

WASECA COUNTY BOARD OF COMMISSIONERS— SPECIAL MEETING  
MAY 22, 2007

The Waseca County Board of Commissioners met in a special meeting on Tuesday, May 22, 2007, at 1:30 p.m. in the Commissioner's Room, East Annex, Waseca, Minnesota. Members present were Richard Androli, Chairperson; Jim Peterson, Dan Kuhns, Al Ruhland and Rick Morris. Others present were Angie Knish, Planning & Zoning Administrator, Joan Manthe, Auditor; Bruce Boyce, Coordinator; Paul Dressler, County Attorney; Drew Amo, News Reporter; Bernie Bowles, Dan Seckora and Kirk Johnson, representatives from US BioEnergy.

Richard Androli, Chairperson, called the meeting to order. The Pledge of Allegiance was recited.

Rick Morris moved and Dan Kuhns seconded the motion to waive the five day minimum requirement notice for special meeting. Motion carried unanimously.

Ruhland moved and Morris seconded the motion to approve the agenda as presented.

Angie Knish, Planning and Zoning Administrator stated that US Bio is requesting their zoning permit for construction. The second condition of the zoning permit is to complete the waste water discharge plan. This has not been addressed. A petition to the Joint Ditch Authority #11 is required.

Attorney Kirk Johnson explained the views of US Bio and US Bio Janesville, LLC and has written a letter to Paul Dressler requesting the permits required for construction be granted to US Bio and that USBJ understands that it will assume all risk with respect to construction of the ethanol plant and that US Bio will not raise any claim that the issuance of a construction permit will entitle them to any right to drain into JD 11 or anywhere else.

The auditor questioned what other options the plant might have, if during ditch proceedings, an outlet is not granted to US Bio. Bernie Bowles explained that there are two other options are possible, a pipe straight to the LeSueur River, or a 0% discharge plant. But the option to outlet into JD 11 is the favored plan.

Ruhland moved and Kuhns seconded the motion to accept the letter from US Bio Energy stating that they understand the risks and waive any and all claims against Waseca County that they would be entitled to drainage rights by virtue of the issuance of a construction permit. Motion carried unanimously.

Angie Knish, Planning and Zoning Administrator, requested a motion to direct her to issue the permit, upon receipt and review of their application. Peterson moved and Androli seconded the motion to direct the Planning and Zoning Administrator, to issue a building permit to US Bio upon receipt and review of the application for a building

permit with the understanding that US Bio accepts all risks with respect to construction of the ethanol plant, and the water discharge plan will be accomplished through process. Motion carried unanimously.

Kuhns moved and Peterson seconded the motion to adjourn at 2:00 p.m. Motion carried unanimously.

S/ \_\_\_\_\_  
Richard Androli, Chairman  
Waseca County Board of Commissioners

ATTEST:

S/ \_\_\_\_\_  
Joan Manthe  
Waseca County Auditor