spoke about the
14 permit and its components. And of course we care
15 whether they have a permit from the Nebraska
16 Department of Environment Energy, and they do;
17 completed a permit.

18 And then we started talking about odor and
19 the odor footprint, which, to a certain extent,
20 applies to us, but not entirely.

21 Now Lee Hamann, from McGrath North, stated
22 his concerns, and one of them is the 2,000 animal
23 units which is -- that falls in our wheelhouse. Odor
24 mitigation somewhat falls in our wheelhouse. Roads
25 fall in our wheelhouse. Pools do not.

1 Jay Ringenberg was concerned with the odor,
2 and that the NDEE doesn't monitor control for this.
3 And he talked about the injection, which would be in
4 the permit.

5 Dale Jacobson talked about the wind rose and
6 that the wind will be blowing towards the Two Rivers
7 Ranch some.

8 Okay, on to the next.

9 Then it talks about three monitoring wells,
10 which we could put in as a requirement, you know, on
11 our conditional uses.

12 We had Heather Painter from Ainsworth spoke
13 in experience of living next to a swine facility.

14 Rick Weber spoke about the Danielskis are
15 community-minded; that doesn't really fall in our
16 wheelhouse.

17 Ed Brown, rancher on the German Settlement
18 Road, does not want change; had road concerns;
19 property values; quality of life. Change does not
20 fall in our wheelhouse; road concerns may; property
21 values, somewhat; quality of life is hard to define.

22 Rodney Palmer -- stop me anybody, any time
23 anybody has a comment.

24 Rodney Palmer, lawyer from Ainsworth, talked
25 about his experiences in Brown County and the odor.

1 I'm not sure how much of that falls in our wheelhouse
2 except the odor.

3 Mike Murphy, Natural Resource District
4 representative, said that there's no failures in
5 Nebraska. I guess that's good information. I'm not
6 sure that falls in our -- even then falls in our
7 wheelhouse.

8 Tagg From manages Two River Ranch; odor,
9 property values, road safety, and do the schools know
10 the impact of the facility. Odor, road safety,
11 somewhat in our wheelhouse; schools are not.

12 Craig Andresen stated that he feels that
13 Tagg and Ed's right to quiet enjoyment will
14 disappear; increase traffic. I'm not sure that he
15 wanted to say increased traffic in Crookston.

16 And the right to quiet enjoyment is not in
17 our zoning regs.

18 Gregg Perrett stated citizens like good
19 roads. That's really not in our wheelhouse.

20 Kim Snyder lives two miles from the facility
21 in Ainsworth; she talked about her experiences.

22 Jayme From talked about how children are
23 important, and I think the only thing there that we
24 can do anything about is the road.

25 Shirley Schuman, concerned citizen of

1 Crookston; there isn't anything there that applies to
2 us.

3 Nina-Marie Nelson was -- said she doesn't
4 understand the setbacks and health concern, had
5 health concerns; property values. And the smell
6 might be an annoyance.

7 Craig Miles said he didn't understand why
8 Danielskis got approval from the State before the
9 county level. Doesn't apply to us.

10 Eve Millar lives two miles from -- southeast
11 of the proposed site; stated concerns about the road
12 and costs; housing for workers and where the workers
13 come from. Possibly the roads is the only thing that
14 concern us.

15 The administrator entered the letters.

16 At this time, then, we gave the applicant
17 five minutes to rebut, and they did answer a few
18 questions.

19 So basically that was the testimony from our
20 public hearing.

21 I guess I would open the floor up for
22 planning commission's comments and questions.

23 MR. DUANE KIME: Gary --

24 MR. GARY SWANSON: Oh, I forgot. Go ahead.
25 I forgot about our trips, yeah.

1 MR. DUANE KIME: Sunday, the wife and I took
2 a little road trip to Bagley, Iowa. Fair Creek, LLP,
3 bio security farming, hog farm; it's 6,000-head
4 breeding, gestation, farrowing facility; deep pit;
5 similar, the way I take it, only it's 16 years old to
6 what they're talking about, only a lot smaller. I
7 thought it was going to be a little bigger facility.

8 There, went to -- talked to the manager;
9 employ 16 and a half workers. There they go through
10 140 ton of feed per week, which is -- well, it
11 figures out about 18 pounds for a pig a day.

12 Three times a week they send out 1300 pigs.
13 Pigs, for -- I think it was 16 to 24 days old on
14 that -- if you figure that, that's around 200,000
15 pigs a year.

16 Similar to the one that they'd be talking
17 about, I think that would be -- I might be wrong on
18 my figures, somewhere between 550 and 600,000 a year
19 is what this one would put out.

20 They talked about the -- about the smell
21 there. There is smell around the building. We drove
22 around it, there, where the exhaust fans were going;
23 the county road is 200 yards, maybe, from there. I'm
24 not going to say you couldn't smell it, but very
25 little there, but there was a pretty good breeze that

1 day.

2 Chemicals can be used to help with the smell
3 in the pits. The one thing that they said it sure
4 helps is if it's -- would be on an oil road, which
5 this one is. There's isn't, it's a graded road and
6 they have a lot of trouble there.

7 And they would suggest that in the winter
8 time -- because they have trouble, there, too, is
9 that -- ask that the owners to help clear the road so
10 they can -- because they're going to have to get
11 trucks in every day and the county probably isn't
12 going to be able to do that.

13 Talked to one worker there, worked there.
14 He worked there for 12 years, said that it had
15 changed hands, I believe he said two years ago.
16 Asked him what -- anything good, bad come out; he
17 said the main thing that come out of it, the new
18 owners, is safety. He said they're a lot -- have a
19 lot more safety things in play.

20 Went on, three neighbors that all lived
21 within a mile to a mile and a quarter of it; two of
22 them was to the north. They got a prevailing south
23 wind on that; asked them if they could smell it.
24 They said the only times that they could was
25 summertime; they got high humidity, summertime, you

1 might be able to smell it a little bit if there was a
2 slight breeze that way.

3 The one to the south said that very seldom,
4 ever, smelled. Said that -- I asked them, okay, if
5 you go on out past, a mile, mile and a quarter,
6 whatever you guys would -- would you be able to smell
7 it? They said no. They had -- they -- they didn't
8 feel that you'd ever be able to smell it. Now we're
9 talking -- I don't know if you can convert that into
10 this large one, but that's with a small one.

11 The one thing that I wanted, the guys I
12 talked to, he also runs the grader for the county and
13 he said that there's a lot less odor with the
14 injection manure into the soil than there is with
15 chicken manure being broadcast on these; he said
16 it's -- he said that it's a lot less odor.

17 The one other thing was a little bit
18 deceiving there on the odor part of it, there's five
19 more hog confinements; none of them are deep pits the
20 way I take it, within that area, and they have
21 problems with it. They said you can smell that. But
22 as far as any odor basically come from this out a
23 ways that they didn't feel that there was.

24 The other thing that they -- we talked about
25 is a need to make sure that everybody within that

1 area have their water tested before any construction
2 would start on the -- and that way they have a
3 baseline to go to in case something happens.

4 So that was pretty -- it's -- this is a
5 6,000 head. And it's a big outfit, to me. I don't
6 know how you compare it to the one that they're
7 proposing. But that's what I -- I did come up with
8 on this road trip. I got there at dark, got home a
9 little before sun.

10 MR. GARY SWANSON: Okay, on the commission,
11 any questions for Duane?

12 MS. CHELSEA LUTHY: Can you tell me the
13 numbers again, that you shared at the beginning?

14 MR. DUANE KIME: 6,000 head was what they
15 said. It also, if I converted this right, they --
16 they go through 140 ton of feed a week; one like this
17 would go through about 400; 400 ton.

18 They -- three times a week, one like this
19 would be nine loads; that's a lot of pigs. It ain't
20 very big, I guess, but --

21 Yeah, if you got any questions.

22 MS. CHELSEA LUTHY: Did they mention, have
23 any issues or have any leaks or anything like that?

24 MR. DUANE KIME: No. And we drove down the
25 road on that -- the mile south down that road and you

1 couldn't smell anything, but there was a fairly
2 strong wind. I don't know if it was that but that
3 would keep -- help keep it -- the smell down on it,
4 so.

5 MR. GARY SWANSON: Okay. Well, we can
6 always come up with a question for Duane.

7 I'll go over what I did. I went down to the
8 hog confinement facility north of Ainsworth, and it's
9 this map right here. And you can locate it on this
10 map of the telephone book, too, and there's some on
11 the tables there.

12 So anyway, this facility, I don't know
13 exactly how many miles north of Ainsworth it is;
14 ten-mile range.

15 Okay. On the map that I provided, I show
16 the roads that I drove in blue. And I am uncertain
17 as to how many hogs are in this confinement. It does
18 have an open lagoon.

19 The red hatching is where I could smell pig;
20 and the conditions on that day are in the little
21 window at the top: 38 degrees Fahrenheit; wind from
22 the northwest at 14 with gusts of 20. I got that
23 from the Ainsworth Airport.

24 So. And the red hatching is what my nose
25 could tell.

1 So, down at the bottom, one of the folks
2 that I talked to was Scott Earthum, and it shows
3 where he lives, which is approximately two and a half
4 miles south of the facility. And he indicated to me
5 that there are ten days out of the year that you can
6 smell the pigs where he lives, but the other thing is
7 it's almost always a north wind and fog.

8 So. And as far as what Scott told me, that
9 we should look into a nitrogen -- what he called a
10 nitrogen management plan, and I would suspect that
11 that would be monitoring wells and getting your
12 baseline set. All the neighbors that are around
13 there need to have their wells -- water tested and
14 establish what those nitric levels are, because --
15 right from the outset.

16 One of the owners is on this map here, Gene
17 Wilkins. He lives just west of Scott there. There
18 may have been an issue with calving pigs in the
19 facility because it is a 20 -- it is a limited hog
20 numbers facility; ours is too. We probably want to
21 make sure that our zoning administrator and the
22 facility -- in other words, when you have a bio unit,
23 you may be required to wear booties and a suit and
24 take a shower when you go in and a shower when you
25 come out, and we probably would -- he recommended

1 that that be in one of the conditions so everybody
2 understands that.

3 So -- and the folks that -- I have
4 another -- another little map here. And the folks
5 that testified at our hearing, Gene Snyder, I
6 indicate where they live on this map. And my
7 measurement, measuring it with the scale at the
8 bottom of the map, or whatever, it says they're 2.25
9 miles kind of to the east, southeast. So --

10 Now there was issues with the --
11 occasionally trash on the road. And some -- this
12 facility sometimes has tried to say it wasn't theirs,
13 but the little blue booties that blow out of the back
14 of the pickup, there's only one place where they come
15 from, so --

16 MR. DUANE KIME: Gary, was that a deep pit?

17 MR. GARY SWANSON: No, it's -- part of it
18 could possibly be; I don't know the details. It does
19 have an open lagoon though, condition. So it's not
20 entirely enclosed.

21 Now, another one I went to was the one
22 south -- or over southeast of Purdum, and that would
23 be this map here. And so the facility itself is
24 outlined in red. They pump out of the lagoon onto
25 the pivots; I think some of them are in the blue

1 square.

2 And so that's a large facility; there's four
3 large buildings there; very large. 20,000 pigs.
4 Lagoon is very large. You enter on the west side
5 there right on the blue line into the red line on
6 the -- what is the west side there. That's where the
7 road is.

8 At the top you can see where I've -- one of
9 the folks I talked to there, Mike Peterson, that's
10 where he lives; that's approximately two and a
11 quarter miles north of the facility.

12 And the manager lives right at the facility.
13 The manager and his family live right at the
14 facility, literally across the street. And I drove
15 up to their house and talked to the wife.

16 And anyway, the astonishing thing about this
17 was I drove right by the open lagoon, which you can
18 see in the black spot there, which is -- might not --
19 it's probably 30 acres, and I couldn't smell it when
20 I drove by. And the only time I could smell the hogs
21 was when I drove around the building; I drove around
22 the entire structure twice, and basically -- and the
23 wind was -- there wasn't much wind; this was last
24 Saturday afternoon, it was 61 degrees, and basically
25 I could not smell the facility unless I was standing

1 at it.

2 And so I talked to Mike Peterson about this,
3 and he said that they -- when they first started the
4 facility up they had odor problems, but they started
5 adding chemicals to the lagoon and that's why I
6 couldn't smell it Sunday. I don't know what happens
7 in the middle of summer. But I was astonished.

8 As far as the road going in, which is about
9 two miles -- it's lots of gravel road, it's gravel
10 road from Purdum and a lot of trucks come in there.
11 The facility is -- the two miles that is -- goes down
12 to their facility from the main county road is a
13 county road, according to Mike Peterson, and he is a
14 county commissioner in Blaine County. And so the way
15 they deal with some of this stuff with -- as far as
16 the snow removal, they go on their regular route,
17 whatever that is, and if these folks need to get some
18 pigs hauled out of there, they go -- they just flat
19 tell them they -- if it's a -- what they need to do,
20 according to Mike, that they need to get their road
21 opened up themselves and that's what they deal with;
22 they bring a maintainer. And they also do provide
23 some road upkeep, and it's a -- kind of a sandy
24 gravel road.

25 So I think it wears through occasionally.

1 And their biggest deal is feed trucks coming
2 continuously. And they come from Anselmo, as I
3 understand it.

4 They pump the lagoon on to the pivots, and
5 I'm not certain which ones, and they usually do it in
6 the middle of summer, according to Mike. And he
7 didn't seem to indicate that it's a problem for them
8 and you can see where he lives.

9 So, any questions --

10 And as far as the dead -- the dead pigs,
11 they pile them up there and nobody seems to notice
12 that. I was told that somebody went over there and
13 shot 28 coyotes one night with their night scope.
14 So. I don't know if that's a true story or not, but
15 could be.

16 MR. DUANE KIME: Didn't shoot any pigs,
17 though.

18 MR. GARY SWANSON: Well they were all --
19 All right. So anyway, that's all I know for
20 right now.

21 And you can see there's quite a few pivots
22 around there. And the river flow runs right -- Loup
23 River runs through the northwest corner.

24 MR. WADE ANDREWS: Gary, how many times is
25 it applied through those pivots? Just once in the

1 summer?

2 MR. GARY SWANSON: I don't know the details
3 of that. I assume that they -- I was kind of led to
4 believe the way Mike talked that it's several times.

5 MR. WADE ANDREWS: Through the pivots.

6 MR. GARY SWANSON: Through the pivots.

7 MR. WADE ANDREWS: Open air. Not injected.

8 MR. GARY SWANSON: Yeah. Now there are some
9 folks there at Hawks, they may have a different -- I
10 didn't get to talk to any of them. They maybe would
11 have a slightly different thing, but I think that a
12 lot of the problems have gone away since they got the
13 right chemicals for the lagoon. Unfortunately I
14 thought I would find the name on the sign, just
15 Google it and find somebody to call that owns the
16 facility. I didn't come up with anything.

17 I did talk to the NRD and they don't seem
18 to -- Our NRD is a lot more involved than theirs, by
19 all indications. I tried to ask them how many wells
20 they had out in the area that they monitor, because I
21 know they monitor wells, but they didn't have any
22 answers for me. They were kind of ignorant about the
23 people in the -- that I talked to at the NRD, and the
24 manager didn't really want to talk to me. So.

25 And interestingly enough, Blaine County is

1 not zoned. They got -- went through all the meetings
2 and public hearings and put a code together and the
3 commissioners voted on it and one commissioner made a
4 motion to accept the zoning regs and it died for lack
5 of a second. It's never come back up. Which I
6 thought was interesting.

7 So, so far, that's all I have, I guess.

8 MR. DUANE KIME: Gary, I know you said that
9 this doesn't really pertain to us, but I did make a
10 call to the Valentine Community School superintendent
11 and ask him about the -- about how many students
12 would be -- if that would be a burden on the school
13 system at all; he said no, that it wouldn't be. And
14 as far as the interpreters, if that had to be, the
15 ESU, they could go through that and shouldn't be --
16 it shouldn't be a problem, they just --

17 MR. GARY SWANSON: Well, they have their own
18 elected board to deal with the school, so -- and
19 that's their issue. We don't hire teachers or
20 anything else. We don't have any say.

21 Okay . Well, do you have -- all should have
22 a note from Keith, and he kind of outlined his
23 concerns. I think Jessica should have e-mailed this
24 to you, I think. So -- because I went ahead and
25 printed some today for us to look at.

1 MR. ALBERT ERICKSEN: On number 10 there on
2 his, there's some consider -- do you have any idea
3 what the fourth sentence is supposed to be?

4 MR. DUANE KIME: Which one was that?

5 MR. ALBERT ERICKSEN: Number 10.

6 MR. GARY SWANSON: I don't know, Albert.

7 MR. DUANE KIME: Oh, I see that.

8 MR. WADE ANDREWS: It's basically monitoring
9 wells on that line 10. Right here it says monitoring
10 wells are not considered in the petition including
11 monitoring of the site. It's missing monitoring
12 wells in there.

13 MS. CHELSEA LUTHY: I agree monitoring wells
14 are important; however, on this paper there are four
15 different, four separate conditions related to
16 monitoring wells. Then there may be a way to combine
17 some of those. For instance, monitoring wells, on
18 number 3, shall be installed according to NRD and
19 NRCS identified locations. 4 and 5 could be combined
20 by just adding in nitrates and phosphorous to number
21 4. So that would be tested annually for nitrates and
22 phosphorous, for example.

23 MR. GARY SWANSON: Well, Keith's suggestions
24 are here, just that. And I think it's a good working
25 template to start with, so --

1 I think if we proceed they have to have four
2 or five more conditions.

3 MR. DUANE KIME: I might ask, Gary, what are
4 they that you would suggest?

5 MR. GARY SWANSON: Okay. Well -- So today
6 we're just going to get what -- a brief outline of
7 what it would look like. So, you know, number 12
8 would be site inspection. And again, that's just --
9 the wording we'd have to get provided, but that would
10 be the brief outline.

11 MR. DUANE KIME: That would be that upon
12 our -- somebody's request, kind of somebody -- Gary
13 could go count pigs?

14 MR. GARY SWANSON: I hope Gary doesn't have
15 to go count 20,000 pigs. I was hoping Duane would
16 have to go with the zoning administrator. Or maybe
17 the youngest person on the --

18 MR. DUANE KIME: My eyesight's not very good
19 anymore.

20 MR. GARY SWANSON: I'm not a very good
21 counter.

22 Okay. So number 13 may be snow removal.

23 And then we're going to -- I would write
24 this down just so we remember it.

25 Nitrogen management plan. And it might be

1 included with the wells, but this is going to be
2 clearly stating that pre-monitoring, so we have a
3 baseline, what's going on there.

4 MR. ALBERT ERICKSEN: Number 11, you think
5 that's necessary? I don't know.

6 MR. GARY SWANSON: Not where the site's at.
7 There's already some trees there. I would probably
8 say it's not necessary.

9 MR. ALBERT ERICKSEN: I don't think it is
10 either.

11 MS. CHELSEA LUTHY: When you mentioned snow
12 removal, is that in addition to a road management
13 plan or is that part of it?

14 MR. GARY SWANSON: I'm saying 15 might be
15 road management -- or a road management plan.

16 I did -- I've been out there several times;
17 I did drive that road again today. It took me four
18 minutes to go from the highway down to the site,
19 facility site, so -- And I judge that road to be
20 about the same width as the road north of -- as
21 Highway 97 north of Mullen. It's just about the
22 same -- that older part there, it doesn't have the
23 shoulders because they've done quite a bit of
24 shoulder work on Highway 97 over the years, but I
25 think once you put shoulders on it, it's about the

1 same. And it's going to require some maintenance.

2 And I met one truck with -- one pickup with
3 the wide mirrors and it seemed like the same
4 sensation I get north of Mullen, so --

5 Anyway. I'd urge anybody to drive it.
6 There is a couple curves on it, but most of -- the
7 rest of it's kind of straight.

8 MR. JOHN LEE: Gary, your number 15,
9 wouldn't it kind of be the same as 6?

10 MR. GARY SWANSON: Oh, yeah, I guess it
11 would. Yeah.

12 MR. JOHN LEE: Pretty much said the same
13 thing, doesn't it? I really don't know if we need
14 15.

15 MR. GARY SWANSON: Probably not. Good
16 point, John.

17 MR. DUANE KIME: How about something, Gary,
18 you mentioned it once. In case of default on the
19 operation, some plan to get rid of the manure that's
20 in it, you need something in there to make sure that
21 it isn't just left that way.

22 MR. GARY SWANSON: Well, and that's probably
23 something we need to research a little bit more.

24 But I -- I did talk to Keith Marvin about
25 that, and he says that the DEE probably has a -- is a

1 controlling factor there, and we wouldn't be able --
2 like if we wanted to -- some kind of assurance that
3 they take -- they're State and they take precedence.
4 And then he flipped around and on the flip side they
5 said, Yeah, and the DEE might just turn it right back
6 to the county and then the NRD would be involved and
7 it might be their problem.

8 So that wasn't really satisfactory to me,
9 but I see the point -- or see how that's how it would
10 probably work. And then you're right back to the
11 issue of what do you do with the manure in the pit if
12 something happens. And I think we just need to
13 identify it and probably work on it a little bit.

14 We aren't going to solve that tonight. That
15 would take a -- we need to talk to a couple of people
16 about it. But it's a consideration.

17 There was a hog confinement on the res up
18 west of White River that went under, or they -- they
19 just gave up. And I don't know, parts of that are
20 blowing across the road the last time I was there,
21 but I don't know what would happen to the lagoon or
22 anything else. But it would be someplace to go ask
23 some questions, I guess, but I'm sure the tribe and
24 U.S. Government did something. Or maybe they got rid
25 of it when they left.

1 So 15 could be deconstruction with a
2 question mark. And maybe Johnny can find it up there
3 in Keith's suggestions and we'll be all done.

4 And of course there's a biggie in the room,
5 and that's number 7 on the first page, top, and that
6 has to deal with the 2,000 animal unit maximum per
7 section of ground.

8 MR. DUANE KIME: If I read that right, that
9 would be up to the commissioners to do that.

10 MR. GARY SWANSON: Well, we would include it
11 in our conditions that that's a problem.

12 MR. ALBERT ERICKSEN: And A could pretty
13 much, the whole thing could go in there, couldn't it?

14 MR. GARY SWANSON: Probably. I don't know
15 if we make that our first one? Number 1?

16 MS. CHELSEA LUTHY: Which one?

17 MR. DUANE KIME: 7.

18 MR. GARY SWANSON: And part of 7A.

19 MR. ALBERT ERICKSEN: Yeah, because a lot of
20 that ground has a high leaching probability, and so
21 as part of the monitoring wells, that could be
22 included in there as a reason. Monitoring.

23 MR. GARY SWANSON: Well, the facility
24 itself, it's 130 to water, groundwater. And I don't
25 know where all the -- how far it is to groundwater in

1 all the application sites, but in that area, it's
2 going to be 130, -40 feet.

3 And we may want to strengthen the thick --
4 these conditions would probably -- might want to
5 strengthen the terms of when the waste could be
6 injected. In other words, somewhere it says after
7 the frost, before -- but just before planting. And
8 maybe that needs to be restated in the conditions.

9 MR. WADE ANDREWS: I had a question on that.
10 The injection, in some of the fields, I was a little
11 bit -- held to Gary in there, there's some fields up
12 there by Crookston that have their -- you know, their
13 additional ground to put on, but then they said they
14 wouldn't inject that far away because it's just not
15 feasible. So it doesn't -- I don't understand why
16 they would even be in the plan if you couldn't inject
17 them. I mean you can't haul it to them. I mean you
18 could inject it, but it's not -- it seems like they
19 said it wouldn't be feasible, so I don't know. It
20 seems like maybe that should be taken off the plan,
21 or I don't know. I was a little confused on that
22 part of it maybe.

23 MR. JOHN LEE: Chris talked about that, you
24 talked about that. He just included that in their
25 proposal, in the conditional -- in the conditional

1 use permit.

2 MR. WADE ANDREWS: But if they're going to
3 inject it, that shouldn't be in there.

4 MR. JOHN LEE: And I think we could take
5 that off there.

6 MR. WADE ANDREWS: I mean technically they
7 could inject it --

8 MR. JOHN LEE: Right.

9 MR. WADE ANDREWS: You know, it would --

10 MR. ALBERT ERICKSEN: I think I asked the
11 question, would it be pumped across the Minnechaduza
12 Creek and I think the answer was it would be hauled
13 up there. Because the answer to that question was
14 no.

15 MR. WADE ANDREWS: Oh they'd haul up there
16 and then inject it. Okay. I may not have understood
17 that part.

18 MR. ALBERT ERICKSEN: Then have another tank
19 up there --

20 (Inaudible discussion between
21 Mr. Ericksen and Mr. Andrews)

22 MR. WADE ANDREWS: Then haul it up there and
23 inject it, oh, okay, that's what I missed. That
24 makes more sense.

25 MR. GARY SWANSON: All us planning

1 commission members probably owe Donita something for
2 riding with Duane all the way back to Iowa to see a
3 wonderful pig facility. Maybe a bouquet of flowers
4 or something, I don't know.

5 MR. DUANE KIME: It started out we was only
6 going as far as O'Neill.

7 MR. GARY SWANSON: That's how you tricked
8 her into going.

9 MR. DUANE KIME: And we got that far, and I
10 said, well, we just as well go on to Iowa. She had a
11 good time.

12 MR. GARY SWANSON: Yeah, okay.

13 MR. DUANE KIME: At least she drove home
14 from O'Neill. I probably wouldn't have made it.

15 MR. WADE ANDREWS: One comment I had on that
16 7, about the 2,000, I guess for me personally, I
17 just -- you know, I understand that there's a little
18 variance there for a little subjectivity. The board
19 of commissioners can approve that if they so choose.

20 You know, I mean, for me personally, I think
21 it would be better for us if we could -- you know, if
22 that's what the county wants is to have big hog
23 facilities, I'd rather see a bigger number than that
24 2,000 there to protect the county from, you know,
25 lawsuits. We could be able to defend a lawsuit a lot

1 easier if that number was closer to 2,000 -- you
2 know, if the number of this facility was closer to
3 the number in our zoning regs. For me personally, I
4 feel that would be a better way to approach this, and
5 to protect Danielskis too, if it comes down to a
6 judge or something.

7 That's just me, my personal feeling, but, I
8 don't know, I'm not a lawyer or a judge or anything
9 of that nature, but it would be a little more
10 concrete in our plan where we'd have a definite
11 number and the hog facility would be under that
12 number, close to that number. So it would be a
13 stronger, you know, easier to defend, I guess you'd
14 say, for me, but --

15 Commissioners aside, we're just kind of
16 giving our opinion.

17 MR. GARY SWANSON: Of course, the
18 application has to be judged by the zoning code that
19 is enforced the day it's --

20 MR. ALBERT ERICKSEN: Regulations.

21 MR. GARY SWANSON: -- it's applied for, and
22 this number -- you know, this could be redone in our
23 --

24 MR. WADE ANDREWS: In our comprehensive
25 plan.

1 MR. GARY SWANSON: -- in our code that we're
2 going to be redoing.

3 MR. WADE ANDREWS: Right, correct. I think
4 Jessica stated that one -- oh, a few months ago, she
5 said there's a lot of counties that had to update
6 their plans to accommodate, you know, different
7 facilities that are coming in to bring economic
8 development to the counties in order -- you know,
9 whether our zoning rules are antiquated or not, but
10 it's -- It is what it is. It's 2,000. And this
11 sucker is a lot bigger than 2,000, that's for sure,
12 but we do have some, you know, language there that
13 can -- it's up to the commissioners of course, but --
14 to do that, but --

15 I think it's a -- it's a little gray area,
16 it's kind of scary. You don't know in this day and
17 age, everybody's litigants. I don't know, it just --
18 I'd feel better if that was a bigger number, or
19 closer to the number that they're wanting.

20 I guess that's all I have on that part.

21 MR. JOHN LEE: Gary, do you know, when was
22 that 2,000 animal unit put into -- I'm assuming at
23 the time it was implemented, nobody had talked about
24 a hog confinement. You know, you're probably talking
25 about beef cattle.

1 MR. GARY SWANSON: Yeah, well it would have
2 been 2008.

3 MR. JOHN LEE: Okay. I don't know. I don't
4 know if you redo it -- 2,000 in beef and 10,000 hog
5 or just stick with a flat animal unit. 2,000-head
6 fat cattle facility is going to be a hell of a lot
7 bigger than a 2,000-head hog confinement. By a lot.

8 MR. GARY SWANSON: Of course we're talking
9 animal units.

10 MR. JOHN LEE: Right.

11 MR. GARY SWANSON: And a hog is less. So
12 I -- That's more hogs than cows. Or steers.

13 MR. ALBERT ERICKSEN: Can't really change
14 any of that now.

15 MR. GARY SWANSON: A sow or a boar is
16 .410ths of an animal unit.

17 MR. JOHN LEE: So what does that equate?
18 I'm not good at math. Your 2,000 animal unit would
19 be what?

20 MR. DUANE KIME: 5,000.

21 MR. JOHN LEE: 5,000.

22 MR. GARY SWANSON: 5,000 boars.

23 MR. JOHN LEE: Okay.

24 MR. GARY SWANSON: Little piggies or less.

25 MR. WADE ANDREWS: They're looking at

1 12,440. Or 68 -- 196 animal units.

2 MR. GARY SWANSON: Well, it doesn't take
3 very long to buzz down to Purdum and that's 20,000
4 pigs there.

5 MR. WADE ANDREWS: Not quite twice as big.

6 MR. DUANE KIME: Was the conversion the same
7 one?

8 MR. GARY SWANSON: That's just actual pigs
9 in there. I don't know what --

10 MR. DUANE KIME: Your table didn't show what
11 he had on the conversion on feeder pigs compared to
12 animal units, Gary?

13 MR. GARY SWANSON: Well, I'm not real up on
14 my pig sites.

15 Okay. Swine 55 pounds or heavier is .4
16 animal units. Swine less than 55 pounds is .04.

17 So you could have a lot of them to make --
18 like he said, 1,300 of them on a truck.

19 Swine, sow and litter is .5 animal units.
20 Sow or a boar is .4.

21 An ostrich is the same as a pig.

22 MR. WADE ANDREWS: The one in Purdum, that
23 was just a finishing operation?

24 MR. GARY SWANSON: As I understand it. I
25 didn't get to talk to a manager. I talked to the

1 manager's wife. They have kids there, too.

2 Okay. Well, if we were to go through these
3 conditions again, let's just do that quick and then
4 I'll read what I think -- just kind of a brief
5 outline.

6 So we're going to make number 1, 7A, and
7 that's the planning -- or county board must show the
8 owner the proposed feeding; can provide assurances.
9 That will be condition number 1.

10 Condition number 2, all manure application
11 shall be through injections regardless of the waste
12 management plan on file with the NDEE.

13 Phasing of the project; Phase 1 including
14 any shared facilities and Phase 2 shall -- okay, any
15 shared facilities will be allowed.

16 MR. ALBERT ERICKSEN: You could go with B
17 on -- instead of including that Phase 2.

18 MR. GARY SWANSON: I'm not following you,
19 Albert.

20 MS. ALLEN: Well, the way that first part
21 reads, Phase 1, including any shared facilities with
22 Phase 2 be allowed; sounds like if we approved it,
23 that would be both of them. Part B says it requires
24 the second CUP.

25 MR. JOHN LEE: I agree with you, Albert. I

1 mean that kind of contradicts itself. They make you
2 get a separate CUP in Phase 2 and Phase 2 included in
3 Phase 1.

4 MS. CHELSEA LUTHY: I think that refers to
5 like office space, where they could build their full
6 office that would be used in Phase 2, any shared
7 facility. Not saying it allows Phase 2, just the
8 shared facilities that would be used in Phase 2. So
9 it's different.

10 MR. ALBERT ERICKSEN: That's right.

11 MR. GARY SWANSON: I agree with Chelsea.

12 MS. CHELSEA LUTHY: That's what that means.

13 I actually don't agree with that as far as
14 the phasing part of it. My original thought was --
15 before tonight, after the five-year thing, was that
16 you would allow the project as is and just not allow
17 the five-year part of it. Like do your project, do
18 it in a -- in the right amount of time and include
19 the conditions to make it a good project from the
20 beginning. Not come back and look at it again.
21 That's just my thoughts on that.

22 MR. GARY SWANSON: Okay. Monitoring wells
23 shall be installed according to the NRD, NRCS
24 identified locations.

25 Monitoring wells shall be tested annually by

1 the NRD and all fees associated with testing shall be
2 borne by the producer.

3 MR. ALBERT ERICKSEN: 3, 4 and 5, could you
4 combine them?

5 MS. CHELSEA LUTHY: Combine them.

6 MR. JOHN LEE: Make all of them be number 4.

7 MS. CHELSEA LUTHY: So would it say
8 something like, Monitoring wells shall be installed
9 and tested annually for nitrates and phosphorous
10 according to NRD and NRCS identified locations?

11 MR. GARY SWANSON: You could do it that way.

12 MS. CHELSEA LUTHY: Just as one option of
13 combining them.

14 MR. WADE ANDREWS: On those monitoring
15 wells, I don't know, I might want to just bring a
16 little point up.

17 On Danielski's plan, they said that
18 basically that was the NDEE's responsibility and not
19 ours. That's what they stated in their plan.

20 MR. GARY SWANSON: Will tell you that down
21 by Ainsworth there's quite a bit of grumbling
22 about -- because they don't get the wells -- Some
23 people think that they don't get the wells monitored
24 like they're supposed to, and our NRD -- well,
25 supposedly -- does the well monitoring.

1 MR. WADE ANDREWS: They do. They test wells
2 and they have one right west of that project right
3 now. But then somebody's going to have to pay for
4 those wells to go in, and they're not necessarily
5 cheap to put those in. And so we'd have to figure
6 out who's going to pay for them. Danielski said
7 they're not going to pay for them; they said in the
8 plan is NDEE was and it's out of our jurisdiction.
9 So that's something to think about.

10 MR. GARY SWANSON: Okay, well, that's an
11 issue we'll have to iron out.

12 MR. WADE ANDREWS: I mean the county
13 commissioners could put those wells in, but they'd
14 have to pay for them out of the county funds, more
15 than likely. I'd imagine that's the way it works, I
16 don't know for sure.

17 I mean it's good to have the wells there,
18 I'm not arguing that point. And the NRD would
19 monitor those wells. But that's something -- I saw
20 that in the plan there, so --

21 MR. GARY SWANSON: Okay. Well, to me the
22 monitoring wells is the cost of doing business just
23 like the manure pit is.

24 MR. WADE ANDREWS: Oh, I understand that.
25 Yeah, absolutely.

1 MR. GARY SWANSON: Maybe we have to clarify
2 that.

3 MR. WADE ANDREWS: We may have to, yeah.

4 I know Mike, when he was here, he said the
5 people that live basically downstream from them
6 could, you know, test their house wells, test
7 their -- if they had irrigation wells, they could
8 test them to get your baseline. And, you know, I
9 don't know if they'd have to -- NRD does some of the
10 nitrate testing for free.

11 MR. GARY SWANSON: Yep.

12 MR. WADE ANDREWS: So they could do that.
13 And then, you know -- because they come out and test
14 our house well every year for nitrates; it's .001 or
15 something like that.

16 But yeah, no, that's just something to think
17 about.

18 MR. GARY SWANSON: Okay. Well some of this
19 we're going to kick back to Keith.

20 MR. WADE ANDREWS: Correct.

21 MR. GARY SWANSON: When we get done here
22 today. And our county attorney eventually.

23 MR. DUANE KIME: Did you get an answer from
24 him?

25 MR. GARY SWANSON: There's a trick to that.

1 Okay, next one. I'm not sure what number
2 it's going to be.

3 The applicant/producer shall work with the
4 county board of commissioners on a road maintenance
5 program in order to maintain the roads used by the
6 facility and local residents.

7 MR. DUANE KIME: I would get that to 5.

8 MR. GARY SWANSON: The facility's proposed
9 deep pit, capacity of 365 days of waste shall remain
10 at this capacity and shall not be reduced when Phase
11 2 comes online.

12 So that says Phase 2 has to have 365 days
13 also.

14 MR. WADE ANDREWS: Gary, on that 365 days,
15 every time I read the plan I always thought 180 days.
16 I never did see the 365. I must have missed it
17 somewhere or did you see it somewhere in their --

18 MR. ALBERT ERICKSEN: It's amended.

19 MR. WADE ANDREWS: It's amended?

20 MR. GARY SWANSON: That's the reason we're
21 making that part of the condition.

22 MR. WADE ANDREWS: Okay. Because every time
23 I saw 180, they said 365, and it was like, well, I
24 never saw that.

25 MR. ALBERT ERICKSEN: It was 180 originally.

1 MR. WADE ANDREWS: Originally. Okay, that's
2 why I got confused.

3 We're going to need a plan that's amended
4 that's -- Before we vote on this, I think we need a
5 plan that's got all the amendments out of the way so
6 we can look at it.

7 MR. GARY SWANSON: Well there won't be any
8 amendments. These are the conditions of the permit.
9 Period.

10 MR. WADE ANDREWS: Oh, I see what you're
11 saying. Okay. Period, okay.

12 MR. GARY SWANSON: It's not going to matter
13 what the plan says. They don't get a permit if this
14 isn't what happens.

15 MR. WADE ANDREWS: I see, okay. Okay.

16 MR. GARY SWANSON: The application of manure
17 shall be done immediately prior to planting a cover
18 -- a crop or cover crop.

19 So what that implies is that there could be
20 fall knifing (sic) for a cover crop.

21 The next one says the application of manure
22 or dumping of manure shall not be done on frozen
23 ground. Okay.

24 MS. CHELSEA LUTHY: Can those two be
25 combined?

1 MR. GARY SWANSON: There isn't going to be
2 any dumping of manure on frozen, period.

3 It might just need to say the application of
4 manure shall not be done on frozen ground.

5 MS. CHELSEA LUTHY: Can that be combined
6 with the one above, say something like --

7 MR. GARY SWANSON: I wouldn't combine any of
8 this stuff, quite honestly, for purposes of clarity.
9 That's my personal opinion. I like bullet points and
10 I like paragraphs, but that's -- that's me. Keeps me
11 from getting confused. Sometimes.

12 MR. JOHN LEE: So we might want to take
13 dumping of manure out of that.

14 MR. GARY SWANSON: That's what I'm thinking.
15 I don't know. Doesn't make any sense to me.

16 MR. JOHN LEE: Leave that number 8, but just
17 exclude dumping.

18 MR. GARY SWANSON: Yep.

19 MR. WADE ANDREWS: Just put any application
20 of manure shall not be done on frozen ground. That
21 takes care of it.

22 MR. GARY SWANSON: Monitoring wells are not
23 included in the application considering the soil
24 types and -- considering the soil types and
25 properties of the site. Monitoring wells should be

1 included. So --

2 MR. ALBERT ERICKSEN: We can probably get
3 rid of that one.

4 MS. CHELSEA LUTHY: Yeah, I agree.

5 MR. GARY SWANSON: Yeah, I think you guys
6 are right on that.

7 MR. WADE ANDREWS: Just get rid of that one?

8 MR. GARY SWANSON: Okay, how does everybody
9 feel about number 11?

10 MR. WADE ANDREWS: What does that mean?
11 Trees?

12 MR. GARY SWANSON: Me and Albert think it's
13 not necessarily necessary. Especially at the site
14 that it's at.

15 MR. ALBERT ERICKSEN: Might be more of a
16 traffic hazard with trucks pulling in and out with a
17 hundred trees or shrubs.

18 MR. WADE ANDREWS: The trees help the odor,
19 sometimes, keep the odor away, but I don't know -- I
20 wouldn't think that mattered, but I'm not sure.

21 MR. GARY SWANSON: Okay. Well, question
22 mark by vegetative screening?

23 MR. WADE ANDREWS: Yeah.

24 MS. CHELSEA LUTHY: I don't think it's
25 necessary.

1 MR. GARY SWANSON: The next item will be
2 site inspection by the zoning administrator. And we
3 would have Keith flush that out a little bit for us,
4 the verbiage.

5 MR. ALBERT ERICKSEN: How often is that?

6 MR. GARY SWANSON: I don't know what would
7 be appropriate, Albert. Usually, you know, you're
8 talking about a zoning violation and you probably
9 just have to ask Keith what would be appropriate for
10 inspection. The number of pigs that can be there is
11 site specific. So, if it's 20,000, it's not 25,000.

12 MR. DUANE KIME: So you going to leave that
13 one? Make that one 9?

14 MR. GARY SWANSON: I'm not sure -- I've been
15 keeping track of the numbers, so it's worked it's way
16 up there somewhere.

17 Next thing we have written down is snow
18 removal; and then a nitrogen management plan which
19 we've already delved into that, but this is more
20 forming a baseline.

21 MR. WADE ANDREWS: The nitrogen, would we
22 want to -- maybe instead of nitrogen management,
23 maybe nitrate management?

24 MR. GARY SWANSON: Could be.

25 MR. WADE ANDREWS: The after effects of

1 nitrogen. That would maybe take care of nitrogen
2 management. I think we might want to label it
3 nitrate. It might all be the same thing, I mean --

4 MR. GARY SWANSON: Then I have a question
5 mark for decommissioning.

6 Now, we talked to -- Have we addressed some
7 of the issues that we heard about? Is there anything
8 we're missing? Concerns people have?

9 MR. JOHN LEE: Your decommission plan, I
10 mean, Marvin will know about that, but I think it
11 should include everything that -- manure, the
12 buildings, wouldn't you say?

13 MR. GARY SWANSON: Well, I'm not as
14 concerned about the building. I view it the same as
15 a abandoned farmstead. I'm only worried about
16 something that might seep out of there.

17 MR. JOHN LEE: But like you said, I've seen
18 -- I go by that one up there west of Wagner and the
19 whole goddamn thing is blowing everywhere. I think
20 you ought to take the whole site down.

21 MR. GARY SWANSON: Well, it's on private
22 property, the middle of a section.

23 MR. JOHN LEE: True. Yeah. Yep.

24 MR. ALBERT ERICKSEN: You're going to see if
25 you can get Keith to expand on some of those?

1 MR. GARY SWANSON: Come up with some
2 verbiage.

3 MR. ALBERT ERICKSEN: Yeah.

4 MR. WADE ANDREWS: I probably overlooked it,
5 but on the inside of that circle, the one mile by two
6 mile, there was written approval from all the
7 residents that lived inside there?

8 MR. GARY SWANSON: And signed the easements.

9 MR. WADE ANDREWS: Signed the easements?
10 Yeah, that's what I thought it was. Yeah.

11 MR. GARY SWANSON: So, today we received a
12 petition here, and I'll address it so everybody
13 understands. This is -- this is a political issue,
14 and -- which doesn't mean it's not important, but the
15 zoning board is -- planning commission is more
16 interested in, does this permit meet our regulations.
17 And --

18 UNIDENTIFIED PERSON FROM CROWD: It doesn't.

19 MR. GARY SWANSON: So anyway, like I say,
20 this is a -- these are important, but this is a
21 political decision for the commissioners. And
22 everybody here should look at them.

23 Okay. How much farther do we want to take
24 this tonight?

25 MR. DUANE KIME: We've gone about as far as

1 we can without -- until we get some -- you consult
2 with --

3 MR. GARY SWANSON: Well, a couple of us
4 will, somehow.

5 MR. DUANE KIME: It's -- playing fields is
6 the right wording and hopefully you can get the --
7 something from the county attorney to see if we're on
8 the right track.

9 Do you have anything to add, Michael, or
10 concerns?

11 MR. MICHAEL MCLEOD: Quite a few. I'd like
12 to see what Keith thinks about them. Can't do much
13 until we hear back from him.

14 MR. GARY SWANSON: Wade?

15 MR. JOHN LEE: Yeah, I think we should
16 wait -- these -- well, there's about 12 of them that
17 I think some of them need to be defined a little
18 more. I think we need to let Keith look at this
19 first.

20 MR. WADE ANDREWS: No, I -- I think what we
21 discussed is what I was concerned about.

22 MR. GARY SWANSON: Albert, are we going to
23 consider this permit? Are we headed in the right
24 direction?

25 MR. ALBERT ERICKSEN: Yeah, I think so. I

1 think we've got to get Keith Marvin to write a few
2 descriptions out there a little better.

3 MR. GARY SWANSON: Yep. Duane?

4 MR. DUANE KIME: Agree with him. Need
5 another month, anyway, to get things more defined.

6 MR. GARY SWANSON: Chelsea?

7 MS. CHELSEA LUTHY: I'm in the same place.

8 MR. GARY SWANSON: Okay. So we have some
9 conditions somewhat ironed out here. What do we need
10 to check into? Anybody got anything, any questions
11 we need to resolve?

12 MR. WADE ANDREWS: I guess we could make
13 sure on those monitoring wells, you know, a little
14 bit more -- maybe a little more clarity like who's
15 responsible. I know Mike's already talking about it
16 because if the county wanted to tie into that or not,
17 you know, might be kind of expensive, but we could do
18 just -- maybe ask Keith what he would suggest on
19 that, too, again. He's better on that, a lot more
20 than me, I'm sure, but --

21 The county could sure do that, they could --
22 they have the right to do that.

23 MR. GARY SWANSON: Well, the problem we have
24 is we have to make sure it gets done.

25 MR. WADE ANDREWS: Exactly. There might be

1 cost involved is all I'm saying.

2 MR. GARY SWANSON: Oh, yeah.

3 MR. WADE ANDREWS: You know, whether the
4 county pays for it or, you know, the swine -- the
5 swine facility pays for it or who pays for it is the
6 question. It can be done, you know, not that it
7 can't be done, but just who gets to pay for it. That
8 would be the specific question, who pays for the
9 monitoring wells, I guess.

10 MR. GARY SWANSON: In my mind it's the cost
11 of doing business.

12 MR. WADE ANDREWS: Okay.

13 MR. GARY SWANSON: It's not Cherry County
14 isn't the one doing the business. But we can talk
15 about it.

16 MR. WADE ANDREWS: Sure. I can always ask
17 Mike, too, how long would it take -- it's going to
18 take a while, you know, say if there is a nitrate
19 problem, it might take a while to get down 140 feet.
20 I'm not sure how fast nitrate leaches out in that
21 type of soil.

22 MR. GARY SWANSON: I see that as somewhat
23 problematic.

24 MR. WADE ANDREWS: It could be 10, 15, 20
25 years to get down that far. You know, I'm not

1 entirely -- it depends on rainfall and that. I'm not
2 all that familiar with that type of soil, but it's
3 pretty hard, I'm sure. But NRCS would probably know
4 the answer to that, too.

5 MR. GARY SWANSON: Yeah, they do.

6 MR. WADE ANDREWS: So the monitoring wells
7 might be a moot point for about 20 years, you know.
8 I don't know.

9 MR. GARY SWANSON: I think that's a good
10 point. I -- In the back of my mind -- that was in
11 the back of my mind.

12 MR. WADE ANDREWS: We should get, maybe,
13 those figures from NRCS, how long it would take to
14 leach down there, and then -- you know, it's not to
15 say it's not a good idea. It's a good idea, but
16 there are complications to that.

17 MR. ALBERT ERICKSEN: You wrote down to
18 check on the inspection regular -- regularity?

19 Are we getting ready to -- getting close to
20 a motion to table this to the next meeting or what do
21 we want to do?

22 MR. DUANE KIME: I would --

23 MR. GARY SWANSON: Communicate with Keith
24 and get something back?

25 MR. DUANE KIME: I would make a motion to

1 table it until the next meeting to get -- or until we
2 get more information back from Keith as far as -- and
3 the county attorney.

4 MR. JOHN LEE: I'll second it.

5 MR. GARY SWANSON: Okay, motion's been made
6 by Duane Kime, table this until the next meeting and
7 seconded by John Lee.

8 Discussion?

9 All right. We'll now vote. Okay. Michael
10 McLeod?

11 MR. MICHAEL McLEOD: Yes.

12 MR. GARY SWANSON: John Lee?

13 MR. JOHN LEE: Yeah.

14 MR. GARY SWANSON: Wade Andrews?

15 MR. WADE ANDREWS: Yes.

16 MR. GARY SWANSON: Albert Ericksen?

17 MR. ALBERT ERICKSEN: Yes.

18 MR. GARY SWANSON: Duane Kime?

19 MR. DUANE KIME: Yes.

20 MR. GARY SWANSON: Chelsea?

21 MS. CHELSEA LUTHY: Yes.

22 MR. GARY SWANSON: Chair votes yes.

23 Next item on our agenda is set a regular
24 meeting date.

25 MR. DUANE KIME: First Tuesday is the first.

1 MR. GARY SWANSON: Okay, perfect. I
2 couldn't find my calendar.

3 MS. CHELSEA LUTHY: I have it the Tuesday is
4 January 5th. That work? 4:30?

5 MR. WADE ANDREWS: If we can meet here
6 again, that's perfect.

7 MR. GARY SWANSON: I'll make a note to ask
8 Jessica about that.

9 Next item on the agenda, old business.
10 There is no old business.

11 (The requested portion of the
12 public meeting concluded.)

13 (Meeting concluded at 6:58
14 p.m.)

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