



IVERSON REUVERS
ATTORNEYS AT LAW

JEFFREY A. EGGE
DIRECT: 952.548.7201
JEGGE@IVERSONLAW.COM

August 18, 2005

Carol A. Overland
OVERLAND LAW OFFICE
402 Washington St. So.
Northfield, MN 55057

Re: Rice County Land Use Accountability, Inc. v. Rice County
Court File No. C8-05-1032
Our File No. 200.416

Dear Ms. Overland:

Enclosed herein and hereby served upon you by U.S. Mail find Defendants' Answers to Interrogatories, Response to Request for Admissions and Response to Request for Production of Documents in connection with the captioned matter.

Sincerely,

IVERSON REUVERS

Jeffrey A. Egge
JAE:bh
Enclosure

ION K. IVERSON
PAUL D. REUVERS
JEFF M. ZALASKY
JASON J. KUBOUSHEK
MARK S. BROWN
PAMELA J.F. WHITMORE
JASON M. HIVELEY
SUSAN M. TINDAL
JEFFREY A. EGGE

STATE OF MINNESOTA

DISTRICT COURT

COUNTY OF RICE

THIRD JUDICIAL DISTRICT

Case Type: Other

State of Minnesota, by Rice County
Land Use Accountability, Inc.,

Plaintiff,

v.

**DEFENDANTS' ANSWERS TO
INTERROGATORIES**

Rice County, a political subdivision
of the State of Minnesota, and the
Rice County Board of Commissioners,

Defendants.

TO: Petitioners and their attorney, Carol A. Overland, Overland Law Office, 402 Washington Street South, Northfield, MN, 55057.

Respondent, for its Answers to Petitioners' Interrogatories, states as follows:

Interrogatory No. 1. What environmental training, including but not limited to areas such as compliance, review, protection and enforcement training, have the Rice County Board of Commissioners, members of the Rice County Planning Commission and the Rice County staff, including those in Planning and Zoning and the Office of the County Attorney and Board of Adjustment, received in the last five (5) years?

Answer: Objection, overly broad and burdensome, irrelevant and not calculated to lead to discoverable information.

Interrogatory No. 2. For each EAW Petition received by Rice County over the last five years, identify the following:

- a. name of project (sufficient to identify for future reference, using name of applicant, area, corporate name, or other identifying fact);
- b. on what date and at what time was the EAW Petition first received by the county;
- c. on what date and at what time was a determination made about the EAW by the County Board;
- d. on what date and at what time was a decision made by the County Board on the permits in question?

Answer: Objection, overly broad and burdensome, irrelevant and not calculated to lead to discoverable information.

Interrogatory No. 3. For the Circle Lake, I-35 and Wheeling Township EAW's, identify the following:

- a. on what date and at what time was the EAW Petition first received by the county;
- b. on what date and at what time was a determination made about the EAW by the County Board;
- c. on what date and at what time was a decision made by the County Board on the permits in question?

Answer: Objection, overly broad and burdensome, irrelevant and not calculated to lead to discoverable information.

Interrogatory No. 4. How was a determination regarding the necessity of an EAW made in each of the cases in Interrogatories 2 and 3 above?

Answer: Objection, overly broad and burdensome, irrelevant and not calculated to lead to discoverable information.

Interrogatory No. 5. How was notice of denial provided to the Petitioners' Representative in the Circle Lake, I-35 and Wheeling Township EAW petitions?

Answer: Objection, overly broad and burdensome, irrelevant and not calculated to lead to discoverable information.

Interrogatory No. 6. Regarding the Circle Lake EAW Petition, when the EAW determination was made, how was it determined whether the subject parcel was typed as agricultural land and/or wetlands, what was the amount of total acreage of each land designation, and how was the acreage of each determined?

Answer: Objection, overly broad and burdensome, irrelevant and not calculated to lead to discoverable information.

Interrogatory No. 7. Regarding the notices of the I-35 rezoning hearing, what were the specific details of the Motion/Resolution regarding rezoning, including geographical boundaries as described in the Motion/Resolution, why were there two separate hearing notices; and how was the acreage determined for each of the two separate notices issued?

Answer: Objection, overly broad and burdensome, irrelevant and not calculated to lead to discoverable information.

Interrogatory No. 8. Regarding the notices of the I-35 rezoning hearing, and the specific Motion/Resolution regarding rezoning, did Commissioner Brown's Motion include a proposal to rezone both the east and west sides of the intersection of I-35 and County Rd. 1, or only the west side. Provide transcript.

Answer: Objection, overly broad and burdensome, irrelevant and not calculated to lead to discoverable information.

Interrogatory No. 9. How many acres of land are encompassed by the I-35 AUAR, and explain any discrepancies with the Answers to Interrogatories 7 and 8 above.

Answer: Objection, overly broad and burdensome, irrelevant and not calculated to lead to discoverable information.

Interrogatory No. 10. On March 15, 2005, the Environmental Quality Board issued a letter to Rice County setting out specific procedures to follow if the Wheeling EAW Petition were to be denied. Describe in detail how Rice County followed these procedures.

Answer: Objection, overly broad and burdensome, irrelevant and not calculated to lead to discoverable information.

Interrogatory No. 11. When did Rice County learn that the developer of the Circle Lake project had clear cut trees on the shoreline, demolished structures, and filled wetlands without a permit? What action did Rice County take regarding these acts?

Answer: Objection, overly broad and burdensome, irrelevant and not calculated to lead to discoverable information.

Interrogatory No. 12. Defendant's Answer in the above-captioned proceeding repeatedly refers to "appeal" or other terms referring to an action regarding a challenge [sic] County decisions. What decisions is Plaintiff appealing or attempting to modify? Provide citation to Plaintiff's Complaint.

Answer: Objection, calls for a legal conclusion.

RICE COUNTY

By _____
Its _____

Subscribed and sworn to before me
this ____ day of _____, 2005.

Notary Public
(STAMP AND/OR SEAL)

IVERSON REUVERS

Dated: August 18, 2005

By 

Paul D. Reuvers, #217700
Jeffrey A. Egge, #338771
Attorneys for Respondent
9321 Ensign Avenue South
Bloomington, MN 55438
(952) 548-7200

STATE OF MINNESOTA

DISTRICT COURT

COUNTY OF RICE

THIRD JUDICIAL DISTRICT

Case Type: Other

State of Minnesota, by Rice County
Land Use Accountability, Inc.,

Plaintiff,

v.

**DEFENDANTS' RESPONSE TO
REQUEST FOR PRODUCTION OF
DOCUMENTS**

Rice County, a political subdivision
of the State of Minnesota, and the
Rice County Board of Commissioners,

Defendants.

TO: Petitioners and their attorney, Carol A. Overland, Overland Law Office, 402 Washington Street South, Northfield, MN, 55057.

Respondent, for its Responses to Petitioners' Request for Production of Documents,

states as follows:

Request No. 1. Provide documentation of environmental training, including but not limited to areas such as compliance, review, protection and enforcement training received by the Rice County Board of Commissioners, Rice County Planning Commission, and the Rice County staff, including Planning and Zoning and the County Attorney, in the last five (5) years.

Response: Objection, overly broad and burdensome, irrelevant and not calculated to lead to discoverable information.

Request No. 2. Provide all supporting documentation for the answer to Interrogatory 2, for each EAW Petition received by Rice County over the last five years, including but not limited to documentation of the following:

- a. name of project (sufficient to identify for future reference, using name of applicant, area, corporate name, or other identifying fact);
- b. date and at time was the EAW Petition first received by the county;
- c. date and at time was a determination made about the EAW by the County Board;
- d. date and at time was a decision made by the County Board on the permits in question?

Response: Objection, overly broad and burdensome, irrelevant and not calculated to lead to discoverable information.

Request No. 3. Provide all supporting documentation for the answer to Interrogatory 3 regarding the Circle Lake, I-35 and Wheeling Township EAW's, including, but not limited to documentation of the following:

- a. date and time the EAW Petition first received by the county;
- b. date and time a determination made about the EAW by the County Board;
- c. date and time a decision was made by the County Board on the permits in question.

Response: Objection, overly broad and burdensome, irrelevant and not calculated to lead to discoverable information.

Request No. 4. Provide all supporting documentation for the answer in Interrogatory 4 regarding how a determination regarding the EAW made in each of the cases in Interrogatories 2, 3 and 4.

Response: Objection, overly broad and burdensome, irrelevant and not calculated to lead to discoverable information.

Request No. 5. Provide all supporting documentation for the answer to Interrogatory 5, regarding verification of notice of denial provided to the Petitioners' Representative in the Circle Lake, I-35 and Wheeling Township EAW petitions.

Response: Objection, overly broad and burdensome, irrelevant and not calculated to lead to discoverable information.

Request No. 6. Regarding the Circle Lake EAW Petition, provide supporting documentation for the answer to Interrogatory 6, demonstrating how was the land in question classified by the county as agricultural land and/or wetlands, and how acreage of each was determined.

Response: Objection, overly broad and burdensome, irrelevant and not calculated to lead to discoverable information.

Request No. 7. Regarding the I-35 notices of hearing, provide supporting documentation for the answer to Interrogatory 7 and 8, demonstrating how the acreage for each of the two separate hearing notices issued was determined. Provide copy or transcript of county board Motion and Resolution authorizing rezoning of the specific boundaries of land at issue.

Response: Objection, overly broad and burdensome, irrelevant and not calculated to lead to discoverable information.

Request No. 8. Provide documentation of the number of acres of land subject to the I-35 AUAR, in Answer to Interrogatory 9, and explain any discrepancies with the Answer to Interrogatory 4 or 5.

Response: Objection, overly broad and burdensome, irrelevant and not calculated to lead to discoverable information.

Request No. 9. In a letter dated March 14, 2005, a letter was issued to Rice County by the Environmental Quality Board which set out specific procedures to follow if the EAW Petition were to be denied. Provide documentation, in support of the Answer to Interrogatory 10, of Rice County's adherence to these procedures.

Response: Objection, overly broad and burdensome, irrelevant and not calculated to lead to discoverable information.

Request No. 10. Provide all documentation regarding the answer to Interrogatory 11, include specifically any documentation of the date that Rice County learned that the developer of the Circle Lake project had clear cut trees on the shoreline, demolished structures and begun filling wetlands, and any and all action taken or declined by Rice County.

Response: Objection, overly broad and burdensome, irrelevant and not calculated to lead to discoverable information.

IVERSON REUVERS

Dated: August 18, 2005

By



Paul D. Reuvers, #217700

Jeffrey A. Egge, #338771

Attorneys for Respondent
9321 Ensign Avenue South
Bloomington, MN 55438
(952) 548-7200

STATE OF MINNESOTA

DISTRICT COURT

COUNTY OF RICE

THIRD JUDICIAL DISTRICT

Case Type: Other

State of Minnesota, by Rice County
Land Use Accountability, Inc.,

Plaintiff,

**DEFENDANTS' RESPONSE TO
REQUEST FOR ADMISSIONS**

v.

Rice County, a political subdivision
of the State of Minnesota, and the
Rice County Board of Commissioners,

Defendants.

TO: Petitioners and their attorney, Carol A. Overland, Overland Law Office, 402 Washington Street South, Northfield, MN, 55057.

Respondent, for its Response to Petitioners' Request for Admissions, states as follows:

Request No. 1. Rice County has violated Minn. R. 4410.1000, subp. 4 by segmenting in a phased and connected action to avoid environmental review of the project that was the subject of the Circle Lake EAW Petition.

Response: Deny.

Request No. 2. Rice County has violated Minn. R. 4410.1000, subp. 7, through non-compliance with the time limits set forth in the rule regarding the Circle Lake EAW Petition.

Response: Deny.

Request No. 3. Rice County has violated Minn. R. 4410.1000, subp. 8, by not providing notice to the Circle Lake Petitioners of the county determination regarding their EAW Petition.

Response: Deny.

Request No. 4. Rice County has violated Minn. R. 4410.1000, subp. 8, by not providing notice to the Interstate 35 & County Rd. 1 intersection Petitioners of the county determination regarding their EAW Petition.

Response: Deny.

Request No. 5. Rice County has violated Minn. R. 4410.1100, subp. 8, by not providing notice to the Wheeling Township Feedlot Permit Application Petitioners of the county determination regarding their EAW Petition.

Response: Deny.

Request No. 6. Rice County has violated Minn. R. 4410.3100 by making a final governmental decision regarding rezoning while the Interstate 35 and County Road 1 EAW Petition was pending.

Response: Deny.

Request No. 7. Rice County has violated Minn. R. 4410.3100, by making a final governmental decision approving a permit application while the Wheeling Township Feedlot EAW Petition was pending.

Response: Deny.

Request No. 8. Rice County has violated Minn. R. 4410.3100, subp. 27, regarding the Circle Lake project, where a mandatory EAW is required for projects having an impact on wetlands.

Response: Deny.

Request No. 9: Rice County has violated Minn. R. 4410.4300. subp. 36, regarding the Circle Lake project, where a Mandatory EAW is required for projects that result in conversion of more than 80 acres of agricultural land.

Response: Deny.

Request No. 10. Rice County has violated Minn. R. 4410.4300, subp. 36, regarding the Interstate 35 and County Rd. 1 rezoning, where a Mandatory EAW is required for projects that result in conversion of more than 80 acres of agricultural land.

Response: Deny.

IVERSON REUVERS

Dated: August 18, 2005

By 
Paul D. Reuvers, #217700
Jeffrey A. Egge, #338771
Attorneys for Respondent
9321 Ensign Avenue South
Bloomington, MN 55438
(952) 548-7200

STATE OF MINNESOTA)

)ss.

AFFIDAVIT OF SERVICE BY MAIL

COUNTY OF HENNEPIN)

Bonnie Hallstrom, City of Eden Prairie, County of Hennepin, State of Minnesota, being duly sworn, says that on August 18, 2005, she served the annexed **Rice County's Answer to Interrogatories, Response to Request for Admissions and Response to Request for Production of Documents** on the below listed attorneys for the parties in this action, by mailing to them a copy thereof, enclosed in an envelope, postage prepaid, and by depositing the same in the post office at Bloomington, Minnesota, directed to said attorneys, at their last known addresses:

Carol A. Overland
OVERLAND LAW OFFICE
402 Washington St. So.
Northfield, MN 55057


Bonnie Hallstrom

SUBSCRIBED AND SWORN TO before
me on August 18, 2005.


Notary Public

