

2015.08.11

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STATE OF MINNESOTA
COUNTY OF RICE

DISTRICT COURT
THIRD JUDICIAL DISTRICT
08-CR-15-2013

COURT FILE NO. _____
COUNTY ATTORNEY FILE NO. A-15-1027

State of Minnesota,

Plaintiff,

v.

COMPLAINT- SUMMONS

Kim Marie Halvorson,
DOB 7/15/1955
8017 Harris Trail
Morristown, MN 55052,

Defendant.

The Complainant, being duly sworn, makes complaint to the above-named Court and states that there is probable cause to believe the Defendant committed the following offense(s):

Count: 1 CUP Violation
In Violation of: 503.10F
MOC: N/A
ICR: 15000769
Penalty: Not more than 90 days, \$1,000 fine or both.

On or about July 23, 2015, in Rice County, Minnesota, Kim Marie Halvorson, the defendant, an owner of Biowood Processing, maintained, permitted or otherwise allowed any non-compliance with the provisions of this ordinance or the conditions of a permit, to wit: violation of CUP condition #8.

Count: 2 CUP Violation
In Violation of: 503.10F
MOC: N/A
ICR: 15000802
Penalty: Not more than 90 days, \$1,000 fine or both.

On or about July 30, 2015, in Rice County, Minnesota, Kim Halvorson, the defendant, an owner of Biowood Processing, maintained, permitted or otherwise allowed any non-compliance with the provisions of this ordinance or the conditions of a permit, to wit: violation of CUP condition #8.

Count: 3 CUP Violation
In Violation of: 503.10F
MOC: N/A

ICR: 15000807
Penalty: Not more than 90 days, \$1,000 fine or both.

On or about July 31, 2015, in Rice County, Minnesota, Kim Marie Halverson, the defendant, an owner of Biowood Processing, maintained, permitted or otherwise allowed any non-compliance with the provisions of this ordinance or the conditions of a permit, to wit: violation of CUP condition #8.

Count: 4
In Violation of: CUP Violation
MOC: 503.10F
ICR: N/A
Penalty: 15000820
Not more than 90 days, \$1,000 fine or both.

On or about August 3, 2015, in Rice County, Minnesota, Kim Marie Halverson, the defendant, an owner of Biowood Processing, maintained, permitted or otherwise allowed any non-compliance with the provisions of this ordinance or the conditions of a permit, to wit: violation of CUP condition #8.

Count: 5
In Violation of: CUP Violation
MOC: 503.10G
ICR: N/A
Penalty: 15000802
Not more than 90 days, \$1,000 fine, or both.

On or about July 30, 2015, in Rice County, Minnesota, Kim Marie Halverson, the defendant, a permit applicant, instructed, permitted or otherwise a subordinate person or entity to violate the provisions of this ordinance or the conditions of a permit, to wit: violation of CUP condition #8.

Count: 6
In Violation of: CUP Violation
MOC: 503.10G
ICR: N/A
Penalty: 15000769
Not more than 90 days, \$1,000 fine, or both.

On or about July 23, 2015, in Rice County, Minnesota, Kim Marie Halverson, the defendant, a permit applicant, instructed, permitted or otherwise a subordinate person or entity to violate the provisions of this ordinance or the conditions of a permit, to wit: violation of CUP condition #8.

Count: 7
CUP Violation

In Violation of: 503.10G
MOC: N/A
ICR: 15000807
Penalty: Not more than 90 days, \$1,000 fine, or both.

On or about July 31, 2015, in Rice County, Minnesota, Kim Marie Halverson, the defendant, a permit applicant, instructed, permitted or otherwise a subordinate person or entity to violate the provisions of this ordinance or the conditions of a permit, to wit: violation of CUP condition #8.

Count: 8
In Violation of: CUP Violation
MOC: 503.10G
ICR: N/A
Penalty: 15000820
Not more than 90 days, \$1,000 fine, or both.

On or about August 3, 2015, in Rice County, Minnesota, Kim Marie Halverson, the defendant, a permit applicant, instructed, permitted or otherwise a subordinate person or entity to violate the provisions of this ordinance or the conditions of a permit, to wit: violation of CUP condition #8.

STATEMENT OF PROBABLE CAUSE

Your Complaint and/or Signing Officer designated below, being duly sworn, has reviewed police reports relating to the above-named Defendant and the allegations contained herein, and/or has spoken with peace officers having knowledge of the incident, and based upon that information, believes the following to be true and correct.

On September 1, 2011, the Rice County Board of Commissioners approved a Conditional Use Permit (CUP) for Dennis and Kim Halvorson, Biowood Processing LLC, located at 22650 Bagley Avenue, Faribault, Rice County, Minnesota. The manager and owner of the business is KIM MARIE HALVORSON (date of birth, 11/13/1964, the defendant). Biowood Processing owns the property it is located on. The business produces animal bedding, mulch and pallets.

The CUP had 15 conditions that must be followed. Condition #4 of the CUP states, "Wood material grinding shall be done within an enclosed building and is allowed only between the hours of 8:00 a.m. to 5:00 p.m. Monday through Friday and 8:00 a.m. to 12:00 p.m. (noon) on Saturdays."

On October 8, 2013, the Rice County Board of Commissioners approved Kim Halvorson's request to amend the CUP. Condition #4 of the CUP is amended to state, "Operational hours shall be from 7:00 a.m. to 10:00 p.m. on Monday through Friday, and 7:00 a.m. to 3:00 p.m. on Saturdays. Trailers of materials can be parked during overnight hours. Wood material grinding shall be within an enclosed building."

Condition #8 of the CUP states: "Dust abatement methods shall be required and enforced when processing materials or hauling materials to or from the site." This condition has not been amended.

On July 23, 2015, at approximately 7:30 p.m., Deputy Belcourt, Rice County Sheriff's Office, was dispatched to Biowood for a possible CUP violation, dust coming from one (1) of the buildings. When Belcourt arrived, he did not see dust coming from any buildings. However, the garage doors were open and Belcourt saw a trailer full of product in one of the stalls. Belcourt contacted the defendant and she confirmed that at some point during the day they were loading a trailer because they have product going out on the following day.

Belcourt later spoke with Michael Haas, who said he had taken pictures of dust coming out of the east building. Haas provided pictures that showed dust coming out of one (1) of the Biowood buildings that day.

On July 30, 2015, at approximately 9:50 p.m., Deputy Malecha, Rice County Sheriff's Office, was dispatched to Biowood for a possible CUP violation, dust coming out of one (1) of the buildings. When Malecha arrived, he saw dust coming out of one (1) of the buildings. As Malecha got closer, he saw the garage door was closed and the lights were off. A male, who identified himself as the manager, said that he had stopped using the grinding equipment, "at least five (5) minutes before you got here." The manager said the dust rests on top of the door during the day and may have come from the door as they were closing up for the night.

On July 31, 2015, at approximately 7:00 p.m., Deputy Malecha was dispatched to Biowood for a possible CUP violation, dust coming out of one (1) of the buildings. When Malecha arrived, he saw the doors on the east end of the building were open. He also noticed a truck driving through the parking lot, creating dust. Workers on site said they had been grinding materials and moving wood products to be ground up.

Malecha later spoke with Rebecca Kern, a neighbor of Biowood. She had called in the report of dust coming from the building at Biowood. Kern said that she saw dust coming out of the building earlier in the day. Kern provided Rice County Sheriff's Office photos of dust coming out of one (1) of the Biowood buildings that day.

On August 3, 2015, at approximately 7:05 p.m., Deputy Berndson, Rice County Sheriff's Office, was dispatched to Biowood for a possible CUP violation, dust coming out of one (1) of the buildings. When

Bernadson arrived, he saw the doors on the east end of the building were open. He also saw a truck backed in the east garage door. Bernadson saw clouds of dust coming through the open garage doors.

Bernadson went to Biowood and spoke with the defendant about the clouds of dust. The defendant said that it was not possible because their operation had been shut down for the last 45 (forty-five) minutes. The defendant said she thought what was seen was "loose material" coming out and going into the air. The defendant said employees were loading the ground wood materials into a semi-trailer that had been backed into the open garage door.

Bernadson later spoke with Kern, who had called in the complaint, and Haas. Kern said that she had seen the dust clouds coming from buildings at Biowood at approximately 5:30 p.m. While at Kern's residence, Bernadson saw dust clouds coming from the west building at Biowood.

Kern provided Rice County Sheriff's Office photos of dust out of one (1) of the Biowood buildings that day.

PLEASE TAKE NOTICE: Pursuant to Minn. Stat. 609.49, intentional failure to appear for duty scheduled court appearances may result in additional criminal charges, and in addition to any arrest warrant that may otherwise be issued by the Court.

Complainant requests that Defendant, subject to bail or conditions of release, be:

- (1) Arrested or other lawful steps be taken to obtain Defendant's appearance in court; or
- (2) Detained, if already in custody, pending further proceedings; and that said Defendant otherwise be dealt with according to law.

COMPLAINANT'S NAME:

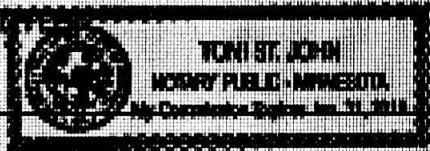
Jesse Thomas

COMPLAINANT'S SIGNATURE:

[Signature]

Subscribed and sworn to before me undersigned this 10th day of August, 2015.

NAME/TITLE:



SIGNATURE:

[Signature]

Being authorized to prosecute the offenses charged, I approve this complaint.

PROSECUTING ATTORNEY'S SIGNATURE:

[Signature]

Date: August 10, 2015

Craig E. Green
Assistant Rice County Attorney
Rice County Attorney's Office
218 NW Third Street
Faribault, MN 55021
(507) 332-6103
Atty. Reg. No. 0392841

Court File Number: _____

FINDING OF PROBABLE CAUSE

From the above sworn facts, and any supporting affidavits or supplemental sworn testimony, I, the Issuing Officer, have determined that probable cause exists to support, subject to bail or conditions of release where applicable, Defendant's arrest or other lawful steps to be taken to obtain Defendant's appearance in court, or Defendant's detention, if already in custody, pending further proceedings. Defendant is therefore charged with the above-stated offense(s).

SUMMONS

THEREFORE, YOU THE ABOVE-NAMED DEFENDANT, ARE HEREBY SUMMONED to appear on the 10th day of September, 2015 at Rice County Court Administration before the above-named court at MN to answer this complaint. 218 NW 3rd Street, Faribault, MN 55021

WARRANT

To the Sheriff of the above-named county, or other person authorized to execute this warrant: I hereby order, in the name of the State of Minnesota, that the above-named Defendant be apprehended and arrested without delay and brought promptly before the above-named court (if in session), and if not, before a Judge or Judicial Officer of such court without unnecessary delay, and in any event not later than 36 hours after the arrest or as soon as such Judge or Judicial Officer is available to be dealt with according to law.

Executes in MN Only *Executes Nationwide* *Executes in Border States*

ORDER OF DETENTION

Since the above-named Defendant is already in custody, I hereby order, subject to bail or conditions of release, that the above-named Defendant continue to be detained pending further proceedings.

Bail:

Conditions of Release:

This complaint, duly subscribed and sworn to, is issued by the undersigned Judicial Officer this _____ day of _____, 20____.

JUDICIAL OFFICER:

SIGNATURE:

NAME: _____

Christine Long
Long, Christine
2015.08.11 09:05:59
-05'00'

TITLE: _____

Sworn testimony has been given before the Judicial Officer by the following witnesses:

COUNTY OFFICE STATE OF MINNESOTA State of Minnesota Plaintiff, vs. Kim Marie Halverson Defendant.	Clerk's Signature or File Stamp: <hr/> RETURN OF SERVICE I hereby Certify and Return that I have served a copy of this Summons upon the Defendant(s) herein-named. Signature of Authorized Service Agent.
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mailed to defendant 8-11-2015 wc