

**HAMPTON TOWNSHIP
PUBLIC HEARING
MINUTES
August 17, 2010
6:30PM**

Attendance

Chair	Doug Wille
Supervisor	Bob Leifeld
Clerk	Jeanne Werner
Supervisor	Donna Otto

The meeting was opened by Doug Wille in regards to a variance that has been requested by Barry & Shelly May to increase their animal units from 100 to 670 units.

Barry May had stated he has no plans for expanding. He just wants to make his operation legal. If he had knew about the 2002 feed lot ordinance change, he would have addressed it back then. He stated that his feed lot is around 370 feet to the nearest neighbor.

The question was asked "What is the difference between a conditional use permit and a variance". Doug Wille explained that a conditional and interim use permits are for uses that are NOT permitted. A feedlot is a permitted use, so a variance is the only option. The ordinance reads that it has to be 1000 feet from the neighbor. Neighbor does not mean a property line or a joining land, it means a principal dwelling.

Barry wanted to know why he was not notified of the change back in 2002. Bob Leifeld stated that when an ordinance is changed, they publish the public hearings in a legal newspaper.

Arnie Radman was wondering how many head Barry and Shelly May were permitted for. Barry stated that he is permitted for 100 head and has around 120 head currently. Mr. Radman was wondering if there is no intention of expanding, why is there a request an increase of animal units. Barry explained that he just wants to be legal for he has we have an ordinance book if we are not going to enforce it?" The board had passed had larger amount of animal units in the past.

Larry Runyan had suggested that if a feedlot ordinance is changed in the future, that the Township should consider mailing letters out to all the registered feedlot owners of the ordinance changes. Mike Wagner stated that the May Calf farm has not been in compliance and should have been shut down and that it was not fair. Angel Weiland asked why we have an ordinance book, if we don't enforce it?"

Doug Wille stated that it needs to be decided to grant a variance according to our ordinances. We have to go by the rules in the book.



Donna Tix suggested a possible conditional use permit due to a "hardship". Mr. Radman was wondering if the variance is issued, would it set precedents to other situations in the township.

Jeremy Irrthum had recommended that we do not go off of hardship issues in this case. Doug Wille stated that the issue is that we need to follow the ordinance book and what the law states.

It was stated if all of the neighbors were in agreement to the variance, can the variance be issued? Doug stated that the ordinance did not state that if the neighbors are in agreement, that the variance could be issued.

The question was asked about how many animal units you would need in order to have a permit. Brad Becker from Dakota County stated that it is 50 animal units or more. He stated that on the county level, there are setbacks in place for streams and water ways.

Donna Otto stated that she did not want to take Barry's livelihood away. The only way to give a variance is to change the setbacks and cannot grant any more animal units. The ordinance states that we cannot grant a variance.

Doug Wille made a motion to deny the variance from Barry & Shelly May (May Calf Farm), seconded by Bob Leifeld. Donna Otto did not vote.

Donna Otto stated that Barry and Shelly May can continue to run their operation.

Barry May wanted to know how to request a public hearing in regards to changing the feedlot ordinance. He was explained that could take years to change an ordinance due to the planning and public hearings. Barry also requested the township to mail him a copy of the section in the old ordinance book regarding setbacks.

Meeting was adjourned at 7:32PM

Respectfully Submitted;

Jeanne Werner, Clerk
Hampton Township

Date signed: 9-21-10

Doug Wille, Chair: 

Jeanne Werner, Clerk: 

