

Nicollet County Board of Commissioners Meeting



October 13, 2020

Nicollet County Government Center 501 South Minnesota Avenue, St. Peter, MN 56082

Commissioners – John Luepke, Chair; Jack Kolars; Terry Morrow; Marie Dranttel; Denny Kemp

- 9:00 a.m.** Call Board of Commissioners Meeting to Order: Chair Luepke
1. Flag Pledge
 2. Silence Your Cell Phones
 3. Approval of Agenda
- Consent Agenda
1. [Approval of September 22, 2020 Board Minutes](#)
 2. [FY2021 Natural Resources Block Grant](#)
 3. [Juvenile Work Crew Contract with Blue Earth County](#)
 4. [End of Probation](#)
 5. Approval of Bills
- Public Appearances
- 9:05 a.m.** Property Services
1. [Resolution Appointing the County Assessor](#)
 2. [Ag BMP Low Interest Loan project – Septic Liens](#)
 3. [September 21, 2020 Planning & Zoning Advisory Commission Meeting](#)
- 9:25 a.m.** Public Works
1. [Consider final Payment for SP 052-614-009](#)
- 9:40 a.m.** Administration
1. [CARES Funding Update and Request for Purchases](#)
- 10:00 a.m.** Chair's Report
- Commissioner Committee Reports
- Commissioners Meetings & Conferences
- Approve Per Diems and Expenses
- Adjourn Board of Commissioners Meeting
- 10:05 a.m.** Call Drainage Authority Meeting to Order: Chair Luepke
- Drainage Authority Agenda Items
1. Consent Agenda
 - a. [Approval of September 22, 2020 Drainage Authority Minutes](#)
 - b. [Consider Ditch Repair Report 20-024 through 20-032](#)
 - c. [Contract for Reestablishment of Records and Field Survey and Repair Report for CD48A](#)
- Adjourn Drainage Authority Meeting

Continued...

Vision Statement

Setting the standard for providing superior and efficient county government services through leadership, accountability and innovation to a growing and diverse society.

**Leadership. Efficiency. Accountability.
Innovation. Integrity.**

Mission Statement

Providing efficient services with innovation and accountability

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Notice of Scheduled Meetings

The following is a notice of scheduled meetings. Pursuant to Minnesota Statute 13D.04, this notice of meetings also serves as notice of regular and special meetings of the Nicollet County Board of Commissioners. Meetings with a quorum of Nicollet County Board of Commissioners expected to attend is noted with an asterisk (*).

NOTICE REGARDING NICOLLET COUNTY MEETINGS DURING THE COVID-19 PANDEMIC
Due to the COVID-19 (coronavirus) pandemic and resulting state and federal emergency declarations, these and future Nicollet County meetings will be conducted under Minnesota Statute 13D.021 – Meetings by Telephone or Other Electronic Means.

Questions or comments regarding any Nicollet County meeting and requests to participate in any meeting can be directed to Ryan Krosch, Nicollet County Administrator, at 507-934-7204 or rkrosch@co.nicollet.mn.us.

October 13 - County Board of Commissioners Meeting, 9 a.m., Nicollet County Government Center, Board Room, St. Peter*

October 13 - County Drainage Authority Meeting, 9 a.m., Nicollet County Government Center*

October 19 – Board of Adjustment and Appeals/Planning & Zoning Advisory Commission Meeting, 7 p.m., Nicollet County Board Room, St. Peter*

October 20 – Individual Department Head Meeting with Public Works, 8:15 a.m. – 10:00 a.m. at St. Peter Public Works Building*

October 20 – Board Workshop, 10:00 a.m., Nicollet County Government Center, Board Room, St. Peter*

October 21 – St. Peter Liaison Meeting, Conference Call, 10:30 a.m.

October 22 – Brown-Nicollet Environmental Health Executive Committee Conference Call

October 27 - County Board of Commissioners Meeting, 9 a.m., Nicollet County Government Center, Board Room, St. Peter*

October 27 - County Drainage Authority Meeting, 9 a.m., Nicollet County Government Center*

November 2 - Mankato Rehabilitation Center Meeting

November 5 - Highway 169 Coalition Meeting

November 6 – AMC Virtual District Meeting

November 10 - County Board of Commissioners Meeting, 9 a.m., Nicollet County Government Center, Board Room, St. Peter*

November 10 - County Drainage Authority Meeting, 9 a.m., Nicollet County Government Center*

November 16 – Board of Adjustment and Appeals/Planning & Zoning Advisory Commission Meeting, 7 p.m., Nicollet County Board Room, St. Peter*

November 17 – Individual Department Head Meeting with Administration, 8:15 a.m. Nicollet County Government Center, Board Room, St. Peter*

November 17 - Board Workshop, 9:30 a.m., Nicollet County Government Center, Board Room, St. Peter*

November 19 – Brown-Nicollet Environmental Health Executive Committee Conference Call

November 24 - County Board of Commissioners Meeting, 9 a.m., Nicollet County Government Center, Board Room, St. Peter*

November 24 - County Drainage Authority Meeting, 9 a.m., Nicollet County Government Center*

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OFFICIAL PROCEEDINGS OF THE
BOARD OF COUNTY COMMISSIONERS FOR
NICOLLET COUNTY, MINNESOTA
SEPTEMBER 22, 2020

The Nicollet County Board of Commissioners met in regular session on Tuesday, September 22, 2020, at 9:00 a.m. Commissioners Denny Kemp, Jack Kolars, Marie Dranttel, Terry Morrow and John Luepke were present. Also present were County Administrator Ryan Krosch, County Attorney Michelle Zehnder Fischer and Recording Secretary Abigail Lewis.

The meeting was held via teleconference pursuant to Minnesota Statute 13D.021 due to the coronavirus pandemic. There were no public comments submitted by email or phone. No members of the public requested to participate in the meeting by phone. The meeting was recorded and broadcasted live online.

Approval of Agenda

Motion by Commissioner Kolars and seconded by Commissioner Kemp to approve the agenda. Motion carried with all voting in favor.

Consent Agenda

Motion by Commissioner Kemp and seconded by Commissioner Morrow to approve the consent agenda items as follows: approval of the September 8, 2020 Board Meeting minutes, Joint Powers Agreement with Department of Public Safety BCA and Court Data Services, end of probations: Taylor Volk, effective September 11, 2020, Caitlin Kemp, effective September 30, 2020, Nicole Draeger, effective September 30, 2020, Stephanie Surdy, effective September 30, 2020, Dylan Johnson, effective September 30, 2020 and Brett Borchert, effective September 30, 2020, and approval of the Commissioner Warrants as presented for the following amounts: Revenue Fund - \$98,727.72, Road & Bridge Fund - \$57,864.46, Human Services Fund - \$147,047.71 and acknowledge review of the Auditor's Warrants. Motion carried with all voting in favor.

Public Appearances

There were no public appearances.

Public Works

Consider 2020 MnDOT Transportation Economic Development (TED) Application Resolution

Public Works Director, Seth Greenwood, appeared before the Board to request approval on MnDOT's 2020 TED Application Resolution.

MNDOT is soliciting applications for the 2020 TED Special Greater MN Solicitation. There is \$1.85 million available for local governments in Greater Minnesota to apply for that can be used for transportation infrastructure projects on state highways that support economic development. To be eligible, the first step was to submit an expression of interest form by August 7, 2020. The infrastructure project Director Greenwood submitted

was the local cost participation in the interchanges that will be built at CSAH 12/24 and CSAH 37 as part of the TH 14 4-lane expansion from New Ulm to Nicollet. Nicollet County's total local commitment to these interchanges is \$3.5 million, which is why Director Greenwood requested the full \$1.85 million in available TED funds.

Motion by Chair Luepke and seconded by Commissioner Kolars to approve the 2020 MnDOT TED Application Resolution. Motion carried with all voting in favor on a roll call vote.

**RESOLUTION TO SUPPORT THE TRANSPORTATION AND ECONOMIC DEVELOPMENT PROGRAM
APPLICATION FOR THE TH 14 NEW ULM TO NICOLLET 4-LANE EXPANSION (NICOLLET COUNTY
INTERCHANGE PARTICIPATION AT CR 37 AND CR 12/24)**

BE IT RESOLVED that Nicollet County act as the legal sponsor for the TH 14 New Ulm to Nicollet 4-Lane Expansion (Nicollet County Interchange Participation at CR 37 and CR 12/24) project and requests funding from the Transportation Economic Development (TED) Program of the Minnesota Department of Transportation.

BE IT FURTHER RESOLVED that Nicollet County has the legal authority to apply for financial assistance, and the institutional, managerial, and financial capability to ensure matching funds and adequate construction of the proposed project.

BE IT FURTHER RESOLVED that Nicollet County has not violated any Federal, State or local laws pertaining to fraud, bribery, graft, kickbacks, collusion, conflict of interest or other unlawful or corrupt practice.

BE IT FURTHER RESOLVED that upon approval of its application by the state, Nicollet County, may enter into an agreement with the State of Minnesota for the above-referenced project, and that it will comply with all applicable laws and regulations as stated in all contract agreements.

BE IT FURTHER RESOLVED that, Nicollet County has committed \$1,650,000 towards the local match requirement.

BE IT FURTHER RESOLVED that, Nicollet County confirms if the project cost increases above the amount listed in the Application, Nicollet County will provide or secure all additional funds necessary to complete the project. Nicollet County certifies that it will comply with all applicable laws, regulations, and rules of the Application.

BE IT FURTHER RESOLVED that the sources and uses, private investors, equity, and other financing commitment represented in the attached document are accurate.

NOW, THEREFORE BE IT RESOLVED that Board Chair and County Administrator, or their successors in office, are hereby authorized to execute such agreements, and amendments thereto, as are necessary to implement the project on behalf of the applicant.

At the request of the Board, Director Greenwood provided an update on various road projects in the County.

Administration

Resolution Approving a CARES Act Mobile Public Health Trailer and Equipment Purchase

County Administrator, Ryan Krosch, appeared before the Board to request approval of the Resolution Approving Nicollet County's CARES Act Mobile Public Health Incident Command Trailer and Equipment Purchase.

Nicollet County received \$4.1 million to assist with expenses incurred to respond to the COVID-19 pandemic. US Treasury Guidance states these funds can be used for a variety of purposes, including:

Establishing temporary public medical facilities and other measures to increase COVID-19 treatment capacity; costs of providing COVID-19 testing, including serological testing; emergency medical response expenses, including emergency medical transportation, related to COVID-19; expenses for public safety measures undertaken in response to COVID-19; and expenses for acquisition and distribution of medical and protective supplies. Guidance further states CARES funds can be used for the expenses

of, for example, establishing temporary public medical facilities and other measures to increase COVID-19 treatment capacity or improve mitigation measures.

Nicollet County encompasses 467 squares miles which creates a need to have a climate controlled and mobile public health trailer in order to respond to the COVID-19 pandemic to provide testing, vaccinations, protective supplies and other COVID-19 response.

Motion by Commissioner Kemp and seconded by Commissioner Morrow to approve the Resolution Approving Nicollet County's CARES Act Mobile Public Health Incident Command Trailer and Equipment Purchase. Motion carried with all voting in favor on a roll call vote.

RESOLUTION APPROVING NICOLLET COUNTY'S CARES ACT MOBILE PUBLIC HEALTH INCIDENT COMMAND TRAILER AND EQUIPMENT PURCHASE

WHEREAS, The Coronavirus Aid, Relief, and Economic Security (CARES) Act was passed by Congress and signed into law by President Trump on March 27th, 2020; and

WHEREAS, this over \$2 trillion economic relief package was established to provide economic and public health assistance to the American people impacted by the coronavirus (COVID-19) pandemic; and

WHEREAS, through the Coronavirus Relief Fund, the CARES Act provides \$150 billion of financial assistance for state, local and tribal governments who are navigating the impact of the COVID-19 pandemic; and

WHEREAS, The CARES Act requires that the payments from the Coronavirus Relief Fund only be used to cover expenses that—

1. are necessary expenditures incurred due to the public health emergency with respect to the Coronavirus Disease 2019 (COVID-19);
2. were not accounted for in the budget most recently approved as of March 27, 2020 (the date of enactment of the CARES Act) for the state or government; and
3. were incurred during the period that begins on March 1, 2020, and ends on December 30, 2020 (December 1, 2020 for Minnesota); and

WHEREAS, Nicollet County received \$4,146,361 of CARES Act funds; and

WHEREAS, on August 11, 2020 Nicollet County approved a CARES Act Funding Plan and Budget in accordance with guidance provided by the US Department of Treasury and Minnesota Office of Management and Budget; and

WHEREAS, US Treasury Guidance dated September 2, 2020 states that CARES Act funds may be used for expenses of establishing temporary public medical facilities and other measures to increase COVID-19 treatment capacity; costs of providing COVID-19 testing, including serological testing; emergency medical response expenses, including emergency medical transportation, related to COVID-19; expenses for public safety measures undertaken in response to COVID-19; and expenses for acquisition and distribution of medical and protective supplies; and

WHEREAS, US Treasury Coronavirus Relief Fund Frequently Asked Questions (FAQ) dated September 2, 2020 states Cares Act funds may be used for the expenses of, for example, establishing temporary public medical facilities and other measures to increase COVID-19 treatment capacity or improve mitigation measures; and

WHEREAS, Nicollet County encompasses 467 squares miles which creates a need to have a climate controlled and mobile public health trailer in order to respond to the COVID-19 pandemic to provide testing, vaccinations, protective supplies and other COVID-19 response.

NOW, THEREFORE, BE IT RESOLVED, that the Nicollet County Board of Commissioners approves the purchase of a mobile public health incident command trailer and related equipment with a budget of \$50,000.

BE IT FURTHER RESOLVED, the Nicollet County Board of Commissioners has determined that these expenditures:

1. are necessary expenditures incurred due to the public health emergency with respect to the Coronavirus Disease 2019 (COVID-19);
2. were not accounted for in the County budget most recently approved as of March 27, 2020 (the date of enactment of the CARES Act); and

3. were incurred during the period that begins on March 1, 2020, and ends on December 30, 2020 (December 1, 2020 for Minnesota).

Approval of the 2021 Preliminary Property Tax Levy and Setting the 2021 Levy and Budget Public Comment Meeting

Administrator Krosch requested approval of the Resolution Adopting the 2021 Preliminary Property Tax Levy and setting the Budget and Levy Public Comment Meeting.

Administrator Krosch provided background on the proposed 2021 preliminary property tax levy of \$23,782,117 (2.99% increase). The 2021 Levy and Budget Public Comment Meeting is scheduled for Thursday, December 3, 2020 at 6:30 p.m. at the Nicollet County Board Room.

Motion by Commissioner Kemp and seconded by Commissioner Morrow to approve the Resolution Adopting the 2021 Preliminary Property Tax Levy and setting the Budget and Levy Public Comment Meeting. Motion carried with all voting in favor on a roll call vote.

RESOLUTION ADOPTING THE 2021 PRELIMINARY PROPERTY TAX LEVY AND SETTING THE BUDGET AND LEVY PUBLIC COMMENT MEETING FOR NICOLLET COUNTY

WHEREAS, the Nicollet County Budget Committee met on several occasions to review the 2021 Nicollet County preliminary budget and property tax levy; and

WHEREAS, pursuant to Minnesota Statute 375A.06 the 2021 Nicollet County preliminary budget and levy was prepared by the County Administrator with the input of all County Board Members and Nicollet County Department Heads; and

WHEREAS, to be in compliance with Minnesota Statute 275.065, the 2021 preliminary levy must be adopted and certified on or before September 30, 2020, and

WHEREAS, in further accordance with M.S. 275.065, taxing authorities must provide the county auditor, on or before the time it certifies its preliminary levy, with the time and place of a meeting in which the budget and levy will be discussed and public input allowed, and

WHEREAS, said meeting must occur after November 24, must not be held before 6:00 p.m. and must occur before the final 2021 budget and levy are approved.

NOW THEREFORE, BE IT RESOLVED, that the Nicollet County Board of Commissioners does hereby adopt the 2021 initial property tax levy for Nicollet County in the amount of \$23,782,117 (2.99% increase).

NOW, THEREFORE BE IT FURTHER RESOLVED, that the Nicollet County Board of Commissioners does hereby establish Thursday, December 3, 2020 at 6:30 p.m. at the Nicollet County Board Room, Nicollet County Government Center, St. Peter, MN, as the designated meeting to discuss the 2021 proposed County levy and budget and to allow public input regarding these items. The 2021 final County levy and budget will be adopted at the Tuesday, December 15, 2020 regular County Board meeting.

Commissioner Committee Reports

The Commissioners reported on various meetings and activities including:

Commissioner Marie Dranttel

- Family Food Distribution
- County Board Workshop
- City Chamber Virtual Meeting
- Region 9 Conference Call with Senator Klobuchar
- AMC Sessions
- BakerTily Business Grant Presentation

Commissioner Terry Morrow

- County Board Workshop
- AMC Sessions

- Adult Chemical Welfare Committee Meeting
- Extension Meeting
- Planning and Zoning Meeting
- Public Health Meeting

Commissioner Denny Kemp

- County Board Workshop
- Finance Committee Statewide Communications Board Meeting
- AMC Sessions
- Public Safety Subcommittee Meeting
- Multi County HRA Meeting

Commissioner Jack Kolars

- County Board Workshop
- Traverse des Sioux Meeting
- Area Transportation Meeting
- AMC Sessions
- REDA Meeting
- Greater Mankato Growth Meeting
- MVAC Meeting

Chair's Report

- County Board Workshop
- Extension Meeting
- AMC Sessions

Approve Per Diems and Expenses

Motion by Commissioner Kolars and seconded by Commissioner Kemp to approve the expenses and per diems for the meetings noted above during the Commissioner Reports and/or as submitted on approved expense reports, and authorize payment of those expenses and per diems by the Finance Office. Motion carried with all voting in favor.

Adjourn

Motion by Commissioner Kemp and seconded by Commissioner Morrow to adjourn the meeting. Motion carried with all voting in favor. The meeting adjourned at 9:41 a.m.

JOHN LUEPKE, CHAIR
BOARD OF COMMISSIONERS

ATTEST:

RYAN KROSCH
CLERK TO THE BOARD

Nicollet County Board of Commissioners
Board Meeting Agenda Item



Agenda Item:		
FY 2021 Natural Resources Block Grant		
Primary Originating Division/Dept.: PPSP - Property Services	Meeting Date: 10/13/2020	
Contact: Mandy Landkamer Title: PPSP Director	Item Type: Consent Agenda (Select One)	
Amount of Time Requested minutes		
Presenter: Title: PPSP Director	Attachments: <input checked="" type="radio"/> Yes <input type="radio"/> No	
County Strategy: Programs and Services - deliver value-added quality services (Select One)		
BACKGROUND/JUSTIFICATION: Acknowledgment of the receipt of the FY 2021 Septic Treatment Systems and Septic Treatment Systems Upgrade - Natural Resource Block Grant (NRBG) funds, in the amount of \$43,600.00. The grant assists with the administration of the septic system program and the septic system upgrade program.		
Supporting Documents: <input checked="" type="radio"/> Attached <input type="radio"/> In Signature Folder <input type="radio"/> None		
Prior Board Action Taken on this Agenda Item: <input type="radio"/> Yes <input checked="" type="radio"/> No		
If "yes", when? (provide year; mm/dd/yy if known)		
Approved by County Attorney's Office: <input type="radio"/> Yes <input type="radio"/> No <input checked="" type="radio"/> N/A		
ACTION REQUESTED: Acknowledgment of the receipt of the FY 2021 Septic Treatment System and Septic Treatment Upgrade Natural Resources Block grant funds.		
FISCAL IMPACT: Included in current budget (Select One) If "Other", specify	FUNDING County Dollars = 0 Other (Select One)	
FTE IMPACT: No FTE change (Select One) If "Increase or "Decrease" specify: Related Financial/FTE Comments:	Total	



**FY 2021 STATE OF MINNESOTA
BOARD OF WATER and SOIL RESOURCES
MPCA SSTS PROGRAM GRANT AGREEMENT**

Vendor:	0000197335
PO#:	3000012645

This Grant Agreement is between the State of Minnesota, acting through its Board of Water and Soil Resources (Board) and Nicollet County, 501 South Minnesota Avenue St. Peter Minnesota 56082 (Grantee).

<i>This grant is for the following Grant Programs:</i>		
P21-3066	2021 - Septic Treatment Systems - NRBG (Nicollet County)	\$18,600
P21-3128	2021 - Septic Treatment Systems Upgrade - NRBG (Nicollet County)	\$25,000
Total Grant Awarded: \$43,600		

Recitals

1. The Minnesota Pollution Control Agency (MPCA) transferred to the Board funds for their 2021 Subsurface Sewage Treatment System (SSTS) Program.
2. Minnesota Statutes § 103B.101, Subd. 9(1), and Minn. Stat. § 103B.3369, Subd. 5 authorize the Board to award grants.
3. The Grantee has met the criteria established by statute, the Board, and the MPCA and is eligible to receive MPCA SSTS Grant funds.
4. The Grantee represents that it is duly qualified and agrees to perform all services described in this Grant Agreement to the satisfaction of the State.
5. As a condition of the grant, Grantee agrees to minimize administration costs.

Authorized Representative

The State's Authorized Representative is Brandon Montgomery, MPCA Subsurface Sewage Treatment System Program Coordinator, 520 Lafayette Road, St. Paul, MN 55155, (651) 757-2230, or his successor. The State's Authorized Representative has the responsibility to monitor the Grantee's performance and the authority to accept the services and performance provided under this Grant Agreement.

The Grantee's Authorized Representative is:

TITLE: Chair, Nicollet County Board of Commissioners
ADDRESS: 501 S. Minnesota Ave.
CITY: St. Peter, MN 56082
TELEPHONE NUMBER: (507) 934-7070

If the Grantee's Authorized Representative changes at any time during this Grant Agreement, the Grantee must immediately notify the Board.

Grant Agreement

1. Terms of Grant Agreement

- 1.1. **Effective date:** The date the Board obtains all required signatures under Minn. Stat. § 16B.98, Subd.5. **The Board will notify the Grantee when this Grant Agreement has been executed. The Grantee must not begin work under this Grant Agreement until it is executed.**
- 1.2. **Expiration date:** **December 31, 2022**, or until all obligations have been satisfactorily fulfilled, whichever comes first.
- 1.3. **Survival of Terms:** The following clauses survive the expiration or cancellation of this Grant Agreement: 7. Liability; 8. State Audits; 9. Government Data Practices; 11. Governing Law, Jurisdiction, and Venue; 13. Data Disclosure; and

16. Intellectual Property Rights.

2. Grantee's Duties

The Grantee will comply with required grants management policies and procedures set forth through Minn. Stat. § 16B.97, Subd. 4(a)(1). The Grantee is responsible for the specific duties for the program as follows:

2.1 **Reporting:** All data and information provided in a Grantee's report shall be considered public.

2.1.1 The Grantee will submit an annual progress report to the Board by February 1 of each year on the status of program implementation by the Grantee. Information provided must conform to the requirements and formats set by the Board.

2.1.2 The Grantee must display on its website the previous calendar year's detailed information on the expenditure of grant funds and measurable outcomes as a result of the expenditure of funds according to the format specified by the Board, by March 15 of each year.

2.1.3 The Grantee will submit a final progress report to the Board by February 1, 2023. Information provided must conform to the requirements and formats set by the Board.

2.1.4 A late or incomplete annual progress or final report will result in the withholding of any future allocations.

2.2 **Compliance:** The Grantee will comply with Minnesota Rules Chapter 7082.0040 through 7082.0700; and amendments thereto, for Subsurface Sewage Treatment Systems.

3. Time

The Grantee must comply with all the time requirements described in this Grant Agreement. In the performance of this Grant Agreement, time is of the essence.

4. Terms of Payment

4.1. Payment of this grant amount will be made in one installment promptly after execution of the Grant Agreement.

4.2. Any grant funds remaining unspent after the end of the expiration date stated above must be returned to the Board within one month of that date.

4.3. The Board must consult with the state agency responsible for administering the grant program before granting an amendment to the Grant Agreement, or a component thereof.

4.4. The obligation of the State under this Grant Agreement will not exceed the amount stated above for each grant program.

4.5. This grant is an advance payment. Advance payments allow the Grantee to have adequate operating capital for start-up costs, ensure their financial commitment to landowners and contractors, and to better schedule work into the future.

5. Conditions of Payment

All services provided by the Grantee under this Grant Agreement must be performed to the State's satisfaction, as set forth in this Grant Agreement. Compliance will be determined at the sole discretion of the State's Authorized Representative and in accordance with all applicable federal, State, and local laws, ordinances, rules, and regulations. The Grantee will not receive payment for work found by the State to be unsatisfactory or performed in violation of federal, State, or local law.

The Minnesota Department of Administration's Office of Grants Management Policy on Grant Closeout Evaluation (Policy 08 – 13) requires the Board to consider a grant applicant's past performance before awarding subsequent grants to them. The Board must consider a grant applicant's performance on prior grants before making a new grant award of over \$5,000. The Board may withhold payment on this grant and grants from other programs if the Grantee is not in compliance with all Board reporting requirements.

Minnesota Statutes §103C.401 (2014) establishes the Board's obligation to assure program compliance. If the noncompliance is severe, or if work under the Grant Agreement is found by the Board to be unsatisfactory or performed in violation of federal, State, or local law, the Board has the authority to require the repayment of grant funds, or an additional penalty. Penalties can be assessed at a rate up to 100% of the Grant Agreement.

6. Assignment, Amendments, and Waiver

6.1. **Assignment.** The Grantee may neither assign nor transfer any rights or obligations under this Grant Agreement without the prior consent of the State and a fully executed Assignment Agreement, executed and approved by the same parties who executed and approved this Grant Agreement, or their successors in office.

6.2. **Amendments.** Any amendment to this Grant Agreement must be in writing and will not be effective until it has been executed and approved by the same parties who executed and approved the original Grant Agreement, or their

successors in office. Amendments must be executed prior to the expiration of the original Grant Agreement or any amendments thereto.

6.3. **Waiver.** If the State fails to enforce any provision of this Grant Agreement, that failure does not waive the provision or its right to enforce it.

7. Liability

The Grantee must indemnify, save, and hold the State, its agents, and employees harmless from any claims or causes of action, including attorney's fees incurred by the State, arising from the performance of this Grant Agreement by the Grantee or the Grantee's agents or employees. This clause will not be construed to bar any legal remedies the Grantee may have for the State's failure to fulfill its obligations under this Grant Agreement.

8. State Audits

Under Minn. Stat. § 16B.98, Subd. 8, the Grantee's books, records, documents, and accounting procedures and practices of the Grantee or other party relevant to this Grant Agreement or transaction are subject to examination by the Board and/or the State Auditor or Legislative Auditor, as appropriate, for a minimum of six years from the end of this Grant Agreement, receipt and approval of all final reports, or the required period of time to satisfy all State and program retention requirements, whichever is later.

8.1. The books, records, documents, accounting procedures and practices of the Grantee and its designated local units of government and contractors relevant to this grant, may be examined at any time by the Board or Board's designee and are subject to verification. The Grantee or delegated local unit of government will maintain records relating to the receipt and expenditure of grant funds.

9. Government Data Practices

The Grantee and State must comply with the Minnesota Government Data Practices Act, Minn. Stat. Ch. 13, as it applies to all data provided by the State under this Grant Agreement, and as it applies to all data created, collected, received, stored, used, maintained, or disseminated by the Grantee under this Grant Agreement. The civil remedies of Minn. Stat. § 13.08 apply to the release of the data referred to in this clause by either the Grantee or the State.

If the Grantee receives a request to release the data referred to in this Clause, the Grantee must immediately notify the State.

10. Workers' Compensation

The Grantee certifies that it is in compliance with Minn. Stat. § 176.181, Subd. 2, pertaining to workers' compensation insurance coverage. The Grantee's employees and agents will not be considered State employees. Any claims that may arise under the Minnesota Workers' Compensation Act on behalf of these employees and any claims made by any third party as a consequence of any act or omission on the part of these employees are in no way the State's obligation or responsibility.

11. Governing Law, Jurisdiction, and Venue

Minnesota law, without regard to its choice-of-law provisions, governs this Grant Agreement. Venue for all legal proceedings out of this Grant Agreement, or its breach, must be in the appropriate State or federal court with competent jurisdiction in Ramsey County, Minnesota.

12. Termination

12.1. The State may cancel this Grant Agreement at any time, with or without cause, upon 30 days' written notice to the Grantee. Upon termination, the Grantee will be entitled to payment, determined on a pro rata basis, for services satisfactorily performed.

12.2. In the event of a lawsuit, an appropriation from a Clean Water Fund is canceled to the extent that a court determines that the appropriation unconstitutionally substitutes for a traditional source of funding.

12.3. The State may immediately terminate this Grant Agreement if the State finds that there has been a failure to comply with the provisions of this Grant Agreement, that reasonable progress has not been made or that the purposes for which the funds were granted have not been or will not be fulfilled. The State may take action to protect the interests of the State of Minnesota, including the refusal to disburse additional funds and requiring the return of all or part of the funds already disbursed.

13. Data Disclosure

Under Minn. Stat. § 270C.65, Subd. 3, and other applicable law, the Grantee consents to disclosure of its social security

number, federal employer tax identification number, and/or Minnesota tax identification number, already provided to the State, to federal and State tax agencies and State personnel involved in the payment of State obligations. These identification numbers may be used in the enforcement of federal and State tax laws which could result in action requiring the Grantee to file State tax returns and pay delinquent State tax liabilities, if any.

14. Prevailing Wage

It is the responsibility of the Grantee or contractor to pay prevailing wages for projects that include construction work of \$25,000 or more, prevailing wage rules apply per Minn. Stat. §§ 177.41 through 177.44. All laborers and mechanics employed by grant recipients and subcontractors funded in whole or in part with these State funds shall be paid wages at rates not less than those prevailing on projects of a character similar in the locality. Bid requests must state the project is subject to prevailing wage.

15. Municipal Contracting Law

Per Minn. Stat. § 471.345, grantees that are municipalities as defined in Subd. 1 of this statute must follow the Uniform Municipal Contracting Law. Supporting documentation of the bidding process utilized to contract services must be included in the Grantee's financial records, including support documentation justifying a single/sole source bid, if applicable.

16. Intellectual Property Rights

The State owns all rights, title, and interest in all of the intellectual property rights, including copyrights, patents, trade secrets, trademarks, and service marks in the Works and Documents *created and paid for under this grant*. Works means all inventions, improvements, discoveries (whether or not patentable), databases, computer programs, reports, notes, studies, photographs, negatives, designs, drawings, specifications, materials, tapes, and disks conceived, reduced to practice, created or originated by the Grantee, its employees, agents, and subcontractors, either individually or jointly with others in the performance of this grant. Works includes "Documents." Documents are the originals of any databases, computer programs, reports, notes, studies, photographs, negatives, designs, drawings, specifications, materials, tapes, disks, or other materials, whether in tangible or electronic forms, prepared by the Grantee, its employees, agents, or subcontractors, in the performance of this grant. The Documents will be the exclusive property of the State and all such Documents must be immediately returned to the State by the Grantee upon completion or cancellation of this grant at the State's request. To the extent possible, those Works eligible for copyright protection under the United States Copyright Act will be deemed to be "works made for hire." The Grantee assigns all right, title, and interest it may have in the Works and the Documents to the State. The Grantee must, at the request of the State, execute all papers and perform all other acts necessary to transfer or record the State's ownership interest in the Works and Documents.

IN WITNESS WHEREOF, the parties have caused this Grant Agreement to be duly executed intending to be bound thereby.

Approved:

Nicollet County

Board of Water and Soil Resources

By: _____
(print)

By: _____

(signature)

Title: Chair, Nicollet County Board of Commissioners

Title: _____

Date: _____

Date: _____

Nicollet County Board of Commissioners
Board Meeting Agenda Item



Agenda Item: Juvenile Work Crew Contract with Blue Earth County	
Primary Originating Division/Dept.: Probation Contact: Rich Molitor Title: Director Amount of Time Requested minutes Presenter: Rich Molitor Title: Director	Meeting Date: 10/13/2020 Item Type: Consent Agenda <small>(Select One)</small> Attachments: <input type="radio"/> Yes <input checked="" type="radio"/> No
County Strategy: <small>(Select One)</small> Programs and Services - deliver value-added quality services	
BACKGROUND/JUSTIFICATION: Renewing Juvenile Work Crew Contract with Blue Earth County for a period of one year.	
Supporting Documents: <input checked="" type="radio"/> Attached <input type="radio"/> In Signature Folder <input type="radio"/> None	
Prior Board Action Taken on this Agenda Item: <input checked="" type="radio"/> Yes <input type="radio"/> No If "yes", when? (provide year; mm/dd/yy if known)	
Approved by County Attorney's Office: <input checked="" type="radio"/> Yes <input type="radio"/> No <input type="radio"/> N/A	
ACTION REQUESTED: Signature of Contract	
FISCAL IMPACT: Other <small>(Select One)</small> If "Other", specify	FUNDING County Dollars = Grant <small>(Select One)</small>
FTE IMPACT: No FTE change <small>(Select One)</small> If "Increase or "Decrease" specify: Related Financial/FTE Comments:	Total

NICOLLET COUNTY PROBATION AGREEMENT

This contract is between the County of Nicollet, on behalf of Nicollet County Probation [hereafter "Nicollet County Probation"], Nicollet County Government Center, 501 South Minnesota Avenue, St. Peter, MN 56082 and the County of Blue Earth on behalf of Blue Earth County Community Corrections [hereafter "Purchaser"], Blue Earth County Justice Center, 401 Carver Road, Mankato, MN 56001.

Recitals

1. The Nicollet County Probation Department is empowered to enter into income contracts as part of their cooperation of services. The Purchaser has requested participation in a contract with Nicollet County Probation.
2. The Purchaser is in need of a juvenile community work service program for offenders ordered to perform community work service.
3. The Nicollet County Probation Department represents that it is duly qualified and agrees to provide the services described in this contract.

Contract

1 Term of Contract

- 1.1 **Effective date:** January 1, 2021, or the date Nicollet County Probation obtains all required signatures, whichever is later.
- 1.2 **Expiration date:** December 31, 2021, or until all obligations have been satisfactorily fulfilled, whichever occurs first.

2 Nicollet County Probation Duties

Nicollet County Probation will:

- 2.1 Provide one crew leader who will supervise up to eight (8) offenders, a mixture of Nicollet County and Purchasers county offenders, each approximately 24 hours per week, including the hours the crew leader spends for daily preparation and communication.
- 2.2 Submit reports to Purchaser within 30 days of the end of each quarter, which shall include the following information:
 - a. Total number of offenders served in Purchasers and Nicollet County – calculated separately
 - b. Total number of offenders completing community work service obligation in Purchasers and Nicollet County – calculated separately
 - c. Number of offenders unsuccessfully discharged from Purchaser and Nicollet County – calculated separately
 - d. Total number of hours worked by offenders in Purchasers and Nicollet County – calculated separately
 - e. Description of work completed
- 2.3 Train each crew member in safety principles and techniques relevant to the work being done.
- 2.4 Screen projects to ensure that they meet community work service guidelines.

- 2.5 Nicollet County Probation will provide the crew leader, van, and equipment needed to perform community service work hours.
- 2.6 Nicollet County Probation will transport the offenders to community work service sites from pre-approved pickup and drop-off locations.
- 2.7 Community work service projects will be performed in Nicollet County, Blue Earth County, and other approved work sites.
- 2.8 Nicollet County's crew leader will communicate with the Nicollet County Probation Director, Nicollet and Blue Earth Counties' referring agents as to the progress of the community work service offenders.
- 2.9 All Nicollet and Purchasers' participants will abide by the rules and regulations of the Nicollet County Community Work Service Program and all directives of the Nicollet County crew leader.
- 2.10 The offenders can be discharged from the Nicollet County Community Work Service Program in the sole discretion of the crew leader, Nicollet County Probation Director, or Blue Earth County Community Corrections agents'.
- 2.11 It is the obligation of the participant to contact both the Nicollet County Community Work Service crew leader, as well as the Nicollet County or Blue Earth County agent, prior to any excused absence from a pre-arranged work date.

3 Payment

The Purchaser will pay the Nicollet County Probation Department for all services performed by the Nicollet County Probation Department under this contract as follows:

- 3.1 The total obligation of the Purchaser for all compensation and reimbursements to the Nicollet County Probation Department under this contract is not to exceed \$2,500.00 per year as its share of the cost of providing a crew leader and placing the work crews into service on the Community Work Service Program during the term of this agreement.
- 3.2 Terms of payment: Payment shall be made by the Purchaser to the Nicollet County Probation Department as follows:

Payment	Pay on or before. . .
\$625.00	March 1, 2021
\$625.00	June 1, 2021
\$625.00	September 1, 2021
\$625.00	December 1, 2021

Payment will be made no later than the 23rd day following the last day of the billing period.

The total obligation of the Purchaser for all compensation and reimbursements to the Nicollet County Probation Department under this agreement is not to exceed \$2,500.00 per year, unless agreed upon by both Nicollet County Probation and Blue Earth County Community Corrections Director, and affirmed by the County Commissioners.

4 Authorized Representatives

Nicollet County's Authorized Representative is:	The Purchaser's Authorized Representative is:
Rich Molitor, Director Nicollet County Probation Department Nicollet County Government Center 501 South Minnesota Ave. St. Peter, MN 56082 Richard.Molitor@co.nicollet.mn.us	John Marsolek, Director Blue Earth County Community Corrections PO Box 3543 Mankato, MN 56002 John.Marsolek@co.blue-earth.mn.us

5 Amendments, Waiver, and Contract Complete

- 5.1 **Amendments:** Any amendment to this agreement must be in writing and will not be effective until it has been executed and approved by the same parties who executed and approved the original agreement, or their successors in office.
- 5.2 **Waiver:** If the Nicollet County Probation Department fails to enforce any Provision of this agreement, that failure does not waive the provision or its right to enforce it.
- 5.3 **Contract Complete:** This contract contains all negotiations and agreements between the Nicollet County Probation Department and the Purchaser, Blue Earth County Community Corrections. No other understanding regarding this agreement, whether written or oral, may be used to bind either party.

6 Liability

Each party will be responsible for its own acts and behavior and the results thereof. Purchaser agrees that it shall indemnify and hold harmless Nicollet County Probation from any claims arising under the execution, or implementation of this contract.

7 Government Data Practices

The Purchaser must comply with the Minnesota Government Data Practices Act, Minnesota Statute, Chapter 13, as it applies to all data provided by the Nicollet County Probation Department under this contract. The civil remedies of Minnesota Statute § 13.08 apply to the release of the data referred to in this clause by either the Purchaser or the Nicollet County Probation Department.

If the Purchaser receives a request to release the data referred to in this Clause, the Purchaser must immediately notify the Nicollet County Probation Department. The Nicollet County Probation Department will give the Purchaser instructions concerning the release of the data to the requesting party before the data is released.

8 Publicity

Any publicity regarding the subject matter of this contract must not be released without prior written approval from the Nicollet County Probation Department's Authorized Representative.

9 Audit

Under Minnesota Statute § 16C.05, subd. 5, the Purchaser's books, records, documents, and accounting procedures and practices relevant to this contract are subject to examination by the Nicollet County Probation Department and/or the State Auditor or Legislative Auditor, as appropriate, for a total of six years.

10 Governing Law, Jurisdiction, and Venue

Minnesota law, without regard to its choice-of-law provisions, governs this contract. Venue for all legal proceedings out of this contract, or its breach, must be in the appropriate state or federal court with competent jurisdiction in Nicollet County, Minnesota.

11 Termination

Either party may terminate this agreement at any time, with or without cause, upon 30 days written notice to the other party. Should Purchaser terminate this contract, Nicollet County Probation shall be entitled to payment for services provided to the date of termination, prorated.



Rich Molitor, Nicollet County
Probation Director

09-24-20

Date

Nicollet County Chair

Date

Nicollet County Board Clerk

Date

John Marsolek, Blue Earth County
Community Corrections Director

Date

Blue Earth County Chair

Date

Blue Earth County Board Clerk

Date

Approved as to Form and Execution

Michelle Zehnder Fischer, Nicollet County
Attorney

Date

Nicollet County Board of Commissioners
Board Meeting Agenda Item



Agenda Item:	
End of Probations	
Primary Originating Division/Dept.: Human Resources Contact: Jamie Haefner Title: Human Res. Dir. Amount of Time Requested minutes Presenter: Jamie Haefner Title: Human Res. Dir.	Meeting Date: 10/13/2020 Item Type: Consent Agenda <small>(Select One)</small>
Attachments: <input checked="" type="radio"/> Yes <input type="radio"/> No	
County Strategy: Facilities and Space - preserve, maintain and build our assets <small>(Select One)</small>	
BACKGROUND/JUSTIFICATION: Health and Human Services Director Cassie Sassenberg has requested the end of probation for Megan Lamont, Eligibility Worker, effective October 14, 2020.	
Supporting Documents: <input type="radio"/> Attached <input checked="" type="radio"/> In Signature Folder <input type="radio"/> None	
Prior Board Action Taken on this Agenda Item: <input checked="" type="radio"/> Yes <input type="radio"/> No If "yes", when? (provide year; mm/dd/yy if known)	
Approved by County Attorney's Office: <input type="radio"/> Yes <input type="radio"/> No <input checked="" type="radio"/> N/A	
ACTION REQUESTED: Grant end of probationary status	
FISCAL IMPACT: Other <small>(Select One)</small> If "Other", specify	FUNDING County Dollars = Grant <small>(Select One)</small>
FTE IMPACT: No FTE change <small>(Select One)</small> If "Increase or "Decrease" specify: Related Financial/FTE Comments:	Total

Nicollet County Board of Commissioners
Board Meeting Agenda Item



Agenda Item: Resolution Appointing the County Assessor	
Primary Originating Division/Dept.: PPSP - Property Services	Meeting Date: 10/13/2020
Contact: Mandy Landkamer Title: PPSP Director	Item Type: Regular Agenda (Select One)
Amount of Time Requested 5 minutes	
Presenter: Mandy Landkamer Title: PPSP Director	Attachments: <input checked="" type="radio"/> Yes <input type="radio"/> No
County Strategy: Programs and Services - deliver value-added quality services (Select One)	
BACKGROUND/JUSTIFICATION: The purpose of the resolution is to re-appoint Lorna Sandvik as the County Assessor, effective January 1, 2021 and extend through December 31, 2024.	
Supporting Documents: <input type="radio"/> Attached <input checked="" type="radio"/> In Signature Folder <input type="radio"/> None	
Prior Board Action Taken on this Agenda Item: <input type="radio"/> Yes <input checked="" type="radio"/> No	
If "yes", when? (provide year; mm/dd/yy if known)	
Approved by County Attorney's Office: <input type="radio"/> Yes <input type="radio"/> No <input checked="" type="radio"/> N/A	
ACTION REQUESTED: Approval of the resolution re-appointing Lorna Sandvik as the County Assessor	
FISCAL IMPACT: Included in current budget (Select One) If "Other", specify	FUNDING County Dollars = 0 Other (Select One)
FTE IMPACT: No FTE change (Select One) If "Increase or "Decrease" specify: Related Financial/FTE Comments:	Total

RESOLUTION APPOINTING A COUNTY ASSESSOR

WHEREAS, Minnesota Statute 273.061 states that every county in Minnesota shall have a County Assessor; and

WHEREAS, the County Assessor shall be appointed by the Board of County Commissioners; and

WHEREAS, appointment of the County Assessor shall be approved by the Commissioner of Revenue before the appointment becomes effective; and

WHEREAS, the current term for the Office of Nicollet County Assessor ends after December 31, 2020.

NOW, THEREFORE, BE IT RESOLVED that the Nicollet County Board of Commissioners appoints Lorna Sandvik as the Nicollet County Assessor with her term to start on January 1, 2021 and extend through December 31, 2024.

BE IT FURTHER RESOLVED said appointment shall be approved by the Commissioner of Revenue before it becomes effective.

Dated October 13, 2020

John Luepke, Chair
Nicollet County Board of Commissioners

ATTEST:

Ryan Krosch
County Administrator/Clerk to the Board

Nicollet County Board of Commissioners
Board Meeting Agenda Item



Agenda Item: Ag BMP Low Interest Loan Project - Septic Liens	
Primary Originating Division/Dept.: PPSPD - Property Services Contact: Mandy Landkamer Title: PPSPD Director Amount of Time Requested 5 minutes Presenter: Mandy Landkamer Title: PPSPD Director	Meeting Date: October 13, 2021 Item Type: Regular Agenda <small>(Select One)</small> Attachments: <input checked="" type="radio"/> Yes <input type="radio"/> No
County Strategy: Programs and Services - deliver value-added quality services <small>(Select One)</small>	
BACKGROUND/JUSTIFICATION: Consideration of lien attachments on parcels that utilized the AgBMP loan program for septic activities. The total loan amount is \$68,424.24. The attached resolution identifies the parcels and the loan amounts.	
Supporting Documents: <input checked="" type="radio"/> Attached <input type="radio"/> In Signature Folder <input type="radio"/> None	
Prior Board Action Taken on this Agenda Item: <input type="radio"/> Yes <input checked="" type="radio"/> No If "yes", when? (provide year; mm/dd/yy if known)	
Approved by County Attorney's Office: <input type="radio"/> Yes <input type="radio"/> No <input checked="" type="radio"/> N/A	
ACTION REQUESTED: Approval of the lien attachments to the identified parcels on the attached resolution.	
FISCAL IMPACT: Other <small>(Select One)</small> If "Other", specify AgBMP Loan Program	FUNDING County Dollars = 0 State <small>(Select One)</small> Total
FTE IMPACT: No FTE change <small>(Select One)</small> If "Increase or "Decrease" specify: Related Financial/FTE Comments:	

**RESOLUTION
OF THE NICOLLET COUNTY BOARD OF COMMISSIONERS
REGARDING AGBMP LOAN PROGRAM LIENS**

WHEREAS, Nicollet County has agreed to execute a program whereby the Minnesota Department of Agriculture AgBMP Loan Program funds are made available to residents of Nicollet County with the loan amount being repaid to the County through the attachment of a lien on the property benefiting, and;

WHEREAS, certain loans have been finalized and the liens have been processed to be assigned to the properties:

NOW, THEREFORE BE IT RESOLVED that the Nicollet County Board of Commissioners do hereby authorize the placement of a lien on the properties listed below:

PARCEL #	<u>AgBMP LIEN ATTACHMENT #4</u>	ACTUAL COST	LIEN DATE
01.010.1000		\$17,057.00	April 27, 2020
01.104.1500		\$16,075.00	June 18, 2020
08.035.0400		\$ 8,653.84	August 5, 2020
10.123.0700		\$15,540.40	March 9, 2020
03.003.0800		\$11,098.00	August 26, 2019

Dated: October 13, 2020

John Luepke, Chair
Nicollet County Board of Commissioners

ATTEST:

Ryan Krosch
County Administrator/Clerk to the Board

Nicollet County Board of Commissioners
Board Meeting Agenda Item



Agenda Item:	
September 21, 2020 Planning & Zoning Advisory Commission Meeting	
Primary Originating Division/Dept.: PPSP - Property Services	Meeting Date: 10/13/2020
Contact: Jon Hammel Title: DZA	Item Type: Regular Agenda (Select One)
Amount of Time Requested 10 minutes	
Presenter: Jon Hammel Title: DZA	Attachments: <input checked="" type="radio"/> Yes <input type="radio"/> No
County Strategy: Programs and Services - deliver value-added quality services (Select One)	
BACKGROUND/JUSTIFICATION:	
<p>1.) Ulland Brothers, Inc. - Three-year review of a mineral extraction permit to mine, crush, stockpile, and wash gravel, with a hot mix plant and concrete batch plant. No public comment or testimony.</p> <p>2.) Ulland Brothers, Inc. - Three-year review of a mineral extraction permit to mine, crush, process, and stockpile gravel, with a hot mix plant. No public comment or testimony.</p> <p>3.) Wendell Lorentz & Sons LLC / GP-75, LLC - Three-year review of a mineral extraction permit to mine, crush, and stockpile gravel, including a hot mix plant. No public comment or testimony.</p> <p>4.) Wendell Lorentz & Sons LLC / David Woelper - Three-year review of a mineral extraction permit to mine, crush, and stockpile gravel, including a hot mix plant. No public comment or testimony.</p>	
Supporting Documents: <input type="radio"/> Attached <input checked="" type="radio"/> In Signature Folder <input type="radio"/> None	
Prior Board Action Taken on this Agenda Item: <input type="radio"/> Yes <input checked="" type="radio"/> No	
If "yes", when? (provide year; mm/dd/yy if known)	
Approved by County Attorney's Office: <input type="radio"/> Yes <input type="radio"/> No <input checked="" type="radio"/> N/A	
ACTION REQUESTED:	
Approval of conditional use permits and attached findings of facts.	
FISCAL IMPACT: No fiscal impact (Select One)	FUNDING
If "Other", specify	County Dollars = 0
	Other (Select One)
FTE IMPACT: No FTE change (Select One)	Total
If "Increase or "Decrease" specify:	
Related Financial/FTE Comments:	



Planning & Zoning Advisory Commission

MINUTES

SEPTEMBER 21, 2020

7:00 PM

NICOLLET COUNTY
BOARD ROOM

BOARD MEMBERS

Jason Enter ☐
Chair

David Hermanson ☒
Vice Chair

Marie Dranttel ☐ **Commissioner**

Terry Morrow ☒ **Commissioner, Alternate**

David Wendinger ☒

Justin Laven ☒

Ron Regenscheid ☒ Vacant ☐

ABSENT EXCUSED

Jason Enter ☐
Chair

David Hermanson ☐
Vice Chair

Marie Dranttel ☒ **Commissioner**

Terry Morrow ☐ **Commissioner, Alternate**

David Wendinger ☐

Justin Laven ☐

Ron Regenscheid ☐ Vacant ☐

ABSENT

Jason Enter ☐
Chair

David Hermanson ☐
Vice Chair

Marie Dranttel ☐ **Commissioner**

Terry Morrow ☐ **Commissioner, Alternate**

David Wendinger ☐

Justin Laven ☐

Ron Regenscheid ☐ Vacant ☐

Property and Public Services Director Mandy Landkamer ☒

STAFF PRESENT

Deputy Zoning Administrator/Planner Jon Hammel ☐

Assistant County Attorney Megan E. Gaudette Coryell ☒

REVIEW OF CANCELLATIONS & ADDITIONS None.

MOTION TO APPROVE MINUTES OF JULY 20, 2020

APPROVE ☒

APPROVE WITH REVISIONS ☐

1ST

Marie Dranttel ☐

Terry Morrow, Alt. ☐

Jason Enter ☐

David Hermanson ☐

Justin Laven ☐

Ron Regenscheid ☐

David Wendinger ☒

Vacant ☐

2ND

Marie Dranttel ☐

Terry Morrow, Alt. ☐

Jason Enter ☐

David Hermanson ☐

Justin Laven ☒

Ron Regenscheid ☐

David Wendinger ☐

Vacant ☐

VOTE TO APPROVE MINUTES

PASS ☒

FAIL ☐

VOTE 5-0

PUBLIC APPEARANCES None.

Public Hearings

MOTION

CONTINUE PLN20-04,-06

DENY ☐

TO AFTER PLN20-23 AND PLN20-24 ☒

1ST

Marie Dranttel ☐

Terry Morrow, Alt. ☐

Jason Enter ☐

David Hermanson ☐

Justin Laven ☒

Ron Regenscheid ☐

David Wendinger ☐

Vacant ☐

	Marie Dranttel <input type="checkbox"/>	Jason Enter <input type="checkbox"/>	David Hermanson <input type="checkbox"/>	Justin Laven <input type="checkbox"/>
2 nd	Terry Morrow, Alt. <input checked="" type="checkbox"/>			
	Ron Regenscheid <input type="checkbox"/>	David Wendinger <input type="checkbox"/>	Vacant <input type="checkbox"/>	
VOTE		PASS <input checked="" type="checkbox"/>	FAIL <input type="checkbox"/>	VOTE 5-0

CONTINUE PLN20-05
TO AFTER PLN20-23 AND PLN20-24 ☒

	Marie Dranttel <input type="checkbox"/>	Jason Enter <input type="checkbox"/>	David Hermanson <input type="checkbox"/>	Justin Laven <input type="checkbox"/>
1 st	Terry Morrow, Alt. <input checked="" type="checkbox"/>			
	Ron Regenscheid <input type="checkbox"/>	David Wendinger <input type="checkbox"/>	Vacant <input type="checkbox"/>	
	Marie Dranttel <input type="checkbox"/>	Jason Enter <input type="checkbox"/>	David Hermanson <input type="checkbox"/>	Justin Laven <input checked="" type="checkbox"/>
2 nd	Terry Morrow, Alt. <input type="checkbox"/>			
	Ron Regenscheid <input type="checkbox"/>	David Wendinger <input type="checkbox"/>	Vacant <input type="checkbox"/>	
VOTE		PASS <input checked="" type="checkbox"/>	FAIL <input type="checkbox"/>	VOTE 5-0

WENDELL LORENTZ & SONS, LLC / GP-75, LLC **PLN20-23** **THREE-YEAR REVIEW OF A MINERAL EXTRACTION PERMIT TO MINE, CRUSH, AND STOCKPILE GRAVEL, INCLUDING A HOT MIX PLANT**

APPLICANT COMMENT Andrew Lorentz was present to represent the applicant.

PUBLIC COMMENT None.

PUBLIC TESTIMONY None.

COMMISSIONER DISCUSSION None.

MOTION APPROVE WITH ATTACHED CONDITIONS ☒ DENY ☐

	Marie Dranttel <input type="checkbox"/>	Jason Enter <input type="checkbox"/>	David Hermanson <input type="checkbox"/>	Justin Laven <input type="checkbox"/>
1 st	Terry Morrow, Alt. <input type="checkbox"/>			
	Ron Regenscheid <input type="checkbox"/>	David Wendinger <input checked="" type="checkbox"/>	Vacant <input type="checkbox"/>	
	Marie Dranttel <input type="checkbox"/>	Jason Enter <input type="checkbox"/>	David Hermanson <input type="checkbox"/>	Justin Laven <input type="checkbox"/>
2 nd	Terry Morrow, Alt. <input type="checkbox"/>			
	Ron Regenscheid <input checked="" type="checkbox"/>	David Wendinger <input type="checkbox"/>	Vacant <input type="checkbox"/>	
VOTE		PASS <input checked="" type="checkbox"/>	FAIL <input type="checkbox"/>	VOTE 5-0

MOTION TO ADOPT FINDINGS

	Marie Dranttel <input type="checkbox"/>	Jason Enter <input type="checkbox"/>	David Hermanson <input type="checkbox"/>	Justin Laven <input checked="" type="checkbox"/>
1 st	Terry Morrow, Alt. <input type="checkbox"/>			
	Ron Regenscheid <input type="checkbox"/>	David Wendinger <input type="checkbox"/>	Vacant <input type="checkbox"/>	
	Marie Dranttel <input type="checkbox"/>	Jason Enter <input type="checkbox"/>	David Hermanson <input type="checkbox"/>	Justin Laven <input type="checkbox"/>
2 nd	Terry Morrow, Alt. <input type="checkbox"/>			
	Ron Regenscheid <input type="checkbox"/>	David Wendinger <input checked="" type="checkbox"/>	Vacant <input type="checkbox"/>	
VOTE TO ADOPT FINDINGS		PASS <input checked="" type="checkbox"/>	FAIL <input type="checkbox"/>	VOTE 5-0

WENDELL LORENTZ & SONS, LLC / DAVID WOELPERN **PLN20-24** **THREE-YEAR REVIEW OF A MINERAL EXTRACTION PERMIT TO MINE, CRUSH, AND STOCKPILE GRAVEL, INCLUDING A HOT MIX PLANT**

APPLICANT COMMENT Andrew Lorentz was present to represent the applicant.

PUBLIC COMMENT None.
PUBLIC TESTIMONY None.
COMMISSIONER DISCUSSION None.

MOTION

APPROVE WITH ATTACHED CONDITIONS ☒

DENY ☐

1 ST	Marie Dranttel <input type="checkbox"/>	Jason Enter <input type="checkbox"/>	David Hermanson <input type="checkbox"/>	Justin Laven <input type="checkbox"/>
	Terry Morrow, Alt. <input type="checkbox"/>			
	Ron Regenscheid <input type="checkbox"/>	David Wendinger <input checked="" type="checkbox"/>	Vacant <input type="checkbox"/>	
2 ND	Marie Dranttel <input type="checkbox"/>	Jason Enter <input type="checkbox"/>	David Hermanson <input type="checkbox"/>	Justin Laven <input type="checkbox"/>
	Terry Morrow, Alt. <input checked="" type="checkbox"/>			
	Ron Regenscheid <input type="checkbox"/>	David Wendinger <input type="checkbox"/>	Vacant <input type="checkbox"/>	

VOTE

PASS ☒

FAIL ☐

VOTE 5-0

MOTION TO ADOPT FINDINGS

1 ST	Marie Dranttel <input type="checkbox"/>	Jason Enter <input type="checkbox"/>	David Hermanson <input type="checkbox"/>	Justin Laven <input checked="" type="checkbox"/>
	Terry Morrow, Alt. <input type="checkbox"/>			
	Ron Regenscheid <input type="checkbox"/>	David Wendinger <input type="checkbox"/>	Vacant <input type="checkbox"/>	
2 ND	Marie Dranttel <input type="checkbox"/>	Jason Enter <input type="checkbox"/>	David Hermanson <input type="checkbox"/>	Justin Laven <input type="checkbox"/>
	Terry Morrow, Alt. <input checked="" type="checkbox"/>			
	Ron Regenscheid <input type="checkbox"/>	David Wendinger <input type="checkbox"/>	Vacant <input type="checkbox"/>	

VOTE TO ADOPT FINDINGS

PASS ☒

FAIL ☐

VOTE 5-0

RECESS

Vice-Chair Hermanson called a ten minute recess.

ULLAND BROTHERS, INC.

PLN 20-04, -06

THREE-YEAR REVIEW OF A MINERAL EXTRACTION PERMIT TO MINE, CRUSH, STOCKPILE, AND WASH GRAVEL, WITH A HOT MIX PLANT AND CONCRETE BATCH PLANT

APPLICANT COMMENT Mitch Froehlich was present via telephone representing the applicant.

PUBLIC COMMENT None.

PUBLIC TESTIMONY None.

COMMISSIONER DISCUSSION None.

MOTION

APPROVE WITH ATTACHED CONDITIONS ☒

DENY ☐

1 ST	Marie Dranttel <input type="checkbox"/>	Jason Enter <input type="checkbox"/>	David Hermanson <input type="checkbox"/>	Justin Laven <input checked="" type="checkbox"/>
	Terry Morrow, Alt. <input type="checkbox"/>			
	Ron Regenscheid <input type="checkbox"/>	David Wendinger <input type="checkbox"/>	Vacant <input type="checkbox"/>	
2 ND	Marie Dranttel <input type="checkbox"/>	Jason Enter <input type="checkbox"/>	David Hermanson <input type="checkbox"/>	Justin Laven <input type="checkbox"/>
	Terry Morrow, Alt. <input type="checkbox"/>			
	Ron Regenscheid <input type="checkbox"/>	David Wendinger <input checked="" type="checkbox"/>	Vacant <input type="checkbox"/>	

VOTE

PASS ☒

FAIL ☐

VOTE 5-0

MOTION TO ADOPT FINDINGS

1 ST	Marie Dranttel <input type="checkbox"/>	Jason Enter <input type="checkbox"/>	David Hermanson <input type="checkbox"/>	Justin Laven <input type="checkbox"/>
	Terry Morrow, Alt. <input type="checkbox"/>			

	Ron Regenscheid <input type="checkbox"/>	David Wendinger <input checked="" type="checkbox"/>	Vacant <input type="checkbox"/>	
	Marie Dranttel <input type="checkbox"/>			
2 nd	Terry Morrow, Alt. <input type="checkbox"/>	Jason Enter <input type="checkbox"/>	David Hermanson <input type="checkbox"/>	Justin Laven <input type="checkbox"/>
	Ron Regenscheid <input checked="" type="checkbox"/>	David Wendinger <input type="checkbox"/>	Vacant <input type="checkbox"/>	
VOTE TO ADOPT FINDINGS		PASS <input checked="" type="checkbox"/>	FAIL <input type="checkbox"/>	VOTE 5-0

ULLAND BROTHERS, INC. PLN 20-05 THREE-YEAR REVIEW OF A MINERAL EXTRACTION PERMIT TO MINE, CRUSH, PROCESS, AND STOCKPILE GRAVEL, WITH A HOT MIX PLANT

APPLICANT COMMENT Mitch Froehlich was present via telephone representing the applicant.

PUBLIC COMMENT None.

PUBLIC TESTIMONY None.

COMMISSIONER DISCUSSION None.

MOTION APPROVE WITH ATTACHED CONDITIONS ☒ DENY ☐

	Marie Dranttel <input type="checkbox"/>			
1 ST	Terry Morrow, Alt. <input type="checkbox"/>	Jason Enter <input type="checkbox"/>	David Hermanson <input type="checkbox"/>	Justin Laven <input type="checkbox"/>
	Ron Regenscheid <input type="checkbox"/>	David Wendinger <input checked="" type="checkbox"/>	Vacant <input type="checkbox"/>	
	Marie Dranttel <input type="checkbox"/>			
2 nd	Terry Morrow, Alt. <input type="checkbox"/>	Jason Enter <input type="checkbox"/>	David Hermanson <input type="checkbox"/>	Justin Laven <input checked="" type="checkbox"/>
	Ron Regenscheid <input type="checkbox"/>	David Wendinger <input type="checkbox"/>	Vacant <input type="checkbox"/>	
VOTE		PASS <input checked="" type="checkbox"/>	FAIL <input type="checkbox"/>	VOTE 5-0

MOTION TO ADOPT FINDINGS

	Marie Dranttel <input type="checkbox"/>			
1 ST	Terry Morrow, Alt. <input type="checkbox"/>	Jason Enter <input type="checkbox"/>	David Hermanson <input type="checkbox"/>	Justin Laven <input checked="" type="checkbox"/>
	Ron Regenscheid <input type="checkbox"/>	David Wendinger <input type="checkbox"/>	Vacant <input type="checkbox"/>	
	Marie Dranttel <input type="checkbox"/>			
2 nd	Terry Morrow, Alt. <input type="checkbox"/>	Jason Enter <input type="checkbox"/>	David Hermanson <input type="checkbox"/>	Justin Laven <input type="checkbox"/>
	Ron Regenscheid <input type="checkbox"/>	David Wendinger <input checked="" type="checkbox"/>	Vacant <input type="checkbox"/>	
VOTE TO ADOPT FINDINGS		PASS <input checked="" type="checkbox"/>	FAIL <input type="checkbox"/>	VOTE 5-0

OLD BUSINESS Landkamer noted that David Wendinger's third and final term of service ends in 2021. She then reminded the Commission there is a training scheduled for the afternoon of October 5, 2020 with Scott Anderson.

OTHER BUSINESS None.

REVIEW OF PERMITS The permits for August were reviewed.

COMMUNICATIONS None.

MOTION TO ADJOURN 8:00 PM

	Marie Dranttel <input type="checkbox"/>			
1 ST	Terry Morrow, Alt. <input type="checkbox"/>	Jason Enter <input type="checkbox"/>	David Hermanson <input type="checkbox"/>	Justin Laven <input checked="" type="checkbox"/>
	Ron Regenscheid <input type="checkbox"/>	David Wendinger <input type="checkbox"/>	Vacant <input type="checkbox"/>	
	Marie Dranttel <input type="checkbox"/>			
2 nd	Terry Morrow, Alt. <input type="checkbox"/>	Jason Enter <input type="checkbox"/>	David Hermanson <input type="checkbox"/>	Justin Laven <input type="checkbox"/>
	Ron Regenscheid <input type="checkbox"/>	David Wendinger <input checked="" type="checkbox"/>	Vacant <input type="checkbox"/>	

VOTE TO ADJOURN

PASS ☒

FAIL ☐

VOTE 5-0

DAVID HERMANSON
VICE CHAIR

DATE

MANDY LANDKAMER
PROPERTY & PUBLIC SERVICES DIRECTOR

DATE

DRAFT

Nicollet County Planning and Zoning Advisory Commission



September 21, 2020
7:00 p.m.

Doors Open at 6:45 PM

County Board Room, Nicollet County Government Center, 501 South Minnesota Avenue, Saint Peter MN 56082

Due to the COVID-19 (coronavirus) pandemic and resulting state and federal emergency declarations and guidance about limiting unnecessary person-to-person contact, the July 20, 2020 Nicollet County Planning and Zoning Advisory Commission meeting will be conducted under Minnesota Statute 13D.021 – Meetings by Telephone or Other Electronic Means. Some Planning and Zoning Advisory Commission members may possibly participate by telephone or other electronic means.

Due to the current health pandemic, only a limited number of persons will be allowed in the meeting room at one time. Persons in attendance must maintain proper social distancing at all times while in the building.

Questions or comments regarding the agenda items for this meeting can be directed to Mandy Landkamer, Property Services Director, at 507-934-7074, or mandy.landkamer@co.nicollet.mn.us.

1. Call to Order
2. Roll Call
3. Review of Cancellations and Additions
4. Approval of Minutes: *July 20, 2020*
5. Public Appearances

6. **PUBLIC HEARING PLN20-04/06 (Pit No. 3)**

Applicant/Property Owner: Ulland Brothers, Inc., 2400 Myers Road, Albert Lea MN 56007

Location: Southeast 1/4 of the Southwest 1/4 of Section 10-109-29 and the Northeast 1/4 of the Northwest 1/4 of Section 15-109-29 in Courtland Township

Request: Three-year review of a mineral extraction permit to mine, crush, stockpile, and wash gravel, with a hot mix plant and concrete batch plant

7. **PUBLIC HEARING PLN20-05 (Pit No. 1)**

Applicant/Property Owner: Ulland Brothers, Inc., 2400 Myers Road, Albert Lea MN 56007

Location: Part of the West 1/2 of the Northwest 1/4 of Section 9-109-29 in Courtland Township

Request: Three-year review of a mineral extraction permit to mine, crush, process, and stockpile gravel, with a hot mix plant

Mission Statement

*Providing efficient services
with innovation and accountability.*

**Leadership. Efficiency. Accountability.
Innovation. Integrity.**

Vision Statement

*Setting the standard for providing superior and efficient
county government services through leadership,
accountability and innovation to a growing and diverse
society.*

8. **PUBLIC HEARING PLN20-23**

Applicant: Wendell Lorentz & Sons LLC, PO Box 847, Mankato MN 56002

Property Owner: GP-75 LLC, PO Box 30, Saint Peter MN 56082

Location: Southeast 1/4 of the Southeast 1/4 of Section 32-111-26 in Lake Prairie Township

Request: Three-year review of a mineral extraction permit to mine, crush, and stockpile gravel, including a hot mix plant

9. **PUBLIC HEARING PLN20-24**

Applicant: Wendell Lorentz & Sons LLC, PO Box 847, Mankato MN 56002

Property Owner: David Woelper, 40196 US Highway 169, Saint Peter MN 56082

Location: Part of the Northeast 1/4 of the Northeast 1/4 of Section 5-110-26 and Part of Government Lot 6 in Section 4-110-26 in Traverse Township

Request: Three-year review of a mineral extraction permit to mine, crush, and stockpile gravel, including a hot mix plant

10. Old Business

11. Other Business

12. Review of Permits

13. Communications: *County Board meets Tuesday October 13, 2020*

14. Adjourn



Planning & Zoning Advisory Commission

MINUTES

JULY 20, 2020

7:00 PM

NICOLLET COUNTY
BOARD ROOM

BOARD MEMBERS

Jason Enter ☒
Chair

David Wendinger ☒
Vice Chair

Marie Dranttel ☒ **Commissioner**

Terry Morrow ☐ **Commissioner, Alternate**

David Hermanson ☐

Justin Laven ☒

Ron Regenscheid ☒ Vacant ☐

ABSENT EXCUSED

Jason Enter ☐
Chair

David Wendinger ☐
Vice Chair

Marie Dranttel ☐ **Commissioner**

Terry Morrow ☐ **Commissioner, Alternate**

David Hermanson ☒

Justin Laven ☐

Ron Regenscheid ☐ Vacant ☐

ABSENT

Jason Enter ☐
Chair

David Wendinger ☐
Vice Chair

Marie Dranttel ☐ **Commissioner**

Terry Morrow ☐ **Commissioner, Alternate**

David Hermanson ☐

Justin Laven ☐

Ron Regenscheid ☐ Vacant ☐

STAFF PRESENT

Property and Public Services Director Mandy Landkamer ☒

Deputy Zoning Administrator/Planner Jon Hammel ☒

Assistant County Attorney Megan E. Gaudette Coryell ☒

County Attorney Michelle Zehnder Fischer ☒

County Sheriff Dave Lange ☒

REVIEW OF CANCELLATIONS & ADDITIONS

None.

MOTION TO APPROVE MINUTES OF JUNE 15, 2020

APPROVE ☒

APPROVE WITH REVISIONS ☐

1ST

Marie Dranttel ☐

Terry Morrow, Alt. ☐

Jason Enter ☐

David Hermanson ☐

Justin Laven ☐

Ron Regenscheid ☐

David Wendinger ☒

Vacant ☐

2ND

Marie Dranttel ☐

Terry Morrow, Alt. ☐

Jason Enter ☐

David Hermanson ☐

Justin Laven ☒

Ron Regenscheid ☐

David Wendinger ☐

Vacant ☐

VOTE TO APPROVE MINUTES

PASS ☒

FAIL ☐

VOTE 5-0

PUBLIC APPEARANCES

None.

Public Hearings

MICHALETZ PROPERTIES, LLC.

(CONTINUED FROM JUNE 15,
2020 MEETING)

PLN 20-11

TO AMEND EXISTING CONDITIONAL USE PERMITS C-26-05 AND C-23-93
TO INCLUDE TRAP, LONG RANGE RIFLE, SHORT RANGE PISTOL,
SPORTING CLAYS, A PISTOL TARGET, AND AN OUTDOOR ARCHERY
RANGE, AND TO REMOVE SPECIFICATIONS FROM C-26-05 AND C-23-93

APPLICANT COMMENT

Joe and Christine Michaletz were present representing Michaletz Properties, LLC. Christine Michaletz spoke. She introduced David M. Gross, co-author of Minnesota Statute Chapter 87A, known as the "Shooting Range Protection Act". Mr. Gross drafted an opinion letter that was provided to the Commission for review prior to the hearing. She then provided an overview of the proposal and addressed issues raised during and after the June 15, 2020 hearing. The clubhouse will not be an event center. The applicant is open to additional signage along 547th Lane to address safety and traffic concerns. Pheasant hunting is not included in the proposal. The new development noted in Chapter 87A applies to neighboring properties, not new development associated with a shooting range. Minnesota Statute 97B pertains to private hunting and not shooting ranges. Deer stands on the property are for personal use and are not related to the requested use.

PUBLIC COMMENT

Veleda Cordes submitted a document via email, entitled "Gun Club Map Discrepancies". This document was provided to the Commission at the hearing.

Veleda Cordes (46882 547th Lane, Courtland, MN 56021) testified herself and in proxy for her husband Wade Cordes. Her main concerns were safety and noise. She stated the 500-foot boundary attached as a condition in 1993 was intended for safety reasons and applies to all bullets, not just those fired while hunting. She questioned why the neighboring landowners have to pay for sound monitoring and mitigation. They believe the request will depreciate neighboring properties. She stated she had no problem with gun ranges, but did have a problem with the applicants' request.

David M. Gross (6420 French Lake Trail, Faribault, MN 55021) testified. He questioned why the proposed conditions included those associated with a shooting preserve, when the facility would no longer be considered a preserve. He stated that property lines have nothing to do with the Shooting Range Protection Act, except for the concept of trespass: keeping projectiles onsite. Regarding noise control, he noted he had provided an opinion letter. He stated that if the sound at the point of reception, for example a residence, meets state standards then there is no legal issue. The standards require the scientific measurement of sound pressure according to the methodology established by the Pollution Control Agency. He noted that prior to the Act there was no objective standard for the measurement of sound from shooting ranges.

PUBLIC TESTIMONY

David Stoering (430 Zieske Road, Courtland, MN 56021) testified. He farms the land south of the proposed facility. He agreed with Mrs. Cordes, that neighboring landowners should not be responsible for sound measurement. He listed his concerns, including: traffic, road damage, compatibility with the surrounding area, property depreciation, trespassing, littering, and the unsafe handling of guns and bows.

Josiah Stoering (47197 547th Lane, Courtland, MN 56021) testified. He lives at the end of 547th Lane. His experience with the previous owners was that clients cannot always be controlled. His primary concern was safety and the addition of the rifle range. He pointed out that the opinion letter provided by Mr. Gross includes the rifle range as an existing activity. He then noted the rifle range as a commercial activity was not yet approved.

Courtland Township Board Chair Larry Luepke (54605 County Road 21, Courtland, MN 56021) testified. He stated the Township has concerns with the potential increase in traffic on 547th Lane. He suggested that the applicants consider using an existing trail north of the Zimanski property for access to the facility.

Mr. Gross responded to Josiah Stoering's comment concerning the rifle range. He stated that the expansion of activities and events must be allowed per the Shooting Range Protection Act so long as the standards for sound limits and projectile containment are met.

Mrs. Cordes questioned the standards for sound limits.

Mr. Gross responded that the standards allow for a lawfully acceptable level of noise.

Chair Enter stated that he and Commissioners Laven and Regenscheid visited the property on Friday, July 17, 2020.

COMMISSIONER DISCUSSION

Laven added they met with Mr. and Mrs. Michaletz, DNR Conservation Officer Thor Nelson, and DNR Shooting Range Coordinator Chuck Niska. They walked the property and viewed the proposed facility layout and existing rifle shooting structure. He stated the shooting structure was more than 500 feet away from the Cordes's house. According to the proposed layout projectiles should stay within the facility's boundaries.

Chair Enter noted under the proposed layout projectiles would be shot north, away from the Stoering's property.

Regenscheid stated he had a conversation with Randy Voss, the current owner of the Caribou Gun Club which was founded in 1950 by Mr. Voss's father. Originally there was only trap shooting, but the Club

has since added rifle, skeet, and clay shooting. The Club is a hunting preserve. Mr. Voss has had a full liquor license for some time and has not had any problems. It is clear that if a person wants an alcoholic beverage, they cannot continue shooting afterwards. Since 1956 only one member has been ejected from the Club over safety concerns. Mr. Voss commented that "shooters police shooters". The Club has not had any issues with debris.

Regenscheid stated he also had a discussion with Tim Griep, who is a neighbor to Mr. Voss and is also a Township Supervisor. Mr. Griep stated that over the years the Township has not been concerned over traffic associated with the Club. Mr. Griep said that if there is an issue, Mr. Voss takes care of it.

Regenscheid spoke with another neighbor, Rodger Janzen. Mr. Janzen commented that he is not concerned about noise and compared it to living close to a railroad. Mr. Janzen said that if he has any problems, Mr. Voss takes care of it.

Chair Enter noted he was impressed with how the rifle range shed is facing away from houses, is enclosed, and spray foamed. He asked Mr. Michaletz to comment on the topic.

Mr. Michaletz commented they were conscience of noise when developing the rifle range. It was built to face west and north, away from the neighboring houses. He noted they are exploring adding some barriers on the sides of the range to help focus the noise downrange. They have hired a company that specializes at noise reduction at shooting ranges to explore additional methods of noise management.

Mrs. Cordes asked if the Commissioners would visit her property when shooting was occurring.

Chair Enter noted he had not been to the Cordes's property, but had visited the site of the proposed facility next to their property.

Laven inquired if the applicant has a road agreement already in place with the Township. He noted it would be required as a condition.

Mr. Michaletz responded that there was not an agreement already in place.

Chair Enter asked if the applicant was open to exploring Mr. Luepke's idea of accessing the property from the north.

Mr. Michaletz stated they were open to any suggestions to help reduce traffic on the road.

Laven noted that under the proposed hours of operation, shooting may occur after the business has closed at 9 p.m. He asked for clarification on the topic.

Mrs. Michaletz responded that the clubhouse would close prior to closure of the ranges. Clients would be allowed to finish their shooting activities until sunset, when the ranges would close.

MOTION

APPROVE WITH ATTACHED CONDITIONS ☒

DENY ☐

1ST Marie Dranttel ☐
Terry Morrow, Alt. ☐
Ron Regenscheid ☐
2ND Marie Dranttel ☐
Terry Morrow, Alt. ☐
Ron Regenscheid ☐

Jason Enter ☒

David Hermanson ☐

Justin Laven ☐

David Wendinger ☐

Vacant ☐

Jason Enter ☐

David Hermanson ☐

Justin Laven ☒

David Wendinger ☐

Vacant ☐

VOTE

PASS ☒

FAIL ☐

VOTE 5-0

MOTION TO ADOPT FINDINGS

1ST Marie Dranttel ☐
Terry Morrow, Alt. ☐
Ron Regenscheid ☐
2ND Marie Dranttel ☐
Terry Morrow, Alt. ☐
Ron Regenscheid ☐

Jason Enter ☐

David Hermanson ☐

Justin Laven ☐

David Wendinger ☒

Vacant ☐

Jason Enter ☐

David Hermanson ☐

Justin Laven ☒

David Wendinger ☐

Vacant ☐

VOTE TO ADOPT FINDINGS

PASS ☒

FAIL ☐

VOTE 5-0

OLD BUSINESS

None.

OTHER BUSINESS

None.

REVIEW OF PERMITS

Permits for May and June were reviewed.

COMMUNICATIONS

Director Landkamer requested that the Commissioners send staff any suggestions for potential candidates to serve on the Commission.

MOTION TO ADJOURN

8:20 PM

	Marie Dranttel <input type="checkbox"/>	Jason Enter <input type="checkbox"/>	David Hermanson <input type="checkbox"/>	Justin Laven <input checked="" type="checkbox"/>
1 st	Terry Morrow, Alt. <input type="checkbox"/>			
	Ron Regenscheid <input type="checkbox"/>	David Wendinger <input type="checkbox"/>	Vacant <input type="checkbox"/>	
	Marie Dranttel <input type="checkbox"/>	Jason Enter <input type="checkbox"/>	David Hermanson <input type="checkbox"/>	Justin Laven <input type="checkbox"/>
2 nd	Terry Morrow, Alt. <input type="checkbox"/>			
	Ron Regenscheid <input type="checkbox"/>	David Wendinger <input checked="" type="checkbox"/>	Vacant <input type="checkbox"/>	
VOTE TO ADJOURN		PASS <input checked="" type="checkbox"/>	FAIL <input type="checkbox"/>	VOTE 5-0

**JASON ENTER
CHAIR****DATE****JON HAMMEL
DEPUTY ZONING ADMINISTRATOR/
PLANNER****DATE**



CONDITIONAL USE PERMIT

THREE-YEAR REVIEW OF MINERAL EXTRACTION PERMIT

ULLAND BROTHERS, INC.

PLN20-04, -06

**NICOLLET COUNTY
PLANNING & ZONING ADVISORY COMMISSION**

SUBJECT:	Conditional Use Permit, PLN20-04, -06
APPLICANT/LANDOWNER:	Ulland Brothers, Inc.
LOCATION:	Southeast 1/4 of the Southwest 1/4 of Section 10-109-29 and the Northeast 1/4 of the Northwest 1/4 of Section 15-109-29 in Courtland Township
PARCEL NO:	04.310.0705 and 04.315.0205
EXISTING ZONING:	Agricultural Preservation, Conservancy, Shoreland
HEARING DATE:	September 21, 2020

REQUEST

The applicant has submitted a request for a three-year review of a conditional use permit to mine, crush, stockpile, and wash gravel, including operation of a hot mix plant and concrete batch plant.

EXISTING LAND USE

The site consists of two-40 acre properties. The site contains a gravel pit and a mix of wooded areas and farmland. The wooded areas cover roughly the southern 1/2 of the site. The northeastern 1/4 of the site is farmland. There is also a smaller area of farmland located in the southwest corner of the site. An intermittent stream traverses the site, entering along the west-central edge and exiting along the south-central edge. This stream is a Minnesota Department of Natural Resources protected public waterway.

SURROUNDING LAND USE

The surrounding land is primarily agricultural to the south, east, and north of the site. There are two existing gravel mines located to the west of the site. The closest mine is owned by the County and is 230 feet west of the site. The other mine is owned by Sherri Hulke and is 1,400 feet west of the site. The nearest residence is located approximately 20 feet from the eastern property line, near the southeastern corner of the site. The second nearest residence is located approximately 250 feet directly south of the site. County Road 25 runs east-west along the northern edge of the property.

PROJECT DESCRIPTION

Background:

In 2013, the landowner at that time, GRT Lands, LLC., was granted a conditional use permit to reopen an abandoned gravel pit on the properties. The 2013 conditional use permit [C-3-4-13] was to establish a mineral extraction facility and mine, crush, wash, and stockpile gravel onsite. In 2015, Jason and Jennifer Kuester purchased the property from GRT Lands. Also in 2015, the Kuesters amended the existing conditional use permit to include the operation of a hot mix plant and a concrete batch plant. These uses were not specifically included in the original conditional use permit. The Kuesters submitted ABC (A = existing conditions; B = proposed operations; C = reclamation plan) maps for the facility (see Attachment F.3). The Kuesters owned the facility from 2015 to 2019. In 2019, the site was purchased by Ulland Brothers, Inc., who has operated the facility since. Ulland Brothers submitted new ABC maps (see Attachments F.4 through and F.6).

NOTE: The mine pre-exists the November 25, 2014 amendments to the mineral extraction section of the Zoning Ordinance. If the original parameters of the project are changed, the operation must conform to current standards. The 2015 amendment to the conditional use permit is subject to the 2014 hot mix and concrete batch plant setbacks and standards.

Current Request:

The current request is for a three-year review of the conditional use permit to mine, crush, stockpile, and wash gravel, including the operation of a hot mix plant and concrete batch plant. Section 724.2(3) of the Nicollet County Zoning Ordinance requires that conditional use permits for mineral extraction be reviewed every three years. According to the applicant, a total of 65,732 tons of material have been removed from the mine in the last year. The applicant expects to mine an additional 25 feet below the current pit floor, to an elevation of 890 feet above sea level. The quantity of material expected to be mined in the future is approximately 6,300,000 cubic yards. The mined product ranges from coarse to fine material and is suitable for various MNDOT projects. Equipment used at the facility includes: crushing and screening machines, front end loaders, excavators, and personal/employee vehicles. The previous owner's (Kuester's) plans depicted mining operations moving southward from the existing mining area. The Ulland Brothers ABC maps depict mining operations moving northward from the existing mining area. The total acreage of the facility is approximately 39.8 acres.

Access:

The site has direct access to County Road 25, and from there onto US Highway 14. The entrance is gated.

Appearance:

There is a berm along County Road 25 which partially screens the mine from view along the roadway. The mine is generally not visible from 506th Street due to existing vegetation and topography. Stockpiles that lay outside of the pit area may be visible from CR25 – depending on time of year and demand for mined materials. The weigh station is visible from the county road and there is a sign at the entrance to the site.

Blasting:

No blasting occurs on the property.

Bond:

Per Section 724.2(4) of the Nicollet County Zoning Ordinance, a bond in the amount of at least \$2,500 per actively mined and not yet reclaimed acres shall be valid for a period of not less than one year beyond the expiration date of the permit. The applicant's Bond expires in 2021. The bond is from Federal Insurance Company for \$95,000.

Dust, Noise, and Odor Control:

The application of water is used for dust control, as needed. The applicant states the access area and nearby portion of CR25 will be swept of dust and materials if the need arises. A mister system can be used on the crushing machine to lessen dust.

Hours of Operation:

The facility adheres to the standard 7AM to 7PM operating hours. Deviation from this standard is allowed for emergencies and equipment repair. Any such deviation requires notification be made to Nicollet County Property Services.

Reclamation Plan:

There is a reclamation/end use plan on file for the facility. The sides of the mining area will be graded to a 3:1 slope. Seeding will consist of the type, density, and species noted in the reclamation plan (see Attachment F.6). The plan is for the mine to be naturally reclaimed for wetland/wildlife habitat.

Water:

No dewatering occurs on site. The banks of the mine slope inwards, which directs stormwater into the pit, where it is allowed to collect and filter naturally into the ground. Additionally, there are three stormwater retention basins onsite which have a total designed storage capacity of 2,000,000 gallons. The basins are sequential: solids are allowed to sink to the bottom of the basin before the water enters the next basin. From the final basin, the water is either reused as by the operation, or allowed to filter naturally into the ground. There is a well on the property, which provides additional water for washing, if necessary. The applicant states that approximately 57,000 gallons of water are used daily during peak operations.

Waste Disposal:

No hazardous material will be stored onsite. Fuels and oils will be delivered to the site and put directly into the machinery. The operation utilizes garbage receptacles and a portable toilet.

MINNESOTA POLLUTION CONTROL AGENCY STANDARDS

The applicants are required to maintain a National Pollutant Discharge Elimination System (NPDES) permit from the Minnesota Pollution Control Agency.

NEIGHBOR NOTIFICATION

Property owners were notified of the request per the standards of Section 505.3 of the Zoning Ordinance and Minnesota State Statute 394.26.

CONDITIONAL USE PERMIT CRITERIA

- 1. Given the nature of the land, the requested use is compatible with the general welfare, public health and safety.**

True, because:

- The proposal appears to be typical of gravel mining operations within the County.
- There exist no extraordinary circumstances regarding the project.
- The operation meets the applicable standards of the Zoning Ordinance for mines in the Agricultural Preservation, Conservancy, and Shoreland zoning districts.
- The operation appears to meet the applicable Minnesota Pollution Control Agency standards for gravel mines.

- 2. The requested use will not create an unreasonably excessive burden on the existing roads or utilities.**

True, because:

- The existing infrastructure is suited for mining operations.
- The size and function of the facility is not unreasonable for the proposed location.
- It appears the burden on public infrastructure from the facility is minimal; both County Road 25 and US Highway 14 are ten ton roads.

- 3. The requested use is compatible with the surrounding area and will not significantly depreciate nearby properties.**

True, because:

- The mine is within a predominantly agricultural and natural environment area.
- There are four other mines within two miles of the site.
- The applicant has a reclamation plan in place for the site.

4. The structure and the use shall have an appearance that will not have an unreasonably adverse effect on nearby properties.

True, because:

- The mine is partially screened to the north by berms, and during the growing season by row crops.
- The operation appears to be typical for gravel mines within the county.
- Within two miles of the site there are four other gravel pits.

5. The requested use is consistent with the Nicollet County Land Use Ordinances.

True, because:

- It meets the applicable standards and requirements found in Sections 602, 603 and 724 of the Zoning Ordinance and Section 4.22(A) of the Shoreland Management Ordinance, for mining operations in the Agricultural Preservation, Conservancy and Shoreland zoning districts.
- The request meets standards of Section 505 of the Zoning Ordinance, pertaining to the approval and issuance of conditional use permits.

6. The requested use is not in conflict with the Nicollet County Comprehensive Plan.

True, because:

- The plan notes the importance of mineral extraction to Courtland Township.
- The comprehensive plan states mineral extraction is a justifiable industrial use of the land and provides vital resources for highway and building construction.
- The request does not increase the potential for land use conflict. The site is surrounded largely by agricultural and natural environment land uses.

7. The requested use will not create an unreasonably adverse effect because of noise, odor, glare, or general unsightliness, for nearby property owners.

True, because:

- The applicant applies water and magnesium chloride, as needed, to control dust.
- No blasting takes place onsite.
- The mined area is partially screened.

8. The requested use is reasonably related to the existing land use and environment.

True, because:

- The mine is located in an existing agricultural and natural environment landscape
- There are four other gravel mines within two miles of the site.

9. There are no apparent unreasonable health risks posed to neighbors or the public in general.

True, because:

- The proposal meets the applicable county and state standards for gravel mining operations.
- The operation appears to be typical for gravel mines within the county.
- The site maintains a National Pollutant Discharge Elimination System permit from the Minnesota Pollution Control Agency.

10. The requested use will/will not have an adverse effect upon public health, safety and welfare due to the following other factors:

Will Not – True, because:

- The request is proposed to meet county standards, with no apparent adverse effects to the public health, safety, and welfare.

RECOMMENDATIONS

It appears the request meets all 10 conditional use permit criteria. The granting of a conditional use permit from Sections 505, 602.3, 603.3, and 724 of the Zoning Ordinance, and Section 4.22(A) of the Shoreland Management Ordinance, would seem to meet the necessary requirements set forth in Section 505.1, Criteria for Granting Conditional Use Permits.

Staff suggests that if the request is recommended for approval, the following conditions be attached:

1. The applicant shall undertake the project according to the plans and specifications submitted to the county with the application.
2. The permit shall be periodically reviewed by the county to ensure compliance with the permit and permit conditions.
3. The county may enter onto the premises at reasonable times and in a reasonable manner to ensure the permit holder is in compliance with the conditions and all other applicable statutes, rules, and ordinances.
4. The conditional use permit to mine, crush, stockpile, and wash gravel, including operation of a hot mix plant and concrete batch plant, is reviewed in September 2023.
5. A continuation certificate of the bond shall be sent to the Property Services Division with no lapse in time during the course of this permit.

6. Any increase in the amount of acres actively being mined, or not yet reclaimed, shall require an additional/amended performance bond to cover the additional acreage to be submitted to the Property Services Division.
7. That the applicant shall conduct mining and extraction operations between 7 a.m. to 7 p.m., except in the event of an emergency or when reasonable or necessary repairs to equipment are required to be made.
8. Prior to the commencement of mining and extraction activities, a signed copy of an access agreement must be submitted to the Property Services Division.
9. No mining or extraction activities shall be allowed within 200 feet of the unnamed tributary.
10. If needed, the applicant must obtain a water appropriations permit from the Department of Natural Resources.
11. The applicant shall maintain a National Pollutants Discharge Elimination System Permit with the Minnesota Pollution Control Agency that will cover the entire project area prior to the commencement of mining operations.
12. If consent is received from neighboring property owners allowing for mining to occur up to the property line, a signed copy of the written consent agreement shall be submitted to the Zoning Administrator.

Parcel No: 04.310.0705/04.315.0205
Map No: 1610300007/1615100006

**Applicant/Landowner:
Ulland Brothers, Inc.**

PLN20-04, -06

ATTACHMENT A Application

ATTACHMENT B Criteria for Conditional Use Permit

ATTACHMENT C Location Map

ATTACHMENT D Aerial

ATTACHMENT E Neighbor Notification List

ATTACHMENT F Documents Submitted by Applicant

F.1 Mineral Extraction Checklist

F.2 Applicant Narrative

F.3 ABC Maps (2017)

F.4 Map A – Existing Conditions (2020)

F.5 Map B – Proposed Operations (2020)

F.6 Map C – Reclamation/End Use (2020)

F.7 Soils Map

F.8 National Pollutant Discharge Elimination System Permit

F.9 Well Report



PROPERTY SERVICES DIVISION
501 SOUTH MINNESOTA AVENUE, SAINT PETER MN 56082
507-934-7070

PLANNING & ZONING ADVISORY COMMISSION
APPLICATION

Total Fees: \$

Map#: 1610300007

Parcel#:

Permit#: PLN20-00004

Date: January 28, 2020

Applicant: Mitch Froelich, Ulland Brothers, 2400 Myers Road, ALbert Lea MN 56007

Phone: 507-396-4866

Owner: Ulland Brothers - Mitch Froelich, 2400 Myers Road, ALbert Lea MN 56007

Property Address: 51715 478th St, Courtland MN 56021

Abbreviated Legal Description:

Township: Courtland

Record Type: Conditional Use

Category: Mineral Extraction

Project Description: Three year review of a conditional use permit to mine, crush, stockpile, and wash gravel, including operation of a hot mix plant and concrete batch plan. REF. 603.3, 724 4.22(A)

Planning Commission Hearing Date: 02/24/2020

Board of Commissioners Date: 03/10/2020

Mitch Froelich

APPLICANT SIGNATURE

1/28/2020

DATE

ATTACHMENT A
Application



PROPERTY SERVICES DIVISION
501 SOUTH MINNESOTA AVENUE, SAINT PETER MN 56082
507-934-7070

PLANNING & ZONING ADVISORY COMMISSION
APPLICATION

Total Fees: \$

Map#: 1615100006

Parcel#:

Permit#: PLN20-00006

Date: January 28, 2020

Applicant: Mitch Froelich, Ulland Brothers, 2400 Myers Road, Albert Lea MN 56007

Phone: 507-396-4866

Owner: Ulland Brothers - Mitch Froelich, 2400 Myers Road, Albert Lea MN 56007

Property Address: , MN

Abbreviated Legal Description:

Township: Courtland

Record Type: Conditional Use

Category: Mineral Extraction

Project Description: Three year review of a conditional use permit to mine, crush, stockpile, and wash, gravel, including operation of a hot mix plant and concrete batch plant. REF:603.3, 714, 4.22 (A).

Planning Commission Hearing Date: 02/24/2020

Board of Commissioners Date: 03/10/2020

APPLICANT SIGNATURE

DATE



**NICOLLET COUNTY PLANNING AND ZONING ADVISORY COMMISSION
CRITERIA FOR GRANTING A CONDITIONAL USE PERMIT**

Name of Applicant/

Property Owner: Ulland Brothers, Inc.

Use Requested: mine, crush, stockpile, and wash gravel, with a hot mix plant and concrete batch plant

Date: September 21, 2020

File: PLN20-04, -06

FINDINGS OF FACT

Authority for issuance of conditional use permits is derived from Minnesota State Statute §394.301 and Nicollet County Zoning Ordinance, Section 505. The conditional use must maintain the health, safety, morals, and general welfare of the community.

1. Given the nature of the land, the requested use is compatible with the general welfare, public health and safety.

Terry Morrow	<input checked="" type="checkbox"/> YES	<input type="checkbox"/> NO	WHY: <u>typical gravel mine, no extraordinary</u>
Jason Enter	<input type="checkbox"/> YES	<input type="checkbox"/> NO	<u>circumstances</u>
David Hermanson	<input checked="" type="checkbox"/> YES	<input type="checkbox"/> NO	_____
Justin Laven	<input checked="" type="checkbox"/> YES	<input type="checkbox"/> NO	_____
Ron Regenscheid	<input checked="" type="checkbox"/> YES	<input type="checkbox"/> NO	_____
David Wendinger	<input checked="" type="checkbox"/> YES	<input type="checkbox"/> NO	_____

2. The requested use will not create an unreasonably excessive burden on the existing roads or utilities.

Terry Morrow	<input checked="" type="checkbox"/> YES	<input type="checkbox"/> NO	WHY: <u>existing infrastructure suited for mining</u>
Jason Enter	<input type="checkbox"/> YES	<input type="checkbox"/> NO	<u>operations, uses a ten ton road</u>
David Hermanson	<input checked="" type="checkbox"/> YES	<input type="checkbox"/> NO	_____
Justin Laven	<input checked="" type="checkbox"/> YES	<input type="checkbox"/> NO	_____
Ron Regenscheid	<input checked="" type="checkbox"/> YES	<input type="checkbox"/> NO	_____
David Wendinger	<input checked="" type="checkbox"/> YES	<input type="checkbox"/> NO	_____

3. The requested use is compatible with the surrounding area and will not significantly depreciate nearby properties.

Terry Morrow	<input checked="" type="checkbox"/> YES	<input type="checkbox"/> NO	WHY: <u>other mines in area, reclamation plan in</u>
Jason Enter	<input type="checkbox"/> YES	<input type="checkbox"/> NO	<u>place</u>
David Hermanson	<input checked="" type="checkbox"/> YES	<input type="checkbox"/> NO	_____
Justin Laven	<input checked="" type="checkbox"/> YES	<input type="checkbox"/> NO	_____
Ron Regenscheid	<input checked="" type="checkbox"/> YES	<input type="checkbox"/> NO	_____
David Wendinger	<input checked="" type="checkbox"/> YES	<input type="checkbox"/> NO	_____

4. The structure and the use shall have an appearance that will not have an unreasonably adverse effect on nearby properties.

Terry Morrow	<input checked="" type="checkbox"/> YES	<input type="checkbox"/> NO	WHY: <u>mine is partially screened with berms,</u>
Jason Enter	<input type="checkbox"/> YES	<input type="checkbox"/> NO	<u>typical mine for county</u>
David Hermanson	<input checked="" type="checkbox"/> YES	<input type="checkbox"/> NO	_____
Justin Laven	<input checked="" type="checkbox"/> YES	<input type="checkbox"/> NO	_____
Ron Regenscheid	<input checked="" type="checkbox"/> YES	<input type="checkbox"/> NO	_____
David Wendinger	<input checked="" type="checkbox"/> YES	<input type="checkbox"/> NO	_____

5. The requested use is consistent with the Nicollet County Land Use Ordinances.

Terry Morrow	<input checked="" type="checkbox"/> YES	<input type="checkbox"/> NO	WHY: <u>meets Sections 505, 603, and 724 of Zoning Ordinance</u>
Jason Enter	<input type="checkbox"/> YES	<input type="checkbox"/> NO	
David Hermanson	<input checked="" type="checkbox"/> YES	<input type="checkbox"/> NO	
Justin Laven	<input checked="" type="checkbox"/> YES	<input type="checkbox"/> NO	
Ron Regenscheid	<input checked="" type="checkbox"/> YES	<input type="checkbox"/> NO	
David Wendinger	<input checked="" type="checkbox"/> YES	<input type="checkbox"/> NO	

6. The requested use is not in conflict with the Nicollet County Comprehensive Plan.

Terry Morrow	<input checked="" type="checkbox"/> YES	<input type="checkbox"/> NO	WHY: <u>site is surrounded by ag and natural environment, mineral extraction is a justifiable use</u>
Jason Enter	<input type="checkbox"/> YES	<input type="checkbox"/> NO	
David Hermanson	<input checked="" type="checkbox"/> YES	<input type="checkbox"/> NO	
Justin Laven	<input checked="" type="checkbox"/> YES	<input type="checkbox"/> NO	
Ron Regenscheid	<input checked="" type="checkbox"/> YES	<input type="checkbox"/> NO	
David Wendinger	<input checked="" type="checkbox"/> YES	<input type="checkbox"/> NO	

7. The requested use will not create an unreasonably adverse effect because of noise, odor, glare, or general unsightliness, for nearby property owners.

Terry Morrow	<input checked="" type="checkbox"/> YES	<input type="checkbox"/> NO	WHY: <u>have dust control, no blasing, mine is partially screened</u>
Jason Enter	<input type="checkbox"/> YES	<input type="checkbox"/> NO	
David Hermanson	<input checked="" type="checkbox"/> YES	<input type="checkbox"/> NO	
Justin Laven	<input checked="" type="checkbox"/> YES	<input type="checkbox"/> NO	
Ron Regenscheid	<input checked="" type="checkbox"/> YES	<input type="checkbox"/> NO	
David Wendinger	<input checked="" type="checkbox"/> YES	<input type="checkbox"/> NO	

8. The requested use is reasonably related to the existing land use and environment.

Terry Morrow	<input checked="" type="checkbox"/> YES	<input type="checkbox"/> NO	WHY: <u>other gravel pits in area, in an existing ag and natural environment area</u>
Jason Enter	<input type="checkbox"/> YES	<input type="checkbox"/> NO	
David Hermanson	<input checked="" type="checkbox"/> YES	<input type="checkbox"/> NO	
Justin Laven	<input checked="" type="checkbox"/> YES	<input type="checkbox"/> NO	
Ron Regenscheid	<input checked="" type="checkbox"/> YES	<input type="checkbox"/> NO	
David Wendinger	<input checked="" type="checkbox"/> YES	<input type="checkbox"/> NO	

9. There are no apparent unreasonable health risks posed to neighbors or the public in general.

Terry Morrow	<input checked="" type="checkbox"/> YES	<input type="checkbox"/> NO	WHY: <u>meets county and state standards, has a NPDES permit from MPCA, typical for mines in the county</u>
Jason Enter	<input type="checkbox"/> YES	<input type="checkbox"/> NO	
David Hermanson	<input checked="" type="checkbox"/> YES	<input type="checkbox"/> NO	
Justin Laven	<input checked="" type="checkbox"/> YES	<input type="checkbox"/> NO	
Ron Regenscheid	<input checked="" type="checkbox"/> YES	<input type="checkbox"/> NO	
David Wendinger	<input checked="" type="checkbox"/> YES	<input type="checkbox"/> NO	

10. The requested use will will not (Circle One) have an adverse effect upon public health, safety and welfare due to the following other factors:

Terry Morrow	<input checked="" type="checkbox"/> YES	<input type="checkbox"/> NO	WHY: <u>meets all standards</u>
Jason Enter	<input type="checkbox"/> YES	<input type="checkbox"/> NO	_____
David Hermanson	<input checked="" type="checkbox"/> YES	<input type="checkbox"/> NO	_____
Justin Laven	<input checked="" type="checkbox"/> YES	<input type="checkbox"/> NO	_____
Ron Regenscheid	<input checked="" type="checkbox"/> YES	<input type="checkbox"/> NO	_____
David Wendinger	<input checked="" type="checkbox"/> YES	<input type="checkbox"/> NO	_____

**SPECIAL CONDITIONS ARE LISTED
ON THE RECORDED CONDITIONAL USE PERMIT AND IN THE RECORD**

**THE NICOLLET COUNTY PLANNING AND ZONING ADVISORY COMMISSION:
(APPROVES X) (DENIES) THE REQUESTED CONDITIONAL USE PERMIT**

This decision is based on:

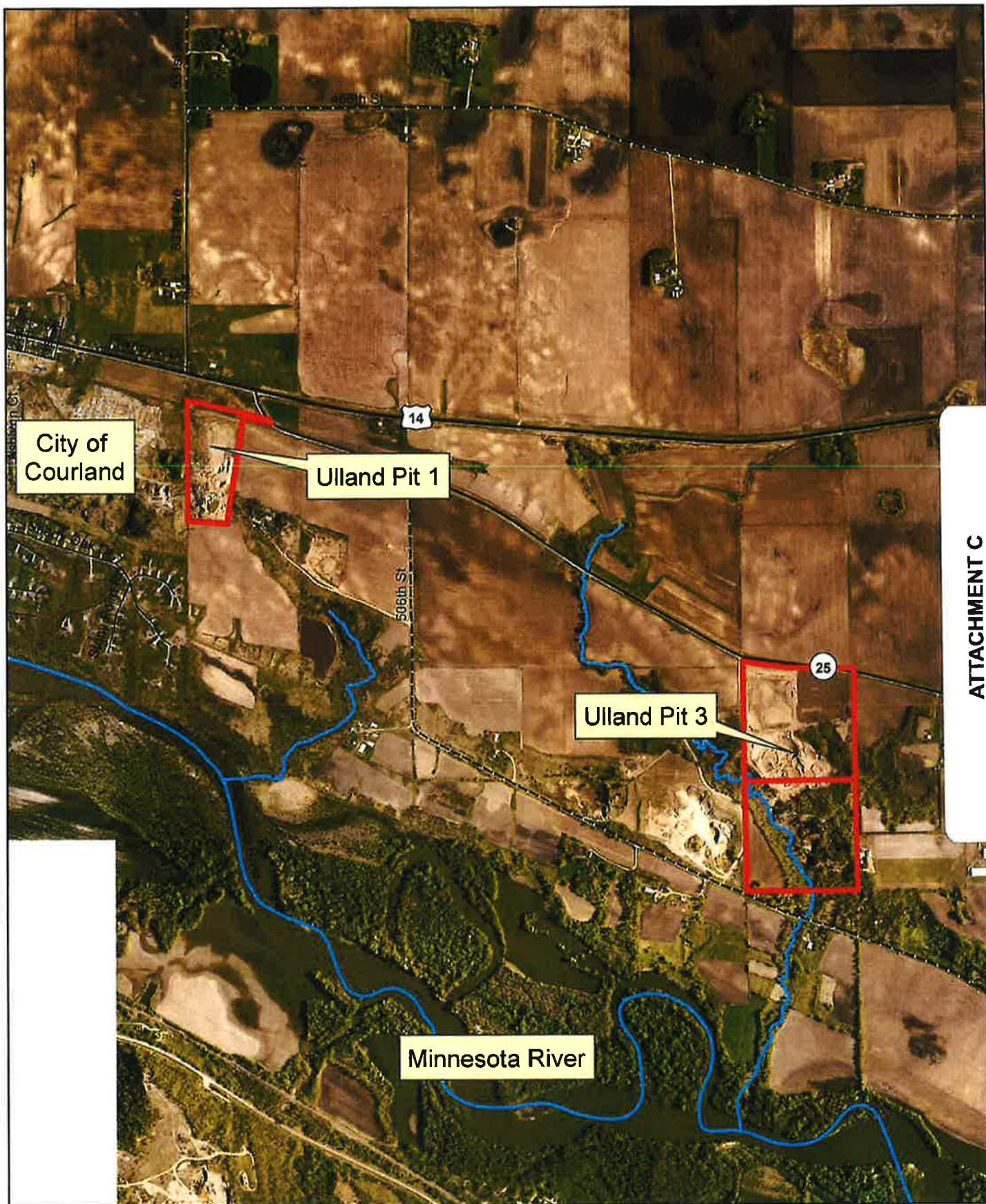
X application _____ viewed by _____ members of Commission:
X staff report _____ pictures
_____ information received at public hearing

Dranttel	_____	Regenscheid	_____
Enter	_____	Wendinger	_____
Hermanson	_____		_____
Laven	_____		

Facts supporting the answer to each question above are hereby certified to be the Findings of the Nicollet County Planning and Zoning Advisory Commission.

Date: _____

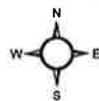
Chair: _____



ATTACHMENT C
Location Map

Disclaimer: The information herein is intended to be a true representation of available records. However, there is no guarantee to the user as to the accuracy, suitability, or reliability of this data for any purpose. The Property Services Division of Nicollet County assumes no responsibility for actual or consequential damage incurred as a result of any user's reliance on this data.

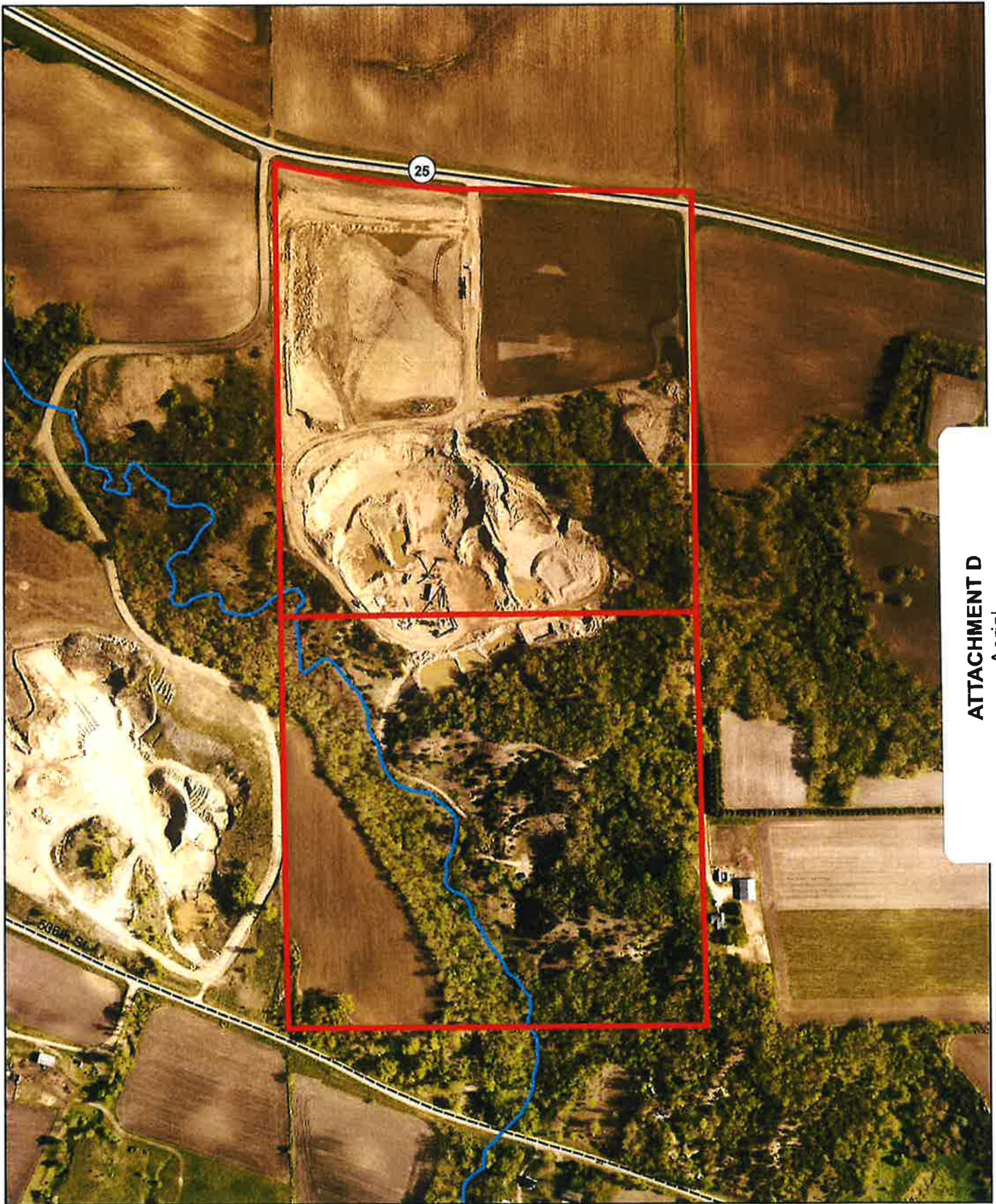
1:18,000 1 inch = 1,500 feet



0 750 1,500 Feet

Legend

- Ulland Pit 1
- Ulland Pit 3

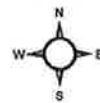


ATTACHMENT D
Aerial

Disclaimer: The information herein is intended to be a true representation of available records. However, there is no guarantee to the user as to the accuracy, suitability, or reliability of this data for any purpose. The Property Services Division of Nicollet County assumes no responsibility for actual or consequential damage incurred as a result of any user's reliance on this data.

1:4,800

1 inch = 400 feet



0 200 400 Feet

Legend

 Ulland Pit 3

HOWARD BODE REVOCABLE TRUST
1586 250TH ST E
FARIBAULT MN 55021

STANLEY BODE
50755 478TH ST
COURTLAND MN 56021

JANICE DRILL
28 FIEMEYER DR
COURTLAND MN 56021

MARVIN & LISA DRILL
54 ROSYLN RD
NEW ULM MN 56073

MARIA FLUEGEL REVOCABLE TRUST
5707 W ALLEN CT
VISALIA CA 93291

NEAL & VICKY GLEASON
51945 506TH ST
COURTLAND MN 56021

SHERI HULKE
51771 COUNTY ROAD 21
COURTLAND MN 56021

NORTHERN STATES POWER CO
414 NICOLLET MALL
MINNEAPOLIS MN 55401

TERESA OLSON
4330 MINNETONKA BLVD 407
MINNEAPOLIS MN 55416

TIMOTHY & JANE STRUSS
51154 506TH ST
COURTLAND MN 56021

DALE & DONNA VOGES
51589 478TH ST
COURTLAND MN 56021

GARRY BENNETT
ECOLOGICAL & WATER SERVICES
20596 HIGHWAY 7
HUTCHINSON MN 55350

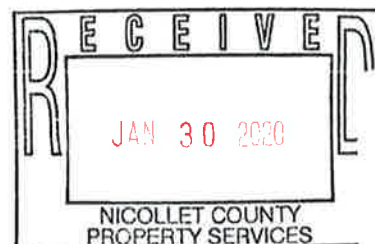
ATTACHMENT E
Neighbor Notification List

MINERAL EXTRACTION CHECKLIST

The following information is required to be provided for a conditional use permit application. Additional information may be required, as determined necessary by the Zoning Administrator and per Section 724 of the Zoning Ordinance.

NUMBER OF ACRES AS FOLLOWS:

26.3 Acres being mined or used for mining purposes (stockpiles, equipment storage, haul roads, etc).
13.5 Acres permitted and remaining to be mined in future phases.
0 Acres where land reclamation has occurred.
40.62 Acres not permitted to be mined (non-mining related acres).
80.42 Total acreage of property.



TONNAGE OF MATERIAL REMOVED:

65732 Tons of material removed from site over the past three (3) years, or since last permit renewal date. = 1-1-1

Include a copy of the renewed BOND or LETTER OF CREDIT for the site. Continuation letters must to be sent to the Property Services Office on years when the permit is not scheduled for renewal.

PLEASE PRINT:

Property Owner: Ulland Brothers Inc
 Owner's Address: 1634 Hwy 210 Carlton MN, 55718
 Contractor working the site: Ulland Brothers Inc
 Contractor's address: 2400 Myers R.D Albert Lea MN 38007
 Contractor's phone number: 507-373-1960
 Date: 1-28-2020

Applicant (Landowner or Contractor) Signature: M. J. Froehlich

Parcel No. 04.310.0705 Map No. _____ Revised 11-29-18 JH
04.315.0205

Mission Statement
Providing efficient services
with innovation and accountability.

Leadership. Efficiency.
Accountability. Innovation.
Integrity.

Vision Statement
Setting the standard for providing superior and
efficient county government services through
leadership, accountability and innovation to a
growing and diverse society.

(Kuester)
Pit #2

Ulland Brothers Pit 3 Narrative.

4.1 Ulland Brothers believes the aggregate in pit 3 extends at least 25' below the current pit floor elevation of 890 feet with a usable quantity of approx. 6,300,000 yards. This material ranges from coarse to fine and can be used for various MNDot graded materials.

4.2 Ulland will use approx. 57,000 gallons a day at peak washing. Ulland utilizes a 3 pond system that allows us to recycle the majority of our water with minimal make up water. Our make-up water is pumped from an on-site well(see attached well info)

4.3 Site erosion and sediment control plan- Storm water and the minimal processing water will not leave the site. Instead water is directed to a sediment pond where the water will infiltrate into the ground. If the sediment pond should need to be cleaned out the sediment would be reincorporated with the crushing process. Other BMPs include stabilized perimeter berms and active agricultural land.

4.4 Restorative vegetation will be consistent with the type, density and species in the reclamation plan. Most likely this area will become a wetland/ wildlife area.

4.5 Vehicles and equipment onsite will be crushing/screening/wash plants, front end loaders, excavators and personal vehicles.

4.6 Average daily traffic will depend on local workload and demand. Currently average vehicle traffic is about 10/week in the construction season.

4.7 Trucks will be loaded with a front end loader that has a built in scale as to not overload the truck and keep a track of quantities out of the pit.

4.8 Pit 3 has a long established entrance which provides opportunity for the trucks to leave mud and debris in the pit. Ulland would also sweep the area near the driveway on CSAH 25 if the need arises.

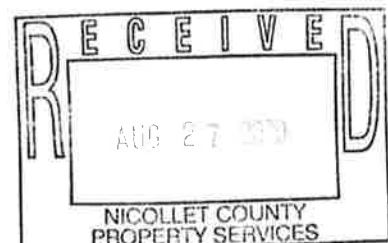
4.9 Mitigation for Noise and Dust- Ulland Pit 3 sits at a lower elevation then the surrounding area. Berms and trees provide screening barriers. If necessary a mister system may be used on the crushing process.

4.10 Only water will be used for dust control in processing operations.

4.11 No hazardous materials will be stored onsite. Fuel and oils will be delivered to the site and directly put into the machine that will be consuming the product.

4.12 Part of Ulland's sustainability program is the use of recycled material in aggregate processing. These materials include concrete rubble and bituminous millings. Materials of this nature will be collected and managed onsite until the quantity allows processing to become economically feasible.

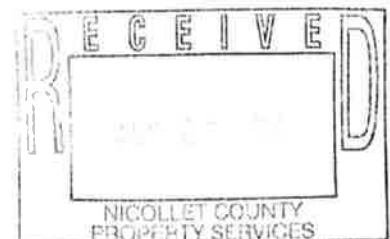
ATTACHMENT F.2
Applicant Narrative

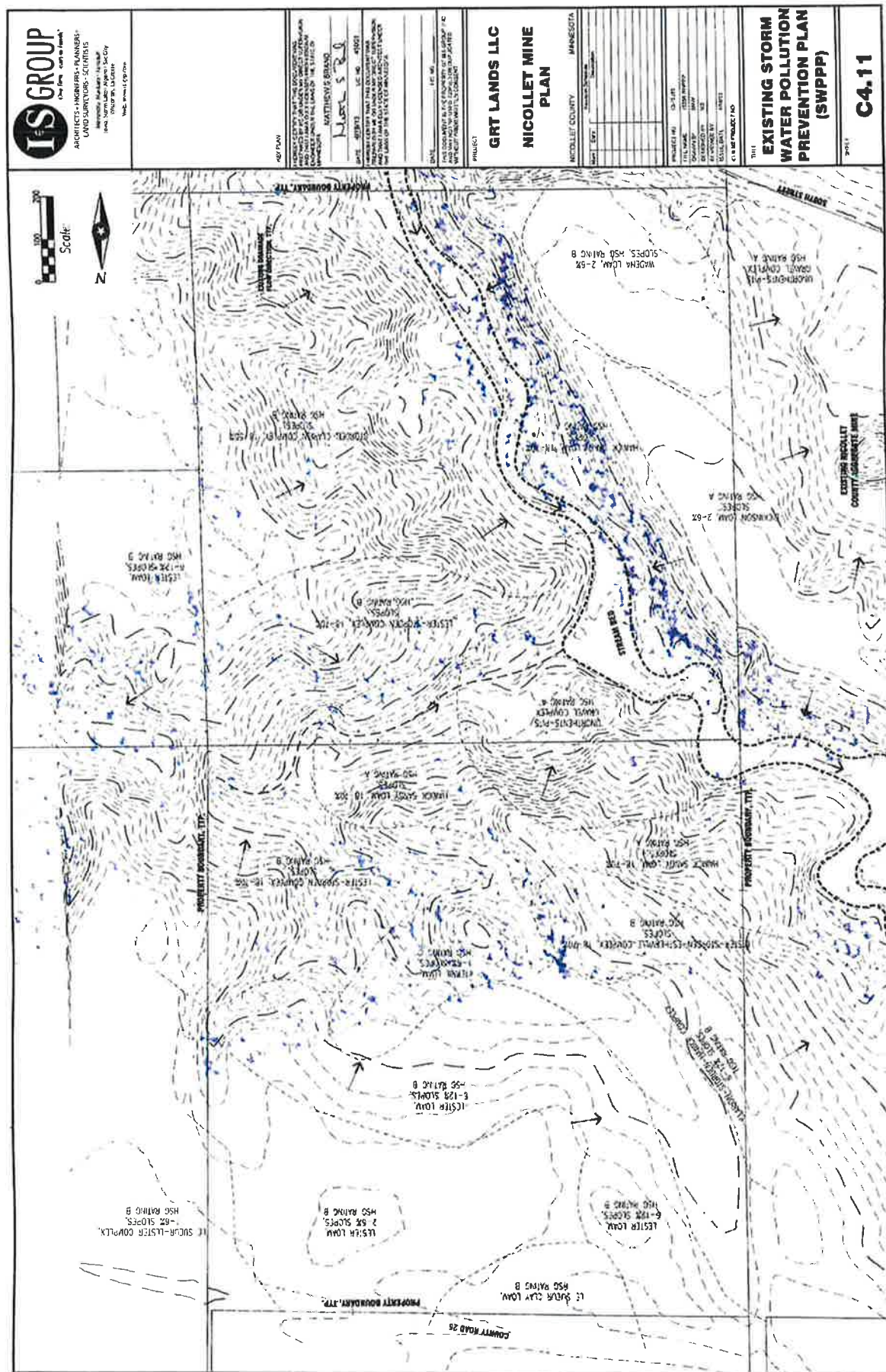


4.13 Ulland Brothers prefers to receive complaints directly and makes every effort to mitigate the nuisance as soon as possible. In the event Nicollet County received a complaint and forwarded it to Ulland Brothers representative it would be handled in safe and timely manner.

4.14 Ulland is proposing operations be between 7am and 7pm with a warm up period of 6:30 am to 7:00 am where mobile equipment may be idling but not moving.

4.15 See attached NDPES Permit.





ATTACHMENT F.3
ABC Maps (2017)



ARCHITECT, ENGINEER, PLANNER,
LANDSCAPE ARCHITECT, AND SURVEYOR
1000 Franklin Avenue, Suite 100
St. Paul, Minnesota 55101
Phone: 612.222.1234
Fax: 612.222.1235
www.isgroup.com

4/27/2014

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ANY MEANS, ELECTRONIC OR MECHANICAL, INCLUDING
PHOTOCOPYING, RECORDING, OR BY ANY INFORMATION
SYSTEM, WITHOUT THE WRITTEN CONSENT OF IS GROUP, INC.

DATE: 4/27/2014
BY: J. R. J. / J. R. J.
PROJECT: GRT LANDS LLC
SHEET: 1 OF 1

PROJECT: GRT LANDS LLC
SHEET: 1 OF 1

PROJECT: GRT LANDS LLC
SHEET: 1 OF 1

PROJECT: GRT LANDS LLC
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PROJECT: GRT LANDS LLC
SHEET: 1 OF 1

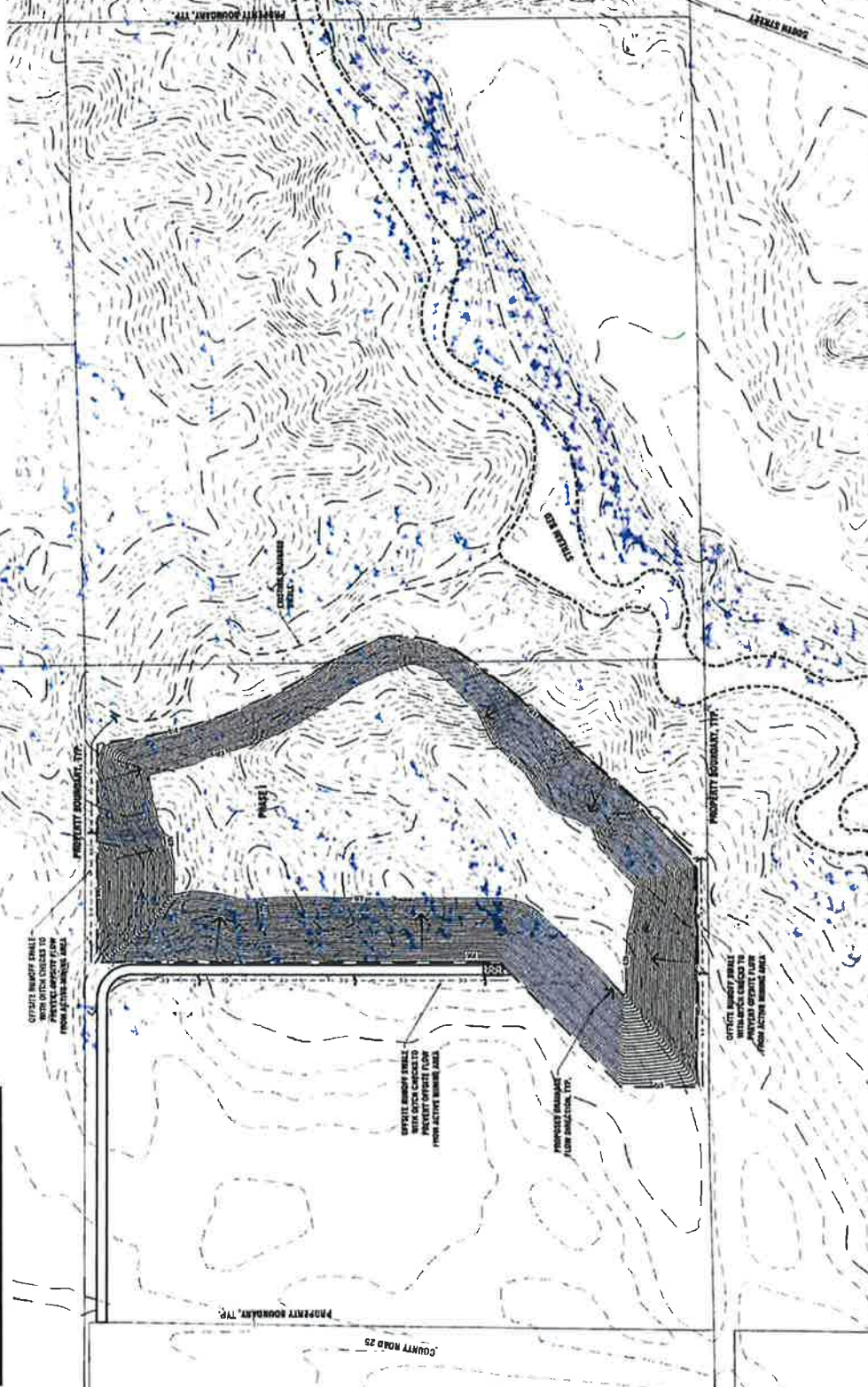
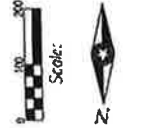
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SHEET: 1 OF 1

PROJECT: GRT LANDS LLC
SHEET: 1 OF 1

PROJECT: GRT LANDS LLC
SHEET: 1 OF 1

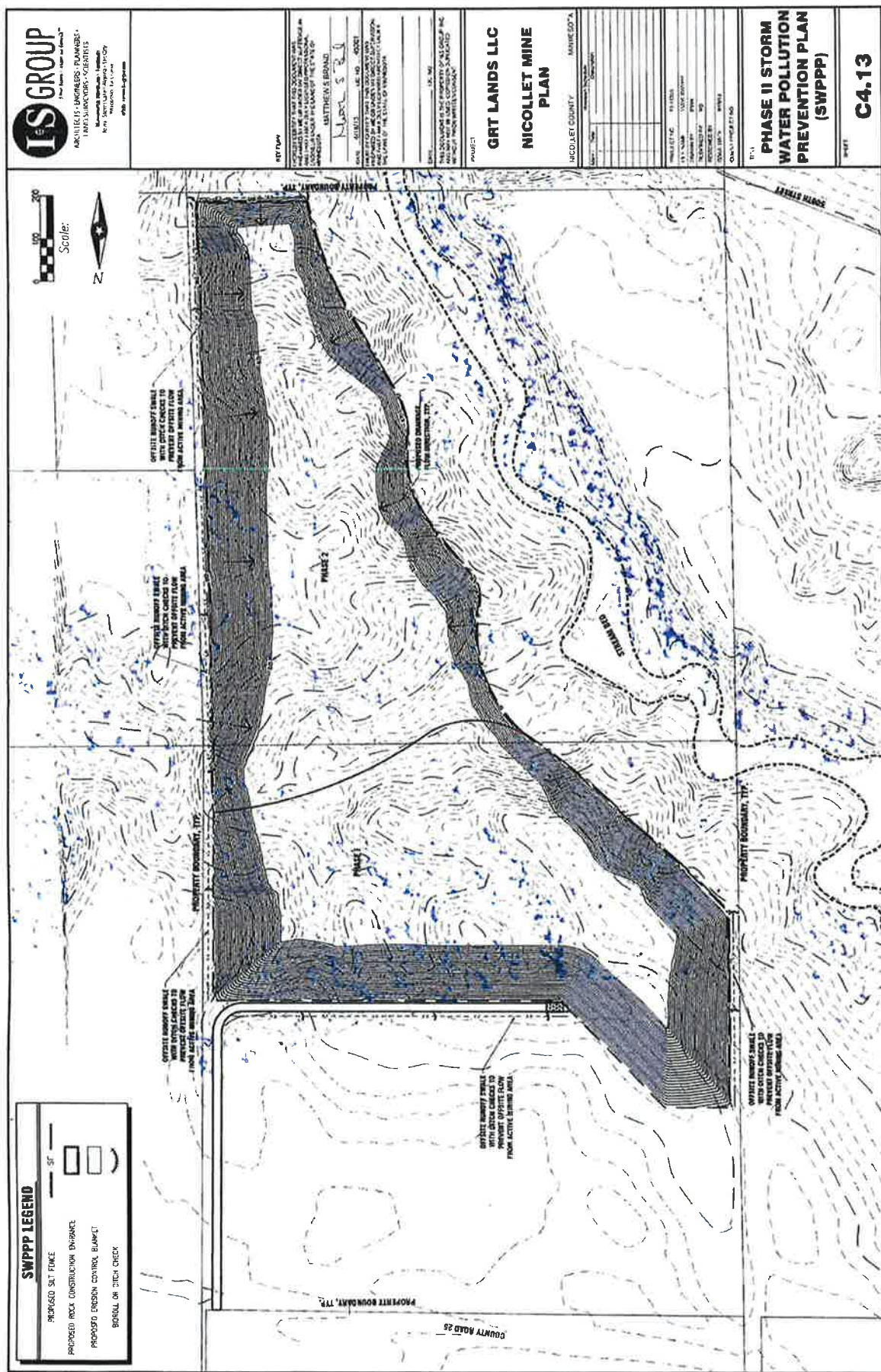
PROJECT: GRT LANDS LLC
SHEET: 1 OF 1

PROJECT: GRT LANDS LLC
SHEET: 1 OF 1



PHASE I STORM
WATER POLLUTION
PREVENTION PLAN
(SWPPP)

C4.12



IS GROUP
3 River Square • Suite 200 • Denver, CO 80202
303.733.1100

**ARCHITECTS • ENGINEERS • PLANNERS •
LANDSCAPE ARCHITECTS • SCIENTISTS**

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Dallas • Detroit • Houston • Kansas City • Los Angeles
Miami • Minneapolis • New Orleans • New York
Philadelphia • Phoenix • Portland • Raleigh
San Diego • San Jose • St. Paul • Tampa • Wichita

UNIT 1

1. NAME 41813 ME NO 40001
 2. DATE 4/18/13
 3. LOCATION 1100 S 10th St
 4. REMARKS 1100 S 10th St
 5. TIME 11:00 AM
 6. OFFICER 1100 S 10th St
 7. UNIT 1100 S 10th St
 8. REMARKS 1100 S 10th St
 9. TIME 11:00 AM
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 91. UNIT 1100 S 10th St
 92. REMARKS 1100 S 10th St
 93. TIME 11:00 AM
 94. OFFICER 1100 S 10th St
 95. UNIT 1100 S 10th St
 96. REMARKS 1100 S 10th St
 97. TIME 11:00 AM
 98. OFFICER 1100 S 10th St
 99. UNIT 1100 S 10th St
 100. REMARKS 1100 S 10th St

1000

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1

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**GRT LANDS LLC
NICOLLET MINE
PLAN**

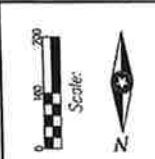
Went to "A"

Factor	Control group
Gen	2000-2001
Age	20-25 years
Sex	Male
Education	High school
Occupation	Student
Family size	2-3 children

**PHASE II STORM
WATER POLLUTION
PREVENTION PLAN
(SWPPP)**

C4.13

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 "One Firm - One to Watch"
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 Project Management - Construction Management
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 Minneapolis, MN 55424
 Phone: 612.338.1100
 Fax: 612.338.1101
 Email: info@itsgroup.com



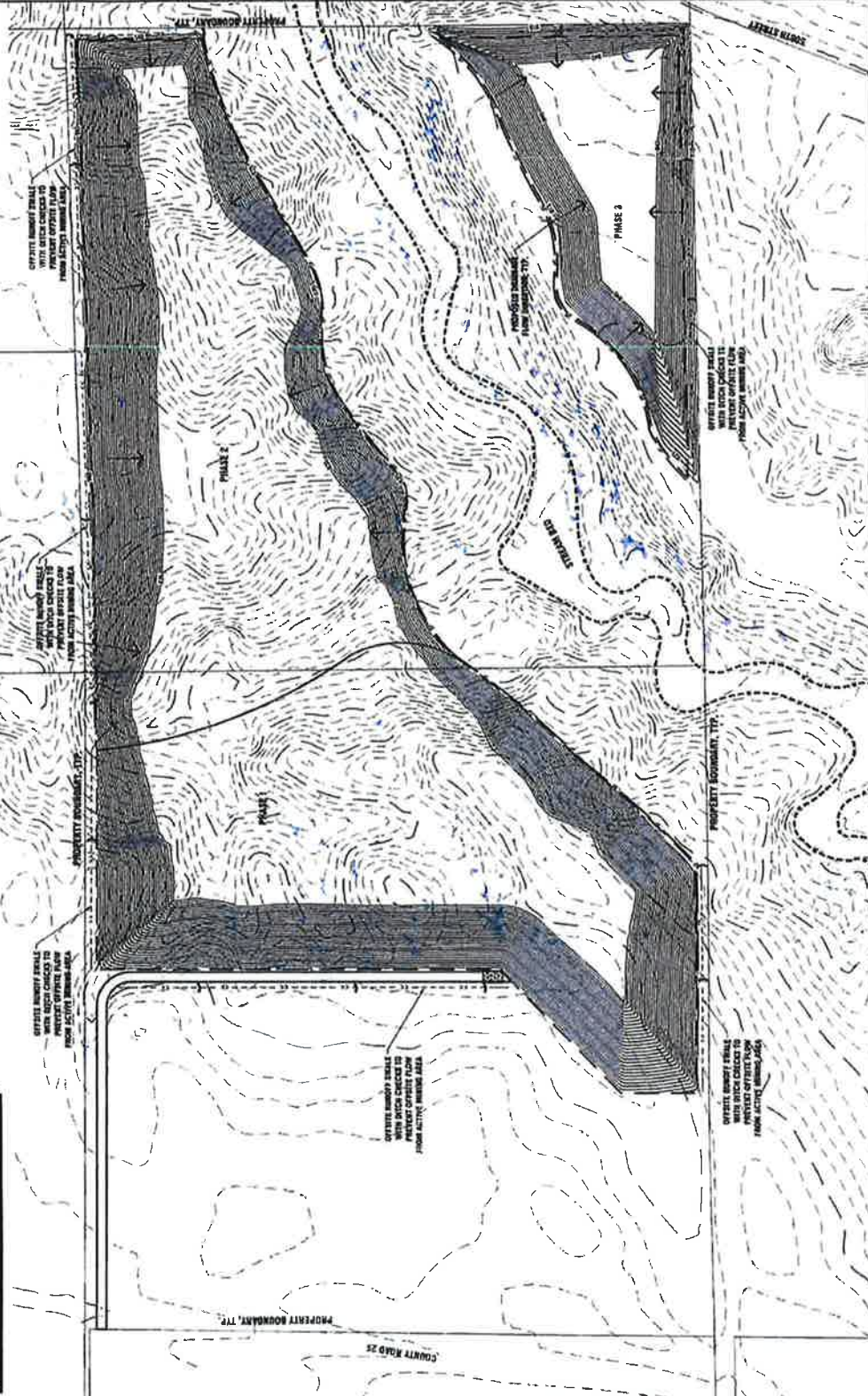
SWPPP LEGEND

PROPOSED Silt Fence ——— 5' ———

PROPOSED ROCK CONSTRUCTION ENTRANCE

PROPOSED EROSION CONTROL BLANKET

SODAL OR SICK DOCK



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DATE: 4/18/13
 DRAWN BY: [Signature]
 CHECKED BY: [Signature]
 PROJECT: [Signature]

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DATE: 4/18/13
 DRAWN BY: [Signature]
 CHECKED BY: [Signature]
 PROJECT: [Signature]

GRT LANDS LLC
NICOLLET MINE
PLAN

NICOLLET COUNTY, MINNESOTA

PROJECT NO.	13-001
FILE NAME	13-001 SWPPP
DATE	4/18/13
DESIGNED BY	[Signature]
CHECKED BY	[Signature]
DATE	4/18/13
PROJECT NO.	13-001

PHASE III STORM
WATER POLLUTION
PREVENTION PLAN
(SWPPP)

C4.14



ARCHITECTS-ENGINEERS-PLANNERS-
LAND SURVEYORS-CONSULTANTS
10000 10th Avenue S.W.
Burien, WA 98148
Phone: 206.835.1234
Fax: 206.835.1235

PROJECT NO. 10000
DATE: 08/13/13
DRAWN BY: J. S. B.
CHECKED BY: J. S. B.
APPROVED BY: J. S. B.
PROJECT NAME: GRT LANDS LLC
NICOLOLET MINE
PLAN
RECLAMATION
STORM WATER
POLLUTION
PREVENTION
PLAN (SWPPP)

PROPERTY BOUNDARY, TYP.

EXISTING DRAINAGE
FLOW DIRECTION, TYP.

ALL NEW SLOPES REQUIRED
WITH EROSION CONTROL
BLANKET

PROPERTY BOUNDARY, TYP.

PROPERTY BOUNDARY, TYP.

PROPERTY BOUNDARY, TYP.

PROPERTY BOUNDARY, TYP.

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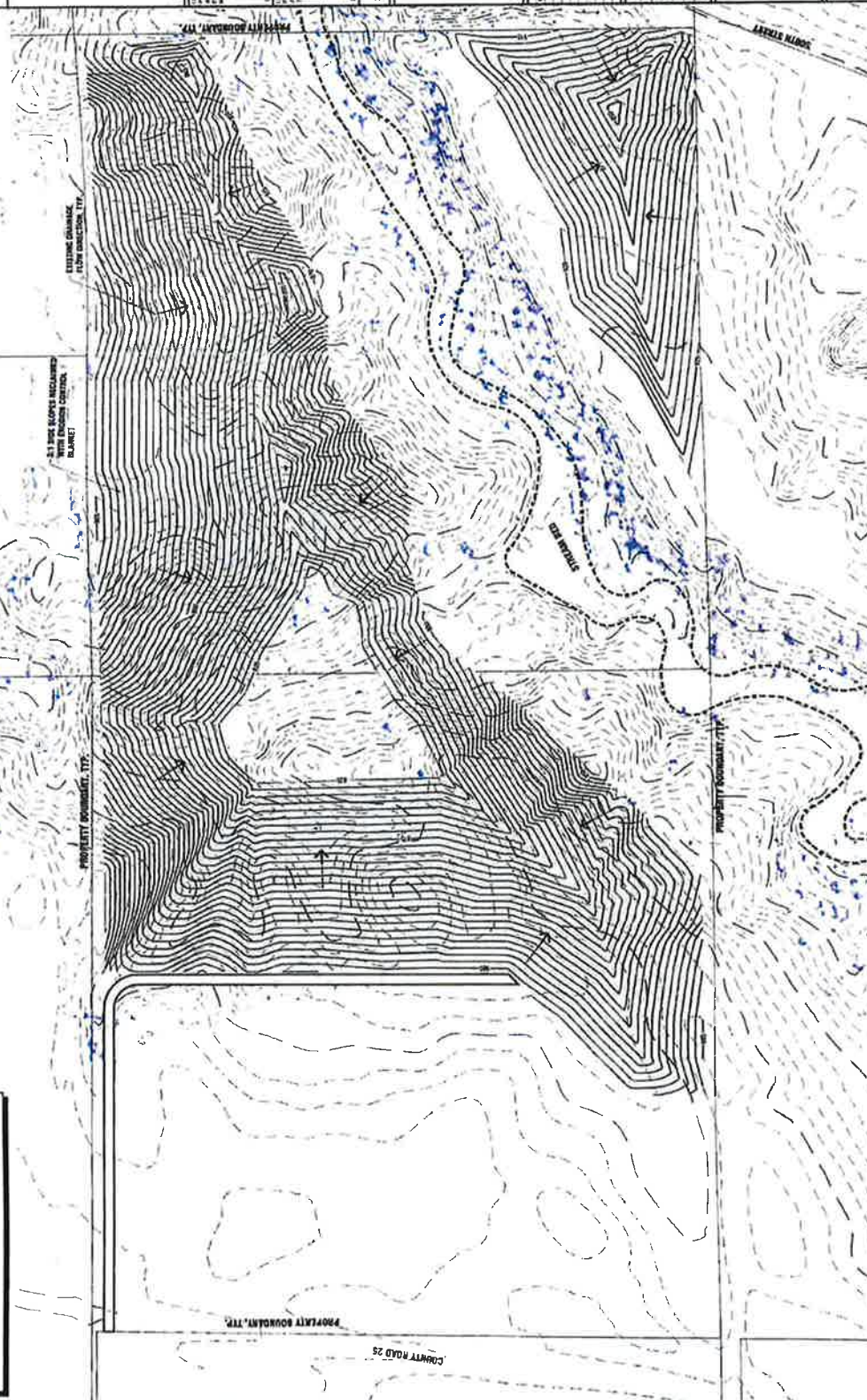
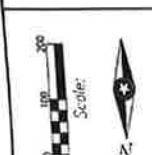
PROPERTY BOUNDARY, TYP.

PROPERTY BOUNDARY, TYP.

PROPERTY BOUNDARY, TYP.

PROPERTY BOUNDARY, TYP.

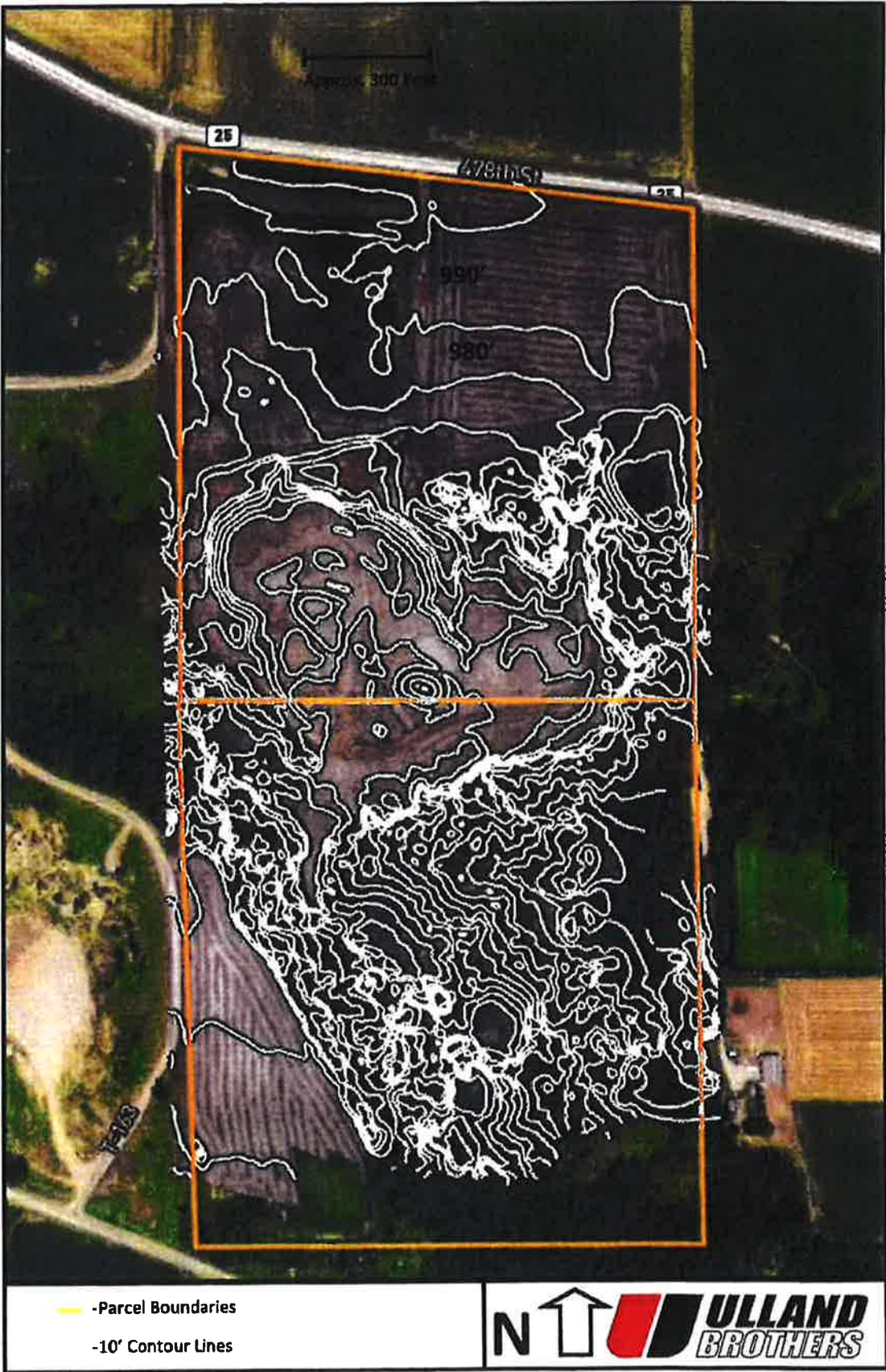
PROPERTY BOUNDARY, TYP.



SWPPP LEGEND

PROPOSED SALT TANK	— S —
PROPOSED ROCK CONSTRUCTION ENTRANCE	□
PROPOSED EROSION CONTROL BLANKET	□
BOUNDARY OF BENCH CHECK	□

Ulland Pit 3 Existing Conditions SE 1/4 SW 1/4 of Section 10-109-29 and the NW 1/4 of the NW 1/4 of Section 15-109-29 Map 1



AUG 27 2020

NICOLLET COUNTY
PROPERTY SERVICES



- -Overhead Power
- Approx 98.5 Acres Wood and 15.4 Tillable
- Slopes Greater Than 12%



ULLAND
BROTHERS





RECEIVED
AUG 27 2020
NICOLLET COUNTY
PROPERTY SERVICES

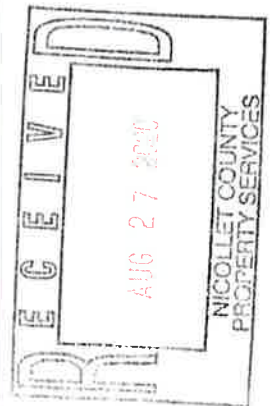
Property Boundary



- Property Boundary
- Equipment Storage and Employee parking



ULLAND BROTHERS





RECEIVED
AUG 27 2020
NICOLLET COUNTY
PROPERTY SERVICES



- Property Boundary
- Side slopes graded at 3:1 and stabilized 35-541(see attached)
- Potential Pond Conceptual
- Reclaimed areas to be stabilized with 35-541

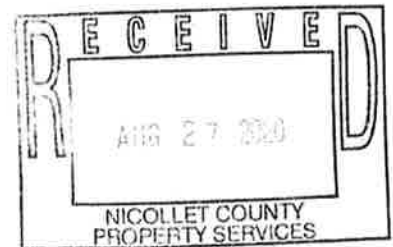


ULLAND
BROTHERS

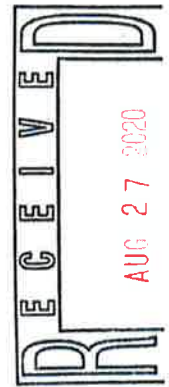


Slopes and banks will be seeded with the recommended MNDOT seed mixture 35-541 or equal. This seed mix will be planted at least the minimum recommended rate of 12lbs/ acre with 70% coverage density.

35-541 Mesic Prairie Southwest					
Common Name	Scientific Name	Rate (lb/ac)	Rate (kg/ha)	% of Mix (by weight)	Seeds/ sq ft
little bluestem	<i>Schizachyrium scoparium</i>	1.50	1.68	12.50%	6.27
Indian grass	<i>Sorghastrum nutans</i>	1.50	1.68	12.54%	6.63
big bluestem	<i>Andropogon gerardii</i>	0.90	1.01	7.49%	3.30
side-oats grama	<i>Bouteloua curtipendula</i>	0.90	1.01	7.49%	1.98
nodding wild rye	<i>Elymus canadensis</i>	0.90	1.01	7.46%	1.71
slender wheatgrass	<i>Elymus trachycaulis</i>	0.90	1.01	7.46%	2.27
western wheatgrass	<i>Pascopyrum smithii</i>	0.50	0.56	4.15%	1.30
green needle grass	<i>Nesselia viridula</i>	0.44	0.49	3.67%	1.70
switchgrass	<i>Panicum virgatum</i>	0.16	0.18	1.30%	0.80
	Grasses Subtotal	7.70	8.63	64.06%	27.96
golden alexanders	<i>Zizia aurea</i>	0.25	0.28	2.06%	1.00
partridge pea	<i>Chamaecrista fasciculata</i>	0.10	0.11	0.84%	0.10
narrow-leaved purple coneflower	<i>Echinacea angustifolia</i>	0.08	0.09	0.65%	0.20
purple prairie clover	<i>Dalea purpurea</i>	0.07	0.08	0.51%	0.40
gray-headed coneflower	<i>Ratibida pinnata</i>	0.07	0.08	0.51%	0.80
blue vervain	<i>Verbena hastata</i>	0.07	0.08	0.51%	2.60
Canada milk vetch	<i>Astragalus canadensis</i>	0.06	0.07	0.53%	0.40
Early Sunflower	<i>Helipopsis helianthoides</i>	0.06	0.07	0.50%	0.14
black-eyed susan	<i>Rudbeckia hirta</i>	0.06	0.07	0.49%	2.00
Canada tick trefoil	<i>Desmodium canadense</i>	0.05	0.06	0.45%	0.11
hoary vervain	<i>Verbena stricta</i>	0.05	0.06	0.41%	0.50
wild bergamot	<i>Monarda fistulosa</i>	0.04	0.04	0.39%	0.90
white prairie clover	<i>Dalea candida</i>	0.03	0.03	0.24%	0.20
rough blazing star	<i>Liatris aspera</i>	0.03	0.03	0.28%	0.20
stiff goldenrod	<i>Oligoneuron rigidum</i>	0.03	0.03	0.28%	0.50
smooth aster	<i>Symphyotrichum laeve</i>	0.03	0.03	0.25%	0.60
great blazing star	<i>Liatris pycnostachya</i>	0.02	0.02	0.21%	0.10
	Forbs Subtotal	1.10	1.23	9.31%	10.65
Oats	<i>Avena sativa</i>	3.20	3.59	26.63%	1.42
	Cover Crop Subtotal	3.20	3.59	26.63%	1.42
	Total	12.00	13.45	100.00%	40.03
Purpose:	Regional mesic prairie reconstruction for wetland mitigation, ecological restoration, or conservation program plantings.				
Planting Area:	North-Central Glaciated Plains Section. Mn/DOT Districts 3A(southwest) 3B, 4(south), 7 & 8.				



Ulland Pit 3 Soils Map SE 1/4 SW 1/4 of Section 10-109-29 and the NW 1/4 of the NW 1/4 of Section 15-109-29 Map 1



ATTACHMENT F.7
Soils Map

40230	hour elastic sandy loam, 0 to 4 percent slopes	poor	Minimally, occasionally/moderately (4-7%)	clayey layer (L-10)	1.0	1.0%
611F	Heavy loamy sand, 10 to 40 percent slopes	poor	Heavy (10%)	Thick layer (B-20)	25.0	13.0%
			Caliche (1-4%)	clayey layer (C-4)		
644L	Union-Montana-Yukon complex, 0 to 10 percent & mod. moderately erodible	poor	Union-Montana-Yukon complex, 0 to 10 percent & mod. moderately erodible (4-7%)	clayey layer (L-10)	4.7	2.0%
			Union-Montana-Yukon complex, 0 to 10 percent & mod. moderately erodible (4-7%)	clayey layer (L-10)		
644F	Union-Montana-Yukon complex, 10 to 70 percent slopes	poor	Union-Montana-Yukon complex, 10 to 70 percent slopes	clayey layer (L-10)	5.2	2.0%
644F	Union-Montana-Yukon complex, 70 to 40 percent slopes	poor	Union-Montana-Yukon complex, 70 to 40 percent slopes	clayey layer (L-10)	12.4	3.7%
644F	Union-Montana-Yukon complex, 40 to 2 percent slopes	poor	Union-Montana-Yukon complex, 40 to 2 percent slopes	clayey layer (L-10)	22.5	17.0%
970	Carson-Ruffs complex, 0 to 2 percent slopes	poor	Carson-Ruffs complex, 0 to 2 percent slopes	clayey layer (L-10)	2.4	2.7%
1130	Union-Montana-Yukon complex, 0 to 5 percent slopes	poor	Union-Montana-Yukon complex, 0 to 5 percent slopes	clayey layer (L-10)	12.0	1.0%
1130	Union-Montana-Yukon complex, 5 to 10 percent slopes	poor	Union-Montana-Yukon complex, 5 to 10 percent slopes	clayey layer (L-10)	27.8	15.0%





National Pollutant Discharge Elimination System/State Disposal System
MNG490069

Permittee: Ulland Brothers Inc
Facility name: Ulland Brothers Inc
City or Township: Cloquet, **County:** Carlton
Issuance date: November 1, 2017
Expiration date: May 31, 2022
Modification date: July 15, 2020

The state of Minnesota, on behalf of its citizens through the Minnesota Pollution Control Agency (MPCA), authorizes the Permittee to operate a disposal system at the facility named above and in accordance with the requirements of this permit.

The goal of this permit is to reduce pollutant levels in point source discharges and protect water quality in accordance with the U.S. Clean Water Act, Minnesota statutes and rules, and federal laws and regulations.

This permit is effective on the issuance date identified above. This permit expires at midnight on the expiration date identified above.

Signature: *Theresa Haugen*

This document has been electronically signed.

for the Minnesota Pollution Control Agency

Theresa Haugen, Supervisor
Water Section
Industrial Division

Submit eDMRs

Submit via the MPCA e-Services at

<https://rsp.pca.state.mn.us/ITEMPO-RSP/Orchestrate.do?initiate=true>

Submit WQ reports to:

Electronically: wq.submittals.mPCA@state.mn.us

Include *Water quality submittals form*:

https://www.pca.state.mn.us/sites/default/files/wq_wwprm7-71.docx

Or, by mail:

Attention: WQ Submittals Center
Minnesota Pollution Control Agency
520 Lafayette Road North
St. Paul, MN 55155-4194

Whole Effluent Testing (WET) and Pretreatment Annual Reports must be mailed to the WQ Submittals Center

Questions on this permit?

- For eDMR and other permit reporting issues, contact:
Erin Carter (erin.carter@state.mn.us)
651-757-2812
- For specific permit requirements, please refer to:
Craig Weingart (craig.weingart@state.mn.us) 218-302-6650
- Wastewater Permit Program general questions, contact:
MPCA, 651-282-6143 or 1-800-657-3938



ATTACHMENT F.8
National Pollutant Discharge Elimination Permit



520 Lafayette Road North | St. Paul, Minnesota 55155-4194 | 651-296-6300

800-657-3864 | Use your preferred relay service | Info@state.mn.us | Equal Opportunity Employer

July 15, 2020

VIA EMAIL

Tim Grahek
Ulland Brothers Inc
PO Box 340
Cloquet, MN 55720-0340

RE: Final NPDES/SDS Permit - Ulland Brothers Inc
Permit No. MNG490069
T49N R17W Section 25, Cloquet, Carlton County, Minnesota

Dear Tim Grahek:

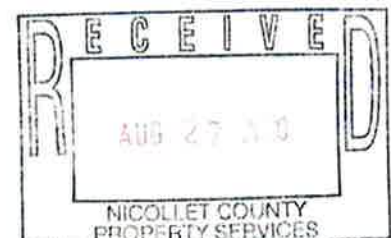
Attached is the revised Notice of Coverage for the facility identified above. The Minnesota Pollution Control Agency (MPCA) has prepared this permit in accordance with Minn. Stat. chs. 115, 115A, and 116, and Minn. R. chs. 7000, 7001, and 7035.

The permit has been modified to add coverage for the following site:

SD 100	MNG49 Stormwater, Non-specific	Pit 1 (J1-1442, D1-2951)	T109N, R29W, S09, NW Quarter
SD 101	MNG49 Stormwater, Non-specific	Pit 3 (J1-1442, D1-2951)	T109N, R29W, S10, SW Quarter
LA 040	MNG49 Wastewater	Pit 1 (J1-1442, D1-2951)	T109N, R29W, S09, NW Quarter
LA 041	MNG49 Wastewater	Pit 3 (J1-1442, D1-2951)	T109N, R29W, S10, SW Quarter

The permit has also been modified to add DMR requirements for the following existing sites:

SD 004	MNG49 Stormwater, Non-specific	Scanlon Pit (J1-1442, D1-2951)	T49N, R17W, S25, SE Quarter
SD 097	Stormwater, Non-specific Runoff	Gary Crossroads Quarry (J1-1442)	T102N, R28W, S08, SW Quarter
SD 098	MNG49 Stormwater, Non-specific	Bowman Glendale Quarry (J2-1423)	T64N, R20W, S25, NE Quarter



Minnesota Unique Well Number

806795

County Nicollet
Quad Courtland
Quad ID 76DMINNESOTA DEPARTMENT OF HEALTH
WELL AND BORING REPORT
Minnesota Statutes Chapter 1031

Entry Date 08/03/2015

Update Date 12/11/2015

Received Date

Well Name Township Range Dir Section Subsection
KUESTER, 109 29 W 15 BABABC

Elevation 885.8 Elev. Method LIDAR 1m DEM (MNDNR)

Address

Contact 56554 446TH ST NEW ULM MN 56073
Well 51715 478TH ST COURTLAND MN 56021

Stratigraphy Information

Geological Material	From	To (ft.)	Color	Hardness
COARSE SAND & CLAY SANDY	0	39	BROWN	SOFT
CLAY SAME SAND	39	42	TAN	SOFT
CLAY STICKY FIRM	42	51	GRAY	
ROCK	51	69	GRAY	
SHALE SANDY	69	71	TAN	V.HARD
SAND & SHALE	71	84	GRY/GRN	MEDIUM
ROCK	84	93	GRY/GRN	SOFT
ROCK & SHALE	93	96	TAN	V.HARD
	96	104	WHT/BRN	V.SOFT

Well Depth 130 ft. Depth Completed 130 ft. Date Well Completed 05/12/2015

Drill Method Non-specified Rotary Drill Fluid Bentonite

Use industrial Status Active

Well Hydrofractured? Yes ☐ No ☒ From To

Casing Type Single casing Joint Solvent Welded

Drive Shoe? Yes ☐ No ☒ Above/BelowCasing Diameter Weight Hole Diameter
6 in. To 115 ft. lbs./ft. 9 in. To 130 ft.

Open Hole	From	ft.	To	ft.
Screen? <input checked="" type="checkbox"/>	Type	stainless	Make	JOHNSON
Diameter	Slot/Gauze	Length	Set	
6 in.	12	17.8 ft.	115 ft.	130 ft.

Static Water Level 69 ft. land surface Measure 05/12/2015

Pumping Level (below land surface)
ft. hrs. Pumping at 80 g.p.m.

Wellhead Completion

Pitless adapter manufacturer Model
☐ Casing Protection ☐ 12 in. above grade
☐ At-grade (Environmental Wells and Borings ONLY)Grouting Information Well Grouted? ☒ Yes ☐ No ☐ Not SpecifiedMaterial Amount From To
bentonite 9 Sacks ft. 80 ft.

Nearest Known Source of Contamination

51 feet Northeast Direction Body of water Type
Well disinfected upon completion? ☒ Yes ☐ NoPump ☐ Not Installed Date InstalledManufacturer's name FRANKLIN MOTOR
Model Number HP 3 Volts 230
Length of drop pipe 112 ft Capacity 90 g.p. Type SubmersibleAbandoned Does property have any not in use and not sealed well(s)? ☐ Yes ☒ NoVariance Was a variance granted from the MDH for this well? ☐ Yes ☒ No

Miscellaneous

First Bedrock Aquifer
Last Strat Depth to Bedrock ftLocated by Minnesota Department of Health
Locate Method GPS SA Off (averaged) (15 meters)
System UTM - NAD83, Zone 15, Meters X 395814 Y 4900832
Unique Number Verification Info/GPS from data Input Date 04/30/2015

Angled Drill Hole

Well Contractor

Searles Well Drilling, Inc. 1493 KUCK, T.
Licensee Business Lic. or Reg. No. Name of Driller

Remarks

Minnesota Well Index Report

806795

Printed on 08/26/2020
HE-01205-15ATTACHMENT F.9
Well Report



CONDITIONAL USE PERMIT

THREE-YEAR REVIEW OF MINERAL EXTRACTION PERMIT

ULLAND BROTHERS, INC.

PLN20-05

**NICOLLET COUNTY
PLANNING & ZONING ADVISORY COMMISSION**

SUBJECT:	Conditional Use Permit, PLN20-05
APPLICANT/LANDOWNER:	Ulland Brothers, Inc.
LOCATION:	Part of the West 1/2 of the Northwest 1/4 of Section 9-109-29 in Courtland Township
PARCEL NO:	04.309.0210
EXISTING ZONING:	Agricultural Preservation, Conservancy
HEARING DATE:	September 21, 2020

REQUEST

The applicant has submitted a request for a three-year review of a mineral extraction permit to mine, crush, process, and stockpile gravel, including a hot mix plant.

EXISTING LAND USE

The property consists of 18.37 acres. The property contains the mining area and crop land. The majority of the property is zoned Agricultural Preservation. There is a small area in the southeast corner of the site zoned Conservancy. Mining is a conditional use in the Agricultural Preservation and Conservancy districts.

SURROUNDING LAND USE

The property borders the City of Courtland to the west. Within the City, the properties that border the site have non-residential uses at this time. The land to the north and east of the site is primarily agricultural. To the south, the land is a mix of agricultural and natural environment. U.S. Highway 14 and County Road 25 run east-west just north of the site.

PROJECT DESCRIPTION

Background:

The operation is an open pit gravel mine. The site was opened for gravel mining in 1986, at which time it was permitted under a 90-day temporary extraction permit. The first conditional use permit for the mine was issued in 2011. In 2011, the mine was owned by Pearl Drill and consisted of 127.18 acres. In 2013, the mine area was split from the original parcel. The mine was then purchased by Jason and Jennifer Kuester. The Kuesters operated the facility from 2011 to 2019. In 2019, the site was purchased by Ulland Brothers, Inc., who has operated the facility since.

Current Request:

The current request is for a three-year review of a mineral extraction permit to mine, crush, process, and stockpile gravel, with a hot mix plant. Section 724.2(3) of the Nicollet County Zoning Ordinance requires that conditional use permits for mineral extraction be renewed every three years. According to the applicant, a total of 2,851 tons of material have been removed from the mine in the last three years. The applicant expects to mine an additional 25 feet below the current pit floor, to an elevation of 890 feet above sea level. The quantity of material expected to be mined in the future is approximately 600,000 cubic yards. Equipment used at the facility includes: crushing and screening machines, front end loaders, excavators, and personal/employee vehicles.

NOTE: The mine pre-exists the November 25, 2014 amendments to the mineral extraction section of the Zoning Ordinance. If the original parameters of the project are changed, the operation must conform to current standards.

Access:

The site has direct access to County Road 25, and from there onto US Highway 14. The facility has berms and trees to help screen the site from view.

Appearance:

The mine is not visible from the Minnesota River, nor is it highly visible from US Highway 14.

Blasting:

No blasting occurs at the site.

Bond:

Per Section 724.2(4) of the Nicollet County Zoning Ordinance, a bond in the amount of at least \$2,500 per actively mined and not yet reclaimed acres shall be valid for a period of not less than one year beyond the expiration date of the permit. The applicant's Restoration Bond expires in 2020. The bond is from Federal Insurance Company for \$45,000.

Dust, Noise, and Odor Control:

Dust on haul roads is minimal. When necessary, roads are treated with water to control dust. The access onto CR25 is paved. The access area and road is swept as needed. A mister is used during the crushing process to help minimize dust.

Hours of Operation:

The operation adheres to the standard operating hours of 7AM to 7PM. Deviation from this standard is allowed for emergencies and equipment repair. Any such deviation requires notification be made to Nicollet County Property Services.

Reclamation Plan:

The facility has a reclamation plan in place. The plan indicates the edges of the mine will be regraded to a 3:1 slope. The site will be replanted with the seed types noted in the plan. The plan includes a pond. The intended end use is wetland/wildlife habitat.

Traffic:

Presently, the applicant notes there are approximately ten trucks per day hauling from the site.

Water:

Stormwater and washing water does not leave the site. Rather, it collects in the bottom of the mine and is allowed to filter naturally into the ground.

Waste Disposal:

No hazardous substances, such as engine oil, hydraulic oil, anti-freeze, or other maintenance fluids, are stored onsite. Fuel and oil is delivered to the site and immediately fed into the machine(s).

MINNESOTA POLLUTION CONTROL AGENCY STANDARDS

The applicants are required to maintain a National Pollutant Discharge Elimination System (NPDES) permit from the Minnesota Pollution Control Agency.

NEIGHBOR NOTIFICATION

Property owners were notified of the request per the standards of Section 505.3 of the Zoning Ordinance and Minnesota State Statute 394.26.

CONDITIONAL USE PERMIT CRITERIA

- 1. Given the nature of the land, the requested use is compatible with the general welfare, public health and safety.**

True, because:

- The operation meets the applicable standards of the Sections 602.3, 603.3, and 724 of the Zoning Ordinance for mineral extraction facilities in the Agricultural Preservation and Conservancy zoning districts.
- The operation appears to meet the applicable Minnesota Pollution Control Agency standards for mines.
- The proposal appears to be typical of mining operations within the County.
- There exist no extraordinary circumstances regarding the project.

- 2. The requested use will not create an unreasonably excessive burden on the existing roads or utilities.**

True, because:

- The size and function of the facility is not unreasonable for the location.
- It appears the burden on public infrastructure from the facility is minimal; the site has direct access onto County Road 25 and from there onto US Highway 14.
- The existing infrastructure is suited for mining operations.

3. The requested use is compatible with the surrounding area and will not significantly depreciate nearby properties.

True, because:

- There are four other mines within two miles of the site.
- The mine is within a predominantly agricultural area and is directly adjacent to a non-residential area of the City of Courtland.
- The applicant has a reclamation plan in place for the site.

4. The structure and the use shall have an appearance that will not have an unreasonably adverse effect on nearby properties.

True, because:

- Within two miles of the site there are four other mines.
- The operation appears to be typical for mines within the county.
- The mined area is not visible from the Minnesota River.

5. The requested use is consistent with the Nicollet County Land Use Ordinances.

True, because:

- The facility meets the applicable standards and requirements found in Sections 602, 603, and 724 of the Zoning Ordinance for mining operations in the Agricultural Preservation and Conservancy zoning district.
- The request meets standards of Section 505 of the Zoning Ordinance, pertaining to the approval and issuance of conditional use permits.

6. The requested use is not in conflict with the Nicollet County Comprehensive Plan.

True, because:

- The comprehensive plan states mineral extraction is a justifiable industrial use of the land and provides vital resources for highway and building construction.
- The request does not increase the potential for land use conflict. The site is surrounded largely by agricultural, industrial, and natural environment land uses.

7. The requested use will not create an unreasonably adverse effect because of noise, odor, glare, or general unsightliness, for nearby property owners.

True, because:

- The mine is not visible from the Minnesota River.
- The applicant applies water to control dust and sweeps roadways when necessary.
- The mined area is partially screened by existing berms and vegetation.
- No blasting takes place onsite.

8. The requested use is reasonably related to the existing land use and environment.

True, because:

- There are four other mines within two miles of the site.
- The mine is directly adjacent to a non-residential area of the City of Courtland and is within a predominantly agricultural and natural environment area.
- Mineral extraction is an allowed conditional use in the Agricultural Preservation and Conservancy districts.

9. There are no apparent unreasonable health risks posed to neighbors or the public in general.

True, because:

- The operation appears to be typical for mines within the county.
- The proposal meets the applicable county and state standards for mining operations.
- The site maintains a National Pollutant Discharge Elimination System permit from the Minnesota Pollution Control Agency.

10. The requested use will/will not have an adverse effect upon public health, safety and welfare due to the following other factors:

Will Not – True, because:

- The request is proposed to meet county standards, with no apparent adverse effects to the public health, safety, and welfare.

RECOMMENDATIONS

It appears the request meets all 10 conditional use permit criteria. The granting of a conditional use permit from Sections 505, 602.3, 603.3, and 724 of the Zoning Ordinance, would seem to meet the necessary requirements set forth in Section 505.1, Criteria for Granting Conditional Use Permits.

Staff suggests that if the request is recommended for approval, the following conditions be attached:

1. The applicants undertake the project according to the plans and specifications submitted to the county with the application.
2. The permit will be periodically reviewed by the county to ensure compliance with the permit and permit conditions.
3. The county may enter onto the premises at reasonable times and in a reasonable manner to ensure the permit holder is in compliance with the conditions and all other applicable statutes, rules, and ordinances.

4. The conditional use permit to mine, crush, wash, and stockpile gravel shall be reviewed in September of 2021.
5. That the dust control measures be implemented if required.
6. Prior to issuance of this conditional use permit, all vehicle access points to the subject pit shall be secured with a gate or other approved method.
7. Prior to issuance of this conditional use permit, a bond/letter of credit in the amount of \$2,500 per actively mined or not yet reclaimed acres must be submitted to Property Services and kept in force during the time of operation.
8. A continuation certificate of the bond shall be sent to Property Services with no lapse in time during the course of this permit.

Parcel No: 04.309.0210
Map No: 1609100004

**Applicant/Landowner:
Ulland Brothers, Inc.**

PLN20-05

- ATTACHMENT A Application**
- ATTACHMENT B Criteria for Conditional Use Permit**
- ATTACHMENT C Location Map**
- ATTACHMENT D Aerial**
- ATTACHMENT E Neighbor Notification List**
- ATTACHMENT F Documents Submitted by Applicant**
- F.1 Mineral Extraction Checklist
 - F.2 Applicant Narrative
 - F.3 Map A – Existing Conditions
 - F.4 Map B – Proposed Operations
 - F.5 Map C – Reclamation Plan
 - F.6 National Pollutant Discharge Elimination Permit



PROPERTY SERVICES DIVISION
501 SOUTH MINNESOTA AVENUE, SAINT PETER MN 56082
507-934-7070

PLANNING & ZONING ADVISORY COMMISSION
APPLICATION

Total Fees: \$

Map#: 1609100004

Parcel#:

Permit#: PLN20-00005

Date: January 28, 2020

Applicant: Mitch Froelich, Ulland Brothers, 2400 Myers Road, Albert Lea MN 56007

Phone: 507-396-4866

Owner: Ulland Brothers - Mitch Froelich, 2400 Myers Road, Albert Lea MN 56007

Property Address: 506th, Courtland MN 56021

Abbreviated Legal Description:

Township: Courtland

Record Type: Conditional Use

Category: Mineral Extraction

Project Description: Three year review of a mineral extraction permit to mine, crush, process, and stockpile gravel, including a hot mix plant. REF: 602.3, 724.2

Planning Commission Hearing Date: 02/24/2020

Board of Commissioners Date: 03/10/2020



APPLICANT SIGNATURE



DATE

ATTACHMENT A
Application



**NICOLLET COUNTY PLANNING AND ZONING ADVISORY COMMISSION
CRITERIA FOR GRANTING A CONDITIONAL USE PERMIT**

Name of Applicant/

Property Owner: Ulland Brothers, Inc.

Three-year review of a mineral extraction permit to

Use Requested: mine, crush, process, and stockpile gravel, with a hot mix plant

Date: September 21, 2020

File: PLN20-05

FINDINGS OF FACT

Authority for issuance of conditional use permits is derived from Minnesota State Statute §394.301 and Nicollet County Zoning Ordinance, Section 505. The conditional use must maintain the health, safety, morals, and general welfare of the community.

1. Given the nature of the land, the requested use is compatible with the general welfare, public health and safety.

Terry Morrow	<input checked="" type="checkbox"/> YES	<input type="checkbox"/> NO	WHY: <u>typical mining operation, no</u>
Jason Enter	<input type="checkbox"/> YES	<input type="checkbox"/> NO	<u>extraordinary circumstances</u>
David Hermanson	<input checked="" type="checkbox"/> YES	<input type="checkbox"/> NO	_____
Justin Laven	<input checked="" type="checkbox"/> YES	<input type="checkbox"/> NO	_____
Ron Regenscheid	<input checked="" type="checkbox"/> YES	<input type="checkbox"/> NO	_____
David Wendinger	<input checked="" type="checkbox"/> YES	<input type="checkbox"/> NO	_____

2. The requested use will not create an unreasonably excessive burden on the existing roads or utilities.

Terry Morrow	<input checked="" type="checkbox"/> YES	<input type="checkbox"/> NO	WHY: <u>road built for traffic like this, using a</u>
Jason Enter	<input type="checkbox"/> YES	<input type="checkbox"/> NO	<u>ten ton road, size and function of facility is not</u>
David Hermanson	<input checked="" type="checkbox"/> YES	<input type="checkbox"/> NO	<u>unreasonable</u>
Justin Laven	<input checked="" type="checkbox"/> YES	<input type="checkbox"/> NO	_____
Ron Regenscheid	<input checked="" type="checkbox"/> YES	<input type="checkbox"/> NO	_____
David Wendinger	<input checked="" type="checkbox"/> YES	<input type="checkbox"/> NO	_____

3. The requested use is compatible with the surrounding area and will not significantly depreciate nearby properties.

Terry Morrow	<input checked="" type="checkbox"/> YES	<input type="checkbox"/> NO	WHY: <u>other mining operations in area, has a</u>
Jason Enter	<input type="checkbox"/> YES	<input type="checkbox"/> NO	<u>reclamation plan in place</u>
David Hermanson	<input checked="" type="checkbox"/> YES	<input type="checkbox"/> NO	_____
Justin Laven	<input checked="" type="checkbox"/> YES	<input type="checkbox"/> NO	_____
Ron Regenscheid	<input checked="" type="checkbox"/> YES	<input type="checkbox"/> NO	_____
David Wendinger	<input checked="" type="checkbox"/> YES	<input type="checkbox"/> NO	_____

4. The structure and the use shall have an appearance that will not have an unreasonably adverse effect on nearby properties.

Terry Morrow	<input checked="" type="checkbox"/> YES	<input type="checkbox"/> NO	WHY: <u>other mines in area, is partially screened</u>
Jason Enter	<input type="checkbox"/> YES	<input type="checkbox"/> NO	<u>by a berm, is not visible from Minnesota River</u>
David Hermanson	<input checked="" type="checkbox"/> YES	<input type="checkbox"/> NO	_____
Justin Laven	<input checked="" type="checkbox"/> YES	<input type="checkbox"/> NO	_____
Ron Regenscheid	<input checked="" type="checkbox"/> YES	<input type="checkbox"/> NO	_____
David Wendinger	<input checked="" type="checkbox"/> YES	<input type="checkbox"/> NO	_____

5. The requested use is consistent with the Nicollet County Land Use Ordinances.

Terry Morrow	<input checked="" type="checkbox"/> YES	<input type="checkbox"/> NO	WHY: <u>meets Sections 505, 602, 603, and 724 of</u>
Jason Enter	<input type="checkbox"/> YES	<input type="checkbox"/> NO	<u>Zoning Ordinance</u>
David Hermanson	<input checked="" type="checkbox"/> YES	<input type="checkbox"/> NO	
Justin Laven	<input checked="" type="checkbox"/> YES	<input type="checkbox"/> NO	
Ron Regenscheid	<input checked="" type="checkbox"/> YES	<input type="checkbox"/> NO	
David Wendinger	<input checked="" type="checkbox"/> YES	<input type="checkbox"/> NO	

6. The requested use is not in conflict with the Nicollet County Comprehensive Plan.

Terry Morrow	<input checked="" type="checkbox"/> YES	<input type="checkbox"/> NO	WHY: <u>pit is surrounded by industrial uses, does</u>
Jason Enter	<input type="checkbox"/> YES	<input type="checkbox"/> NO	<u>not increase potential for land use conflict, it's an</u>
David Hermanson	<input checked="" type="checkbox"/> YES	<input type="checkbox"/> NO	<u>existing pit</u>
Justin Laven	<input checked="" type="checkbox"/> YES	<input type="checkbox"/> NO	
Ron Regenscheid	<input checked="" type="checkbox"/> YES	<input type="checkbox"/> NO	
David Wendinger	<input checked="" type="checkbox"/> YES	<input type="checkbox"/> NO	

7. The requested use will not create an unreasonably adverse effect because of noise, odor, glare, or general unsightliness, for nearby property owners.

Terry Morrow	<input checked="" type="checkbox"/> YES	<input type="checkbox"/> NO	WHY: <u>mine is partially bermed, no blasting, uses</u>
Jason Enter	<input type="checkbox"/> YES	<input type="checkbox"/> NO	<u>dust control</u>
David Hermanson	<input checked="" type="checkbox"/> YES	<input type="checkbox"/> NO	
Justin Laven	<input checked="" type="checkbox"/> YES	<input type="checkbox"/> NO	
Ron Regenscheid	<input checked="" type="checkbox"/> YES	<input type="checkbox"/> NO	
David Wendinger	<input checked="" type="checkbox"/> YES	<input type="checkbox"/> NO	

8. The requested use is reasonably related to the existing land use and environment.

Terry Morrow	<input checked="" type="checkbox"/> YES	<input type="checkbox"/> NO	WHY: <u>other mines in area, mineral extraction is</u>
Jason Enter	<input type="checkbox"/> YES	<input type="checkbox"/> NO	<u>an allowed use</u>
David Hermanson	<input checked="" type="checkbox"/> YES	<input type="checkbox"/> NO	
Justin Laven	<input checked="" type="checkbox"/> YES	<input type="checkbox"/> NO	
Ron Regenscheid	<input checked="" type="checkbox"/> YES	<input type="checkbox"/> NO	
David Wendinger	<input checked="" type="checkbox"/> YES	<input type="checkbox"/> NO	

9. There are no apparent unreasonable health risks posed to neighbors or the public in general.

Terry Morrow	<input checked="" type="checkbox"/> YES	<input type="checkbox"/> NO	WHY: <u>typical mine in county, have MPCA</u>
Jason Enter	<input type="checkbox"/> YES	<input type="checkbox"/> NO	<u>permit, meets county and state standards</u>
David Hermanson	<input checked="" type="checkbox"/> YES	<input type="checkbox"/> NO	
Justin Laven	<input checked="" type="checkbox"/> YES	<input type="checkbox"/> NO	
Ron Regenscheid	<input checked="" type="checkbox"/> YES	<input type="checkbox"/> NO	
David Wendinger	<input checked="" type="checkbox"/> YES	<input type="checkbox"/> NO	

10. The requested use will will not (Circle One) have an adverse effect upon public health, safety and welfare due to the following other factors:

Terry Morrow	<input checked="" type="checkbox"/> YES	<input type="checkbox"/> NO	WHY: <u>meets all county standards</u>
Jason Enter	<input type="checkbox"/> YES	<input type="checkbox"/> NO	_____
David Hermanson	<input checked="" type="checkbox"/> YES	<input type="checkbox"/> NO	_____
Justin Laven	<input checked="" type="checkbox"/> YES	<input type="checkbox"/> NO	_____
Ron Regenscheid	<input checked="" type="checkbox"/> YES	<input type="checkbox"/> NO	_____
David Wendinger	<input checked="" type="checkbox"/> YES	<input type="checkbox"/> NO	_____

**SPECIAL CONDITIONS ARE LISTED
ON THE RECORDED CONDITIONAL USE PERMIT AND IN THE RECORD**

**THE NICOLLET COUNTY PLANNING AND ZONING ADVISORY COMMISSION:
(APPROVES X) (DENIES) THE REQUESTED CONDITIONAL USE PERMIT**

This decision is based on:

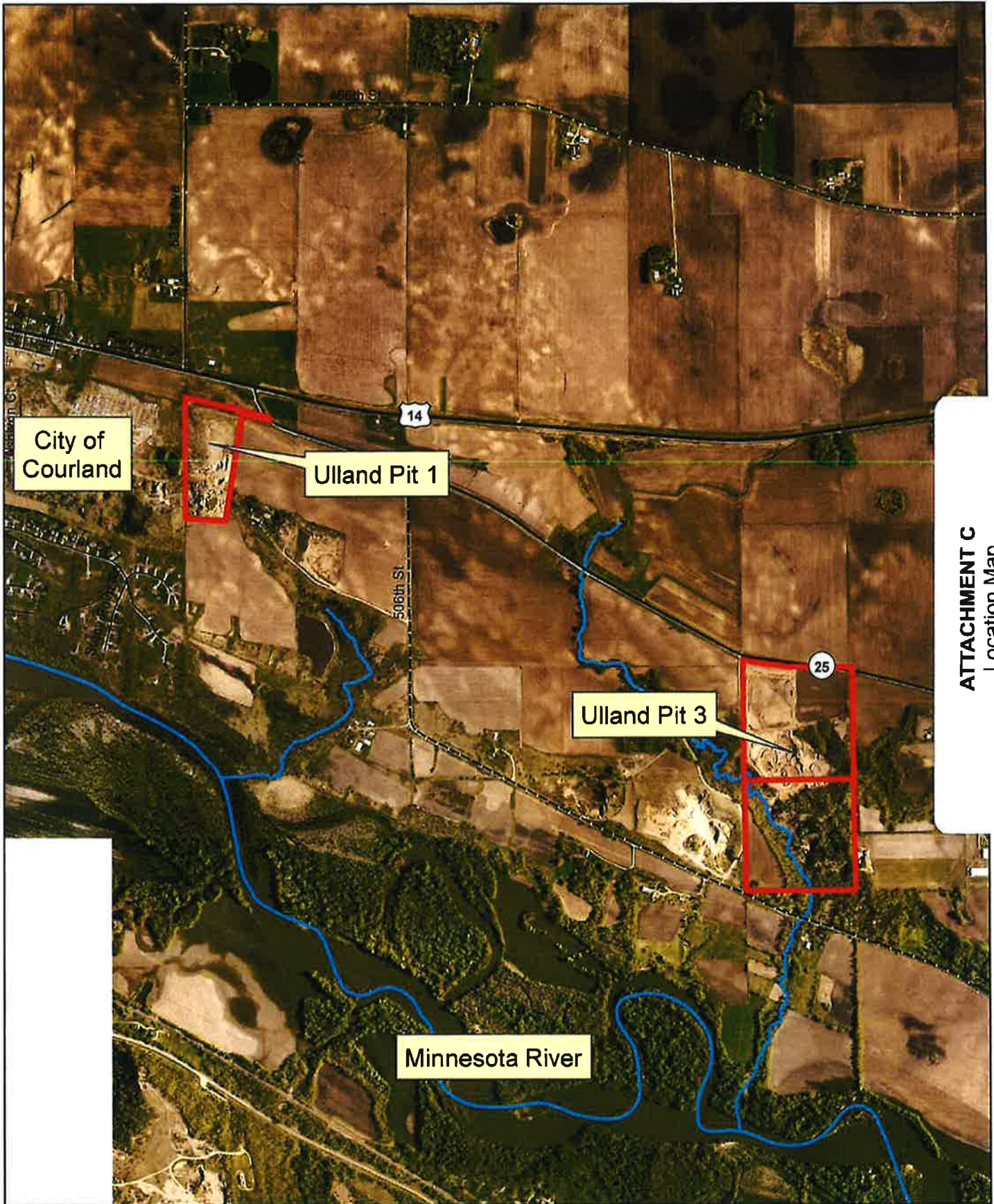
X application _____ viewed by _____ members of Commission:
X staff report _____ pictures
_____ information received at public hearing

Dranttel	_____	Regenscheid	_____
Enter	_____	Wendinger	_____
Hermanson	_____		_____
Laven	_____		

Facts supporting the answer to each question above are hereby certified to be the Findings of the Nicollet County Planning and Zoning Advisory Commission.

Date: _____

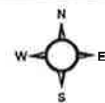
Chair: _____



ATTACHMENT C
Location Map

Disclaimer: The information herein is intended to be a true representation of available records. However, there is no guarantee to the user as to the accuracy, suitability, or reliability of this data for any purpose. The Property Services Division of Nicollet County assumes no responsibility for actual or consequential damage incurred as a result of any user's reliance on this data.

1:18,000 1 inch = 1,500 feet



0 750 1,500 Feet

Legend

- Ulland Pit 1
- Ulland Pit 3

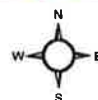


ATTACHMENT D
Aerial

Disclaimer: The information herein is intended to be a true representation of available records. However, there is no guarantee to the user as to the accuracy, suitability, or reliability of this data for any purpose. The Property Services Division of Nicollet County assumes no responsibility for actual or consequential damage incurred as a result of any user's reliance on this data.

1:2,400

1 inch = 200 feet



0 100 200 Feet

Legend

 Ulland Pit 1

WADE & WHITNEY ANDERSON
80 SHADY OAK DR
COURTLAND MN 56021

TIMOTHY & GLENDA BEECK
100 HIGHVIEW CT
COURTLAND MN 56021

RALPH & CAROL BENTS
116 HIGH VIEW CT
COURTLAND MN 56021

DARLENE BERANEK
166 531ST AVE
COURTLAND MN 56021

GLENN & BONNIE BODE
4 FIEMEYER DR
COURTLAND MN 56021

DALE & BETTY BRAUN
113 HIGH VIEW CT
COURTLAND MN 56021

COURTLAND (CITY OF)
300 RAILROAD ST PO BOX 42
COURTLAND MN 56021

BENJAMIN & RACHEL CUNNINGHAM
70 SHADY OAK DR
COURTLAND MN 56021

DAVID JOHN DAVIS
51 MAIN ST
COURTLAND MN 56021

DONALD & PHYLLIS DESAER
213 SHADY OAK DR
COURTLAND MN 56021

LORI DITTRICH
110 SHADY OAK DR
COURTLAND MN 56021

WENDY DOMEIER
216 S JEFFERSON ST
NEW ULM MN 56073

BRANT DRILL & RACHEL SUNDERMAN-
DRILL
105 STONY POINT RD
COURTLAND MN 56021

DARIN & KRISTEN DRILL
52605 506TH ST
COURTLAND MN 56021

DAVID & BRENDA DRILL
100 STONEY POINT RD
COURTLAND MN 56021

EVELINE DRILL - LE
52497 US HIGHWAY 14
COURTLAND MN 56021

KENNETH & JANICE DRILL
28 FIEMEYER DR
COURTLAND MN 56021

MARVIN & LISA DRILL
54 ROSYLN RD
NEW ULM MN 56073

JORDAN DUEHN
90 SHADY OAK DR
COURTLAND MN 56021

JOEL & ANIKA ENTER
212 SHADY OAK DR
COURTLAND MN 56021

DANIEL FIEMEYER
55 MAIN ST
COURTLAND MN 56021

CAROL FOLSOM
53038 US HIGHWAY 14
COURTLAND MN 56021

EUNICE GITTER
100 SHADY OAK DR
COURTLAND MN 56021

DEREK & NATASHA GOBLIRSCH
36 FIEMEYER DR
COURTLAND MN 56021

KEVIN GREGG
209 SHADY OAK DR
COURTLAND MN 56021

LAURA GROSSMANN
8 FIEMEYER DR
COURTLAND MN 56021

HANCOCK CONCRETE PRODUCTS LLC
17 ATLANTIC AVE
HANCOCK MN 56244

BRANDON HAVEMEIER
50 MAIN ST
COURTLAND MN 56021

JERRY & JULIE HOLM
104 SHADY OAK DR
COURTLAND MN 56021

ROY & HELEN JANNI
104 HIGH VIEW CT
COURTLAND MN 56021

ATTACHMENT E
Neighbor Notification List

MN HARDWOODS INC
PO BOX 148
COURTLAND MN 56021-0148

MN VALLEY FOREST PRODUCTS, INC
413 4TH ST
COURTLAND MN 56021

JAMES & JESSICA MORRISON
101 HIGHVIEW CT
COURTLAND MN 56021

THOMAS NASH
104 STONY POINT RD
COURTLAND MN 56021

DEBRA PIERSON & BRYAN CLANCY
109 HIGH VIEW CT
COURTLAND MN 56021

PETER & LINDA REINHART
112 HIGHVIEW CT
COURTLAND MN 56021

JOHN & AMY RIEGER
32 FIEMEYER DR
COURTLAND MN 56021

SCOTT & STACY SCHEID
130 SHADY OAK DR
COURTLAND MN 56021

STEPHEN SMITH
103 HIGH VIEW CT
COURTLAND MN 56021

JAMES STOLZ
16 FIEMEYER DR
COURTLAND MN 56021

TIMOTHY & AMBER WAIBEL
105 HIGH VIEW CT
COURTLAND MN 56021

DAVID & BECKY WILFAHRT
107 HIGH VIEW CT
COURTLAND MN 56021

TAMMY WILLS
45395 STATE HIGHWAY 99
NICOLLET MN 56074

KENNETH & MARY WINDSCHITL
120 SHADY OAK DR
COURTLAND MN 56021



MINERAL EXTRACTION CHECKLIST

The following information is required to be provided for a conditional use permit application. Additional information may be required, as determined necessary by the Zoning Administrator and per Section 724 of the Zoning Ordinance.

NUMBER OF ACRES AS FOLLOWS:

18.37 Acres being mined or used for mining purposes (stockpiles, equipment storage, haul roads, etc).
0 Acres permitted and remaining to be mined in future phases.
0 Acres where land reclamation has occurred.
0 Acres not permitted to be mined (non-mining related acres).
18.37 Total acreage of property.



TONNAGE OF MATERIAL REMOVED:

2851 Tons of material removed from site over the past three (3) years, or since last permit renewal date.

Include a copy of the renewed **BOND** or **LETTER OF CREDIT** for the site. Continuation letters must to be sent to the Property Services Office on years when the permit is not scheduled for renewal.

PLEASE PRINT:

Property Owner: Ulland Brothers Inc
 Owner's Address: 1634 Hwy 210 Carlton MN, 55718
 Contractor working the site: Ulland Brothers Inc
 Contractor's address: 2400 Myers R.D Albert Lea MN 56007
 Contractor's phone number: 507-373-1960
 Date: 1-28-2020
 Applicant (Landowner or Contractor) Signature: Mitch Froehlich
 Parcel No. 04.309.0210 Map No. _____ Revised 11-29-18 JH

Mission Statement
 Providing efficient services
 with innovation and accountability.

**Leadership. Efficiency.
 Accountability. Innovation.
 Integrity.**

Vision Statement
 Setting the standard for providing superior and
 efficient county government services through
 leadership, accountability and innovation to a
 growing and diverse society.

Ulland Brothers Pit 1 Narrative.

4.1 Ulland Brothers believes the aggregate in pit 1 extends atleast 25' below the current pit floor elevation of 890 feet with a usable quantity of approx. 600,000 yards. This material ranges from coarse to fine and can be used for various MNDot graded materials.

4.2 If Ulland needs to use water for dust control on the crushers we will use water out of the stormwater pond onsite and reincorporate the slurry that is produced back into the gravel product being produced. The water usage for this process is minimal (15GPM or less).

4.3 Site erosion and sediment control plan- Storm water and the minimal processing water will not leave the site. Instead water is directed to a sediment pond where the water will infiltrate into the ground. If the sediment pond should need to be cleaned out the sediment would be reincorporated with the crushing process. Other BMPs include stabilized perimeter berms and a paved driveway to help with track out.

4.4 Restorative vegetation will be consistent with the type, density and species in the reclamation plan. Most likely this area will become a wetland/ wildlife area.

4.5 Vehicles and equipment onsite will be crushing/screening plants, front end loaders, excavators and personal vehicles.

4.6 Average daily traffic will depend on local workload and demand. Currently average vehicle traffic is about 10/week in the construction season.

4.7 Trucks will be loaded with a front end loader that has a built in scale as to not overload the truck and keep a track of quantities out of the pit.

4.8 Pit 1 has a long paved entrance which provides opportunity for the trucks to leave mud and debris in the pit. Ulland would also sweep the paved pit road and the area near the driveway on CSAH 25 if the need arises.

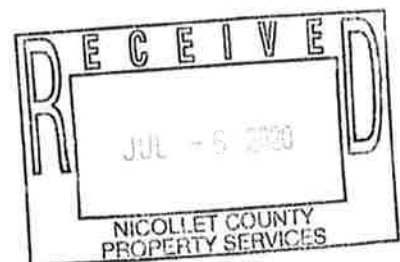
4.9 Mitigation for Noise and Dust- Ulland Pit 1 sits at a lower elevation then the surrounding area. Berms and trees provide screening barriers. If necessary a mister system may be used on the crushing process.

4.10 Only water will be used for dust control in processing operations.

4.11 No hazardous materials will be stored onsite. Fuel and oils will be delivered to the site and directly put into the machine that will be consuming the product.

4.12 Part of Ulland's sustainability program is the use of recycled material in aggregate processing. These materials include concrete rubble and bituminous millings. Materials of this nature will be collected and managed onsite until the quantity allows processing to become economically feasible.

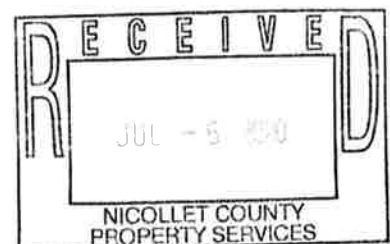
ATTACHMENT F.2
Applicant Narrative



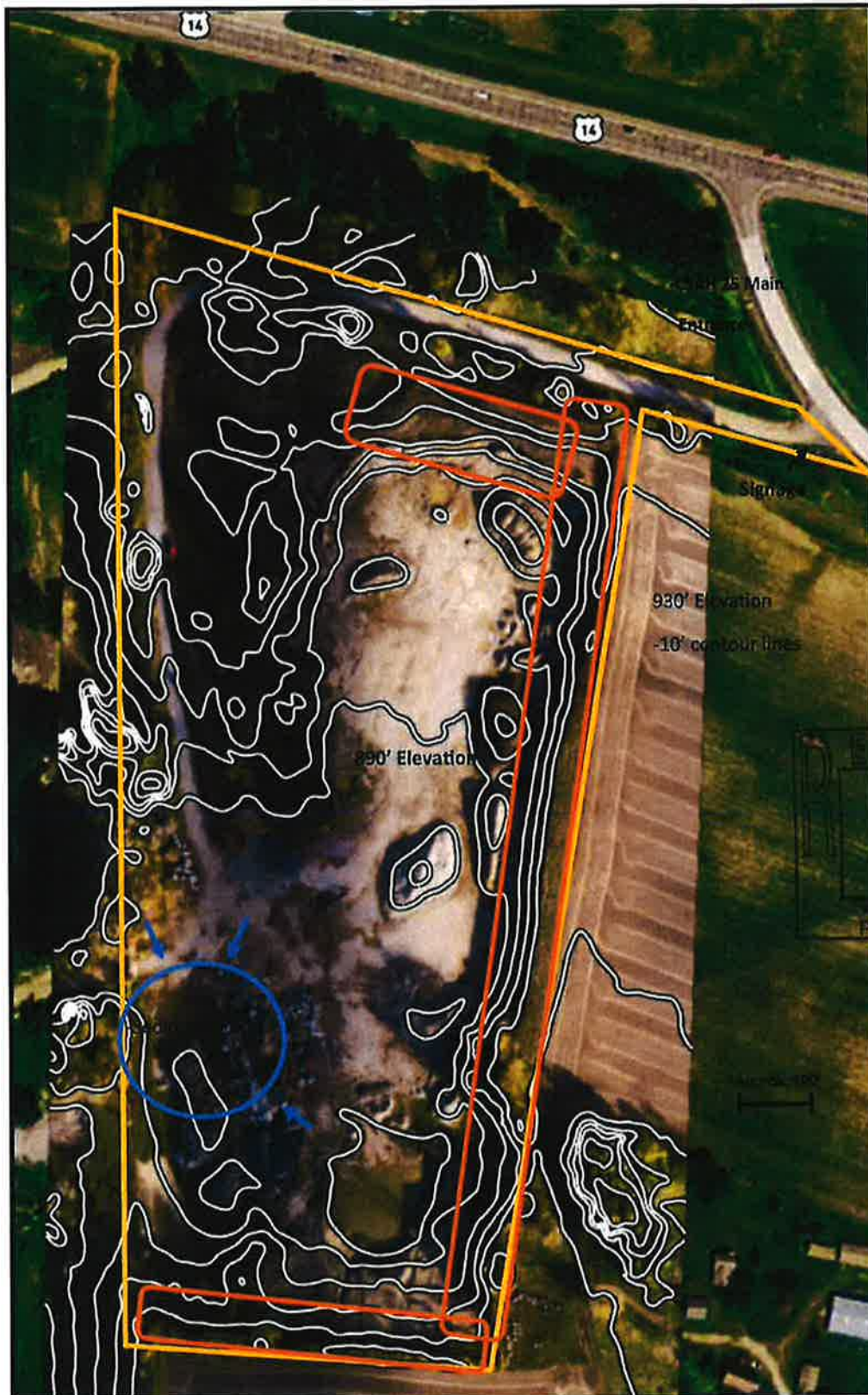
4.13 Ulland Brothers prefers to receive complaints directly and makes every effort to mitigate the nuisance as soon as possible. In the event Nicollet County received a complaint and forwarded it to Ulland Brothers representative it would be handled in safe and timely manner.

4.14 Ulland is proposing operations be between 7am and 7pm with a warm up period of 6:30 am to 7:00 am where mobile equipment may be idling but not moving.

4.15 See attached NDPES Permit.



Ulland Pit 1 Existing Conditions Map W1/2 of the NW1/4 of Section 9-109-29 In Courtland Township

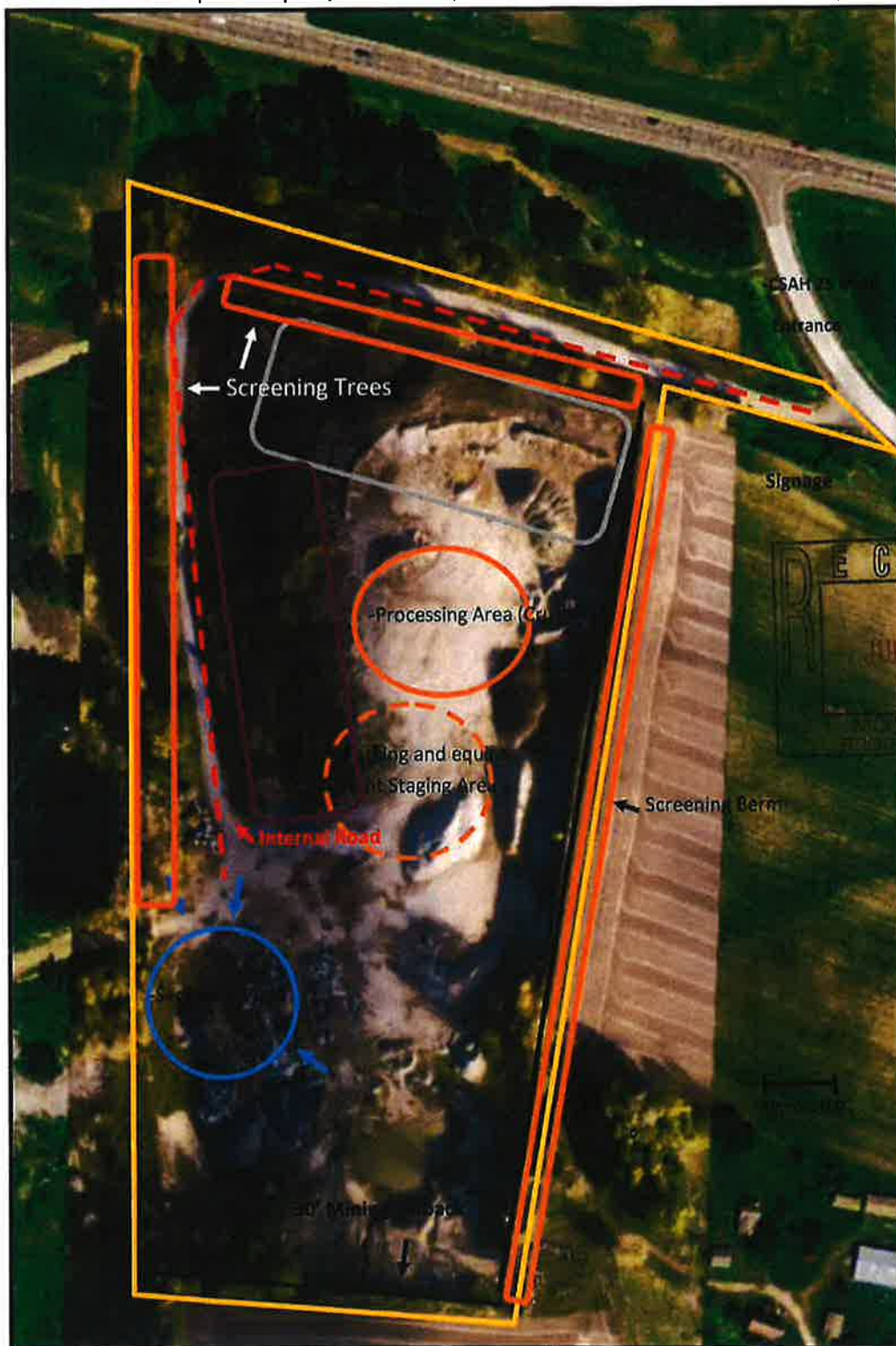


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JUL - 6 2020
RICOLLET COUNTY
PROPERTY SERVICES

- Site Boundary
- Existing steep slope, Entire site has been Disturbed
- Vegetation Consists of Natural Re-Growth



Ulland Pit 1 Proposed Map W1/2 of the NW1/4 of Section 9-109-29 In Courtland Township



CSAH 25 Main Entrance

Screening Trees

Signage

-Processing Area (Cr)

Loading and equipment staging area

Internal Road

Screening Berm

30' Mining Area



- -Property Boundary
- Next Phase. Mined to approx. 890' elevation
- Stripping and Topsoil Pile

ULLAND
BROTHERS

Ulland Pit 1 Proposed Phasing Map W1/2 of the NW1/4 of Section 9-109-29 In Courtland Township



- -Property Boundary
 - Next Phase. Mined to approx. 890' elevation
 - Most of the site has been mined to 890' elev.
Aggregate exists approx. 25' Deeper.
- Site will remain active and not be reclaimed in Phases.

ULLAND
BROTHERS

Ulland Pit 1 Reclamation Map W1/2 of the NW1/4 of Section 9-109-29 In Courtland Township

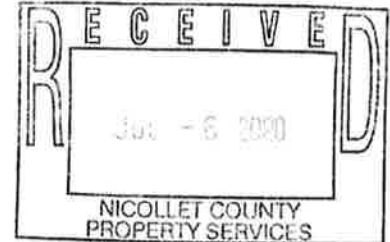


- Property Boundary
- Finished Slopes 3:1. Stabilized with 35-541 (See Attached)
- Conceptual Pond Location

Entire site will be reclaimed when source is exhausted.



Slopes and banks will be seeded with the recommended MNDOT seed mixture 35-541 or equal. This seed mix will be planted at least the minimum recommended rate of 12lbs/ acre with 70% coverage density.



35-541 Mesic Prairie Southwest

Common Name	Scientific Name	Rate (lb/ac)	Rate (kg/ha)	% of Mix (by weight)	Seeds/ sq ft
little bluestem	<i>Schizachyrium scoparium</i>	1.50	1.68	12.60%	8.27
Indian grass	<i>Sorghastrum nutans</i>	1.50	1.68	12.54%	6.63
big bluestem	<i>Andropogon gerardii</i>	0.90	1.01	7.49%	3.30
side-oats grama	<i>Bouteloua curtipendula</i>	0.90	1.01	7.49%	1.98
nodding wild rye	<i>Elymus canadensis</i>	0.90	1.01	7.46%	1.71
slender wheatgrass	<i>Elymus trachycaulus</i>	0.90	1.01	7.46%	2.27
western wheatgrass	<i>Pascopyrum smithii</i>	0.50	0.56	4.15%	1.30
green needle grass	<i>Nassella viridula</i>	0.44	0.49	3.67%	1.70
switchgrass	<i>Panicum virgatum</i>	0.16	0.18	1.30%	0.60
	Grasses Subtotal	7.70	8.63	64.06%	27.96
golden alexanders	<i>Zizia aurea</i>	0.25	0.28	2.06%	1.00
partridge pea	<i>Chamaecrista fasciculata</i>	0.10	0.11	0.84%	0.10
narrow-leaved purple coneflower	<i>Echinacea angustifolia</i>	0.08	0.09	0.65%	0.20
purple prairie clover	<i>Dalea purpurea</i>	0.07	0.08	0.61%	0.40
gray-headed coneflower	<i>Ratibida pinnata</i>	0.07	0.08	0.61%	0.80
blue vervain	<i>Verbena hastata</i>	0.07	0.08	0.61%	2.60
Canada milk vetch	<i>Astragalus canadensis</i>	0.06	0.07	0.63%	0.40
Early Sunflower	<i>Helianthus annuus</i>	0.06	0.07	0.60%	0.14
black-eyed susan	<i>Rudbeckia hirta</i>	0.06	0.07	0.49%	2.00
Canada tick trefoil	<i>Desmodium canadense</i>	0.05	0.06	0.45%	0.11
hoary vervain	<i>Verbena stricta</i>	0.05	0.06	0.41%	0.60
wild bergamot	<i>Monarda fistulosa</i>	0.04	0.04	0.29%	0.90
white prairie clover	<i>Dalea candida</i>	0.03	0.03	0.24%	0.20
rough blazing star	<i>Liatris aspera</i>	0.03	0.03	0.28%	0.20
stiff goldenrod	<i>Oligoneuron rigidum</i>	0.03	0.03	0.28%	0.50
smooth aster	<i>Symphyotrichum laeve</i>	0.03	0.03	0.25%	0.60
great blazing star	<i>Liatris pycnostachya</i>	0.02	0.02	0.21%	0.10
	Forbs Subtotal	1.10	1.23	9.31%	10.66
Oats	<i>Avena sativa</i>	3.20	3.59	26.63%	1.42
	Cover Crop Subtotal	3.20	3.59	26.63%	1.42
	Total	12.00	13.45	100.00%	40.03
Purpose:	Regional mesic prairie reconstruction for wetland mitigation, ecological restoration, or conservation program plantings.				
Planting Area:	North-Central Glaciated Plains Section. Mn/DOT Districts 3A(southwest) 3B, 4(south), 7 & 8.				



Doc Type: Notifications

Submittital: Submit the completed form to the MPCA at MNG49.pca@state.mn.us at least 10 days prior to initiation of land disturbing activities at the new site(s). For the 'Special Waters' section, the MPCA has several documents and an interactive map called "Special Waters Search" available electronically on the MPCA's Stormwater website at <https://www.pca.state.mn.us/water/stormwater-special-and-impaired-waters-search> to help identify special waters near the proposed site. Listings of calcareous fens (Minn. R. 7050.0335, subp. 1e), trout streams (Minn. R. 6264.0050, subp. 2 and 4) and Outstanding Resource Value Waters (ORVWs) (Minn. R. 7050.0335) can be accessed electronically on the Office of the Revisor of Statutes' website at <http://www.revisor.leg.state.mn.us>.

Permit number: MN 490069

Example: JTs Aggregate owns and operates five pits and quarries throughout southern Minnesota. Three of the pits are construction sand and gravel pits, and one is a limestone quarry with a portable hot mix asphalt plant. The company dewaterers from two pits in Fillmore County, but is unable to contain everything on site in one of the pits. The remaining pits are able to contain all stormwater on site. Coverage is being terminated on one pit. The chart below would be filled out as follows:

<https://www.pca.state.mn.us>
WQ-WWPRM7-43 • 8/2/19

651-296-6300

Available in alternative formats
Page 1 of 7

ATTACHMENT F.6
National Pollutant Discharge Elimination Permit

Basic information

Complete the following for each site:

Site name: Ulland Pit 1

Facility site street/road address (not P.O. Box): 478th St & TH 14 Courtland MN 56021

City: Courtland

State: MN

Zip code: 56021

Telephone: 507-383-0041

Activity information

1. Select the Primary Activity and Secondary Activity (if applicable) at the site:

Subsector J1	Primary	Secondary
Construction sand and gravel mining (Standard Industrial Classification [SIC] Code 1442)	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Industrial sand mining (SIC Code 1446) ¹	<input type="checkbox"/>	<input type="checkbox"/>
Subsector J2		
Dimension stone (SIC Code 1411)	<input type="checkbox"/>	<input type="checkbox"/>
Crushed and broken limestone mining/quarry area (SIC Code 1422)	<input type="checkbox"/>	<input type="checkbox"/>
Crushed and broken granite mining/quarry area (SIC Code 1423)	<input type="checkbox"/>	<input type="checkbox"/>
Crushed and broken stone mining/quarry area (not elsewhere classified, SIC Code 1429)	<input type="checkbox"/>	<input type="checkbox"/>
Subsector D1		
Hot mix asphalt production areas also known as asphalt paving mixtures and blocks (SIC Code 2951). This includes portable hot mix asphalt plants.	<input type="checkbox"/>	<input checked="" type="checkbox"/>
Subsector E2		
Concrete block and brick (SIC Code 3271)	<input type="checkbox"/>	<input type="checkbox"/>
Concrete products other than block and brick (SIC Code 3272)	<input type="checkbox"/>	<input type="checkbox"/>
Ready-mix concrete (SIC Code 3273)	<input type="checkbox"/>	<input type="checkbox"/>

¹ If using flotation or acid leaching process(es), you are not eligible for this general permit and must apply for an individual permit.

2. Describe completely your stormwater management systems used to control stormwater at this site:

Includes industrial stormwater ponds, sedimentation basins, and/or infiltration devices.

Site is an existing gravel pit with a lower elevation than the surrounding area. Drainage is controlled with a perimeter berm that maintains stormwater on site.

3. Describe completely your wastewater treatment systems at this site:

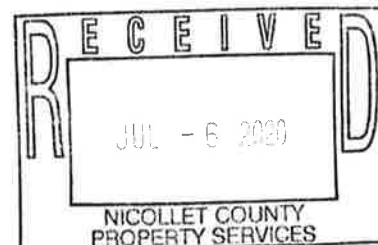
Water used for dust control for the crusher will be contained on site.

4. How and where are the sediments and sludge removed from the stormwater and/or wastewater treatment systems at the facility disposed?

Sediments captured from the water used for dust control incorporated into recycled aggregate.

5. Have you updated your Pollution Prevention Plan for this site? ☒ Yes ☐ No

You must do so prior to submittal of this form.



6. List below all chemical additives that are used or proposed to be used at the facility.

This must include all process reagents, flocculants, biocides, wastewater treatment chemical additives, chlorine or other disinfectants, detergents, cleaning products, freeze conditioning agents, etc. MPCA approval is required for any additives that are new, increasing in usage, or not previously approved. Go to the MPCA's Chemical additive webpage at: <http://www.pca.state.mn.us/agkrka9> to find the documents necessary to complete the approval process. Your additives will not be approved for use until you complete this process.

Product name	Purpose	Location in process of chemical addition	Frequency of addition	Type of application (slug dosing or continuous feed)	Average rate of use (weight or volume per day)	Maximum rate of use (weight or volume per day)	Previously approved? Yes or no	Date of approval (mm/dd/yyyy)
NA							<input type="checkbox"/> Yes <input type="checkbox"/> No	
							<input type="checkbox"/> Yes <input type="checkbox"/> No	
							<input type="checkbox"/> Yes <input type="checkbox"/> No	
							<input type="checkbox"/> Yes <input type="checkbox"/> No	

An Additional Chemical Additives attachment is available on the MPCA website at <http://www.pca.state.mn.us/water/permits/index.html> if more space is needed.

7. Do you use chemical dust suppressants at your facility? ☐ Yes ☒ No

If yes, fill out table below:

Product name	Location of use	Frequency of use	Average rate of use (weight or volume per day)	Maximum rate of use (weight or volume per day)

Attach the Material Safety Data Sheets, complete product labels and any other information on chemical composition, aquatic toxicity, human health, and environmental fate for each chemical dust suppressant. Chemical dust suppressants are approved separately from the process required in question 6.

8. What is the source of the intake water supply for the facility?

Intake water supply includes all make-up water supplied to the facility. (Choose one)

- ☐ Municipal, include city name:
☐ Groundwater, intake location:
☒ Surface water, include name: Unnamed pond
☐ No make-up water:

If this is a non-municipal water supply, have you already obtained a Minnesota Department of Natural Resources (DNR) water appropriations permit? ☐ Yes ☐ No ☒ Not applicable

If yes, what is the DNR permit number: _____ DNR permit expiration date (mm/dd/yyyy): _____

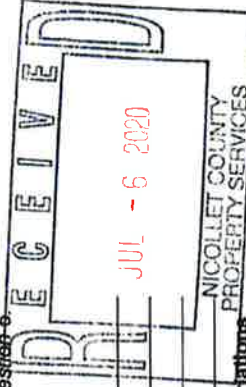
Is the intake water supply chlorinated or otherwise disinfected? ☐ Yes ☒ No

9. Has the facility been required to complete an Environmental Impact Statement (EIS) and/or Environmental Assessment Worksheet (EAW)?

☐ Yes ☒ No ☐ Not applicable

If yes, attach a copy of the completed EIS/EAW and note: _____

(Title) _____ Date (mm/dd/yyyy) _____



10. What is the fate of the sewage generated by the facility?

Examples are septic tank and drainfield, routing to municipal sanitary sewer, portable containment systems, etc.

Portable Containment

Discharges from site

	Yes	No
11. Is stormwater leaving the site?	<input type="checkbox"/>	<input checked="" type="checkbox"/>
12. Is water from the dewatering of a mine, pit or quarry from Subsector J1 and J2 facilities leaving the site?	<input type="checkbox"/>	<input checked="" type="checkbox"/>
13. Do you dewater from a mine, pit, or quarry to a control device? <i>Control devices include settling ponds, sedimentation basins, and/or infiltration basins. Devices shall be designed consistent with accepted engineering practices to control the pollutants of concern.</i>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
14. Do you have any of the following non-stormwater (also considered wastewater) activities conducted at your site? <i>Check all that apply.</i>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
<input checked="" type="checkbox"/> a. Aggregate wash water from Subsector J1 and J2 facilities.		
<input type="checkbox"/> b. Dredging operations from Subsector J1 and J2 facilities.		
<input type="checkbox"/> c. Installation, construction, and operation of wet scrubbers at asphalt production areas, including portable asphalt plants (Subsector D1).		
<input type="checkbox"/> d. Washing trucks, mixers, transport buckets, forms and/or other equipment at concrete block and brick, concrete products other than block and brick, and ready-mix concrete facilities (Subsector E2).		
<input type="checkbox"/> e. Uncontaminated scale deck wash water that does not use detergents, solvents, or degreasers.		
<input type="checkbox"/> f. Stormwater and deck wash water collected in holding tanks under scales.		
<input type="checkbox"/> g. Wash water associated with cleaning of mobile equipment that does not use detergents, solvents, or degreasers.		
<input checked="" type="checkbox"/> h. Waters used for sawing stone or dust control on crushers, conveyors, associated equipment, stockpiles, and site roadways.		
<input type="checkbox"/> i. Boiler blowdown and reverse osmosis reject.		
<input type="checkbox"/> j. Low or high pressure steam curing.		
<input type="checkbox"/> k. Noncontact cooling water used for dryer, pump and air compressor cooling.		
15. Is wastewater from any activities in question #14 discharged to surface waters of the state? <i>If yes, you are not eligible for General Permit coverage and must apply for an individual permit.</i>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
16. Is water used for other purposes leaving the site? <i>Describe use of water if applicable. Depending on the type of water leaving the site, you may not be eligible for coverage under general permit MNG490000; contact MPCA permitting staff to appropriately permit this site.</i>	<input type="checkbox"/>	<input checked="" type="checkbox"/>



Surface water discharges location information

17. If you answered 'yes' to questions 11 and/or 12 above, please provide the discharge location along with receiving water name. This is the overflow point where water that has left the site is entering surface water. Discharge points may include pipes and culverts. An example of a route to receiving waters is "to unnamed wetlands adjacent to Black Lake", "to an unnamed ditch to the Cottonwood River", "to Twin Lakes" or "to an unnamed pond adjacent to Lake Cornelia via storm sewer."

Route to receiving water: _____ PLS coordinates: _____

Type of discharge: _____
(List all types, i.e., pit site dewatering, stormwater runoff, overflow from control device.)

Average discharge flow rate: _____ Maximum discharge flow rate: _____
 (Flow rates are not necessary for discharges that solely consist of stormwater runoff.)

Flow duration and frequency:
 Month of flow: _____ Days/week: _____ Hours/day: _____

Complete the table for each surface water discharge point. If this is an existing facility, refer to the current NPDES/SDS Permit for Station ID. For new facilities, enter as much information as available. If more space is needed for additional stations, attach additional pages.

Station ID: SD				
Township (26-71 or 101-168)	Range (1-51)	Section (1-36)	¼ Section (NW, NE, SW, SE)	¼ of ¼ Section (NW, NE, SW, SE)
T N	R <input type="checkbox"/> E <input type="checkbox"/> W			
Latitude	Longitude	Datum	Coordinate Collection Method	Date Coordinate Collected

Receiving water name: _____

Special waters

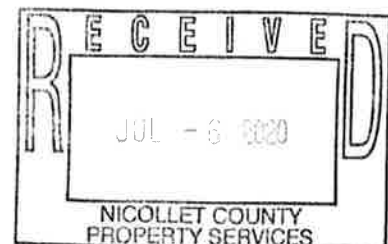
18. Is the outfall at any of the following receiving waters? Yes No
- a. Designated ORVW? Defined in Minn. R. 7050.0255 and listed in Minn. R. 7050.0335. ☐ ☒
- b. DNR-posted fish-spawning areas (Minn. R. 6264.0125)? ☐ ☒
- c. DNR-designated trout waters? Trout waters locations are listed in Minn. R. 6264.0050, subp. 1 and 3 ☐ ☒
- If yes, you are not eligible for a general permit and must apply for an individual permit.
19. Is the outfall at any of the following? Yes No
- a. Within one mile of an ORVW? ☐ ☒
- b. Within one mile of a DNR-designated Trout Stream? ☐ ☒
- c. Within one mile of an impaired water? ☐ ☒
- If the answer is yes to any of the above, the permit has specific requirements for your discharge. See Sections 2.6.14 and 2.6.41 of the permit to insure you are able to meet these requirements. If not, an individual permit may be necessary.

Site map

20. Attach a site map showing:
- a. Location of all discharge points.
- b. Location of all overflow points from control devices.
- c. Directions of stormwater runoff (including stormwater that is contained/infiltrated on site).

Coverage termination

21. In order to terminate coverage of a site, the Permittee must ensure:
- a. The site closure achieves stabilization, or
- b. There is no stormwater runoff associated with nonmetallic mining and/or mine dewatering from the site.
22. Provide the name and contact information for the new owner or operator that is responsible for the site, if applicable:
- Ulland Brothers Inc (Operator)





CONDITIONAL USE PERMIT

THREE-YEAR REVIEW OF MINERAL EXTRACTION PERMIT

**WENDELL LORENTZ & SONS, LLC /
GP-75, LLC**

PLN20-23

**NICOLLET COUNTY
PLANNING & ZONING ADVISORY COMMISSION**

SUBJECT:	Conditional Use Permit, PLN20-23
APPLICANT:	Wendell Lorentz & Sons, LLC
LANDOWNER:	GP-75, LLC
LOCATION:	Southeast 1/4 of the Southeast 1/4 of Section 32-111-26 in Lake Prairie Township
PARCEL NO:	07.132.1505
EXISTING ZONING:	Conservancy
HEARING DATE:	September 21, 2020

REQUEST

The applicant has submitted a request for a three-year review of a mineral extraction permit to mine, crush, and stockpile gravel, including a hot mix plant.

EXISTING LAND USE

The property consists of 74.46 acres. The property contains the mining area and a mix of natural and agricultural land. The mining area is located in the southern portion of the property. The property is zoned Conservancy. Mining is a conditional use in the Conservancy zoning district.

SURROUNDING LAND USE

The site is surrounded by a mix of wooded bluffs and agricultural land. The City of Saint Peter is located approximately 1.5 miles south of the property. Robart's Creek runs past the southwestern edge of the property. The Woelpern gravel pit is located directly south of the site. The Geldner Brothers and Kendall gravel pits are located directly east of the property. Further to the east are U.S. Highway 169 and the Minnesota River Valley.

PROJECT DESCRIPTION

Background:

The mine was originally owned by Edward Walter and was first permitted in 1987. James and Shari Brostrom and William Pell purchased the mine in 1991. In 2020, GP-75, Inc. took over ownership of the site. In the same year, the lessee switched from SMC (Southern Minnesota Construction Company) to the current applicant: Wendell Lorentz & Sons, LLC.

The operation includes the mining, crushing, and stockpiling of gravel. All mining is done by front end loaders, bulldozers, scrapers, and excavators. Electricity is produced by portable generator sets, or comes from hard wire sources. Fuel is delivered by local distributors on a daily basis, with fuel storage kept at a minimum. Mining operations are monitored by the Mine Safety and Health Administration and the Minnesota Pollution Control Agency.

The site is also permitted for the location of a temporary asphalt or concrete hot mix plant. Hot mix and crushing operations will occur seasonally, from approximately April through December. Loading operations will occur year-round. Materials such as sand, gravel, clay, recycled asphalt and concrete, and limestone may be stockpiled or used onsite by the hot mix plant as necessary.

Current Request:

The current request is for a three-year renewal of a mineral extraction permit to mine, crush, and stockpile gravel, with a hot mix plant. Section 724.2(3) of the Nicollet County Zoning Ordinance requires that conditional use permits for mineral extraction be renewed every three years. According to the applicant, presently there are four acres actively being mined and 1.5 acres already reclaimed/restored. No material has been removed from the site in the last three years.

NOTE: The mine pre-exists the November 25, 2014 amendments to the mineral extraction section of the Zoning Ordinance. If the original parameters of the project are changed, the operation must conform to current standards.

Access:

The site does not have direct access to a public road. Access to U.S. Highway 169 is achieved by crossing the Woelpern pit property to the southeast of the site. Access to County Road 20 is provided by easement across an adjacent property to the west of the site.

Appearance:

The mined area is generally not visible from the Minnesota River or from U.S. Highway 169 at this time. Section 724 of the Zoning Ordinance stipulates that mining operations in proximity to the Minnesota River Valley shall be conducted in such a manner as to preserve the face of the bluffs as viewed from the River and any roads along the River.

Blasting:

No blasting occurs at the site.

Bond:

Per Section 724.2(4) of the Nicollet County Zoning Ordinance, a bond in the amount of at least \$2,500 per actively mined and not yet reclaimed acres shall be valid for a period of not less than one year beyond the expiration date of the permit. The applicant presently has a Bond in place with Western National Mutual Insurance Company for \$20,000 to cover the actively mined and not yet reclaimed acres noted on the mining checklist submitted by the applicant.

Dust, Noise, and Odor Control:

Dust on haul roads is minimal. When necessary, roads are treated with water or calcium chloride to control dust.

Hours of Operation:

In 2014, the applicant requested a deviation from Section 724.5(9) of the Zoning Ordinance which requires mining operations be conducted between 7AM and 7PM. The request was for one additional hour at the beginning of the work day, resulting in operating hours of 6AM to 7PM. The change was requested in order to meet a five-year project supply estimate from MNDOT. The request was approved in 2014. Further deviation from this standard is allowed for emergencies and equipment repair and requires notification be made to Nicollet County Property Services.

Reclamation Plan:

A reclamation plan is on file for the mine. The intent is for the mine to become wildlife habitat. The edges of the mine will be smoothed, vegetation will be established via natural regrowth, and ponding will be allowed to occur in the pit areas.

Water:

Mining will occur above the water table. Stormwater is allowed to collect in the pit and filter naturally into the groundwater.

Waste Disposal:

All hazardous substances, such as engine oil, hydraulic oil, anti-freeze, and other maintenance fluids, will be enclosed in trailers. The operation will utilize portable toilets and human waste is disposed of by a sanitation company. All garbage will be removed on a daily basis or placed in a waste dumpster for periodic disposal.

MINNESOTA POLLUTION CONTROL AGENCY STANDARDS

The applicants are required to maintain a National Pollutant Discharge Elimination System (NPDES) permit from the Minnesota Pollution Control Agency.

NEIGHBOR NOTIFICATION

Property owners were notified of the request per the standards of Section 505.3 of the Zoning Ordinance and Minnesota State Statute 394.26.

CONDITIONAL USE PERMIT CRITERIA

- 1. Given the nature of the land, the requested use is compatible with the general welfare, public health and safety.**

True, because:

- The proposal appears to be typical of mining operations within the County.
- There exist no extraordinary circumstances regarding the project.

- The operation meets the applicable standards of Sections 505, 603.3 and 724 of the Zoning Ordinance for mines in the Conservancy zoning district.
- The operation appears to meet the applicable Minnesota Pollution Control Agency standards for mines.

2. The requested use will not create an unreasonably excessive burden on the existing roads or utilities.

True, because:

- The existing infrastructure is suited for mining operations.
- The size and function of the facility is not unreasonable for the location.
- It appears the burden on public infrastructure from the facility is minimal; both US Highway 169 and County Road 20 are ten ton roads.

3. The requested use is compatible with the surrounding area and will not significantly depreciate nearby properties.

True, because:

- The mine is within a predominantly natural environment and agricultural.
- There are five other mines within one mile of the site.
- The applicant has a reclamation plan in place for the site.

4. The structure and the use shall have an appearance that will not have an unreasonably adverse effect on nearby properties.

True, because:

- The mine is screened to the east by the bluffland of the Minnesota River Valley and the mined area is generally not visible from U.S. Highway 169 at this time.
- Within one mile of the site there are five other mines.
- The proposal appears to be typical for extraction sites within the county that mine, crush, and stockpile gravel.

5. The requested use is consistent with the Nicollet County Land Use Ordinances.

True, because:

- It meets the applicable standards and requirements found in Sections 505, 603, and 724 of the Zoning Ordinance for mining operations in the Conservancy zoning district.

6. The requested use is not in conflict with the Nicollet County Comprehensive Plan.

True, because:

- The comprehensive plan states mineral extraction is a justifiable industrial use of the land and provides vital resources for highway and building construction.
- The applicant has a reclamation plan in place for the site.

7. The requested use will not create an unreasonably adverse effect because of noise, odor, glare, or general unsightliness, for nearby property owners.

True, because:

- The applicant applies water or calcium chloride to control dust.
- No blasting takes place onsite.
- The mine is not generally visible from U.S. Highway 169.

8. The requested use is reasonably related to the existing land use and environment.

True, because:

- The mine is located in an existing agricultural and natural environment landscape
- There are several other mines within one mile of the site.
- Mineral extraction is an allowed conditional use in the Conservancy district.

9. There are no apparent unreasonable health risks posed to neighbors or the public in general.

True, because:

- The proposal meets the applicable county and state standards for mining operations.
- The operation appears to be typical for gravel mines within the county.
- The site maintains a National Pollutant Discharge Elimination System permit from the Minnesota Pollution Control Agency.

10. The requested use will/will not have an adverse effect upon public health, safety and welfare due to the following other factors:

Will Not – True, because:

- The request is proposed to meet county standards, with no apparent adverse effects to the public health, safety, and welfare.

RECOMMENDATIONS

It appears the request meets all 10 conditional use permit criteria. The granting of a conditional use permit from Sections 505, 603.3, and 724 of the Zoning Ordinance, would seem to meet the necessary requirements set forth in Section 505.1, Criteria for Granting Conditional Use Permits.

Staff suggests that if the request is recommended for approval, the following conditions be attached:

1. The applicant undertakes the project according to the plans and specifications submitted to the county with the application.
2. The permit will be periodically reviewed by the county to ensure compliance with the permit and permit conditions.
3. The county may enter onto the premises at reasonable times and in a reasonable manner to ensure the permit holder is in compliance with the conditions and all other applicable statutes, rules, and ordinances.
4. Dust control measures shall be implemented if needed.
5. The conditional use permit to mine, crush, wash, and stockpile gravel shall be reviewed in September of 2023.
6. Prior to issuance of this conditional use permit, a bond/letter of credit in the amount of \$2,500 per actively mined or not yet reclaimed acres must be submitted to Property Services and kept in force during the time of operation.
7. A continuation certificate of the bond shall be sent to Nicollet County Property Services with no lapse in time during the course of this permit.
8. The applicant shall conduct mining operations between 6AM and 7PM, except in the event of an emergency.

Parcel No: 07.132.1505
Map No: 0832400012

Applicant: Wendell Lorentz & Sons, LLC
Landowner: GP-75, LLC

PLN20-23

- ATTACHMENT A Application**
- ATTACHMENT B Criteria for Conditional Use Permit**
- ATTACHMENT C Location Map**
- ATTACHMENT D Aerial**
- ATTACHMENT E Neighbor Notification List**
- ATTACHMENT F Documents Submitted by Applicant**
- F.1 Mineral Extraction Checklist
 - F.2 Site Plan
 - F.3 Map A – Existing Conditions
 - F.4 Map B – Proposed Operations
 - F.5 Map C – Reclamation/End Use



PROPERTY SERVICES DIVISION
501 SOUTH MINNESOTA AVENUE, SAINT PETER MN 56082
507-934-7070

PLANNING & ZONING ADVISORY COMMISSION
APPLICATION

Total Fees: \$446.00

Map#: 0832400012
Parcel#: 071321505
Permit#: PLN20-00023
Date: August 28, 2020

Applicant: Andrew Lorentz, Wendell Lorentz & Sons, LLC, PO BOX 847, Mankato MN 56002

Phone: 388-4182

Owner: GP-75 LLC, PO BOX 30, SAINT PETER MN 56082

Property Address: 0,

Abbreviated Legal Description: ALL THAT PT OF SE 1/4 LYING ELY OF LN DRSC AS BEG 1914.8' E OF SW COR SE 1/4, N 484.6', NW 321.23', SW 66.28', NW 226.3', N 59.64', NW 311.03', SW 193.29', W 101.35', NW 113.36', NE 231.17', NE 496.91', NE 314.4', TO NE COR S 1/2 NW 1/4 SE 1/4, & "EX

Township: Lake Prairie Township

Record Type: Conditional Use

Category: Mineral Extraction

Project Description: Three-year renewal of a mineral extraction permit to mine, crush, and stockpile gravel, including a hot mix plant. Ref: 603.3, 724.

Planning Commission Hearing Date: 09/21/2020

Board of Commissioners Date: 10/13/2020



APPLICANT SIGNATURE

8/28/2020
DATE

ATTACHMENT A
Application



**NICOLLET COUNTY PLANNING AND ZONING ADVISORY COMMISSION
CRITERIA FOR GRANTING A CONDITIONAL USE PERMIT**

Name of Applicant: Wendell Lorentz & Sons, LLC
Property Owner: GP-75, LLC
Use Requested: Three-year review of a mineral extraction permit to mine, crush, and stockpile gravel, including a hot mix plant

Date: September 21, 2020
File: PLN20-23

FINDINGS OF FACT

Authority for issuance of conditional use permits is derived from Minnesota State Statute §394.301 and Nicollet County Zoning Ordinance, Section 505. The conditional use must maintain the health, safety, morals, and general welfare of the community.

1. Given the nature of the land, the requested use is compatible with the general welfare, public health and safety.

Terry Morrow	<input checked="" type="checkbox"/> YES	<input type="checkbox"/> NO	WHY: <u>typical mine for the county, meets the</u>
Jason Enter	<input type="checkbox"/> YES	<input type="checkbox"/> NO	<u>standards of the Zoning Ordinance, no</u>
David Hermanson	<input checked="" type="checkbox"/> YES	<input type="checkbox"/> NO	<u>extraordinary circumstances</u>
Justin Laven	<input checked="" type="checkbox"/> YES	<input type="checkbox"/> NO	_____
Ron Regenscheid	<input checked="" type="checkbox"/> YES	<input type="checkbox"/> NO	_____
David Wendinger	<input checked="" type="checkbox"/> YES	<input type="checkbox"/> NO	_____

2. The requested use will not create an unreasonably excessive burden on the existing roads or utilities.

Terry Morrow	<input checked="" type="checkbox"/> YES	<input type="checkbox"/> NO	WHY: <u>size and function of the facility is not</u>
Jason Enter	<input type="checkbox"/> YES	<input type="checkbox"/> NO	<u>unreasonable, using ten ton roads suitable for</u>
David Hermanson	<input checked="" type="checkbox"/> YES	<input type="checkbox"/> NO	<u>mining operations</u>
Justin Laven	<input checked="" type="checkbox"/> YES	<input type="checkbox"/> NO	_____
Ron Regenscheid	<input checked="" type="checkbox"/> YES	<input type="checkbox"/> NO	_____
David Wendinger	<input checked="" type="checkbox"/> YES	<input type="checkbox"/> NO	_____

3. The requested use is compatible with the surrounding area and will not significantly depreciate nearby properties.

Terry Morrow	<input checked="" type="checkbox"/> YES	<input type="checkbox"/> NO	WHY: <u>five other mines in the area, within a</u>
Jason Enter	<input type="checkbox"/> YES	<input type="checkbox"/> NO	<u>predominantly ag and natural environment area</u>
David Hermanson	<input checked="" type="checkbox"/> YES	<input type="checkbox"/> NO	_____
Justin Laven	<input checked="" type="checkbox"/> YES	<input type="checkbox"/> NO	_____
Ron Regenscheid	<input checked="" type="checkbox"/> YES	<input type="checkbox"/> NO	_____
David Wendinger	<input checked="" type="checkbox"/> YES	<input type="checkbox"/> NO	_____

4. The structure and the use shall have an appearance that will not have an unreasonably adverse effect on nearby properties.

Terry Morrow	<input checked="" type="checkbox"/> YES	<input type="checkbox"/> NO	WHY: <u>mine is partially screened, five other</u>
Jason Enter	<input type="checkbox"/> YES	<input type="checkbox"/> NO	<u>mines within one mile</u>
David Hermanson	<input checked="" type="checkbox"/> YES	<input type="checkbox"/> NO	_____
Justin Laven	<input checked="" type="checkbox"/> YES	<input type="checkbox"/> NO	_____
Ron Regenscheid	<input checked="" type="checkbox"/> YES	<input type="checkbox"/> NO	_____
David Wendinger	<input checked="" type="checkbox"/> YES	<input type="checkbox"/> NO	_____

5. The requested use is consistent with the Nicollet County Land Use Ordinances.

Terry Morrow	<input checked="" type="checkbox"/> YES	<input type="checkbox"/> NO	WHY: <u>meets standards for the Conservancy</u>
Jason Enter	<input type="checkbox"/> YES	<input type="checkbox"/> NO	<u>zone in the Ordinance</u>
David Hermanson	<input checked="" type="checkbox"/> YES	<input type="checkbox"/> NO	
Justin Laven	<input checked="" type="checkbox"/> YES	<input type="checkbox"/> NO	
Ron Regenscheid	<input checked="" type="checkbox"/> YES	<input type="checkbox"/> NO	
David Wendinger	<input checked="" type="checkbox"/> YES	<input type="checkbox"/> NO	

6. The requested use is not in conflict with the Nicollet County Comprehensive Plan.

Terry Morrow	<input checked="" type="checkbox"/> YES	<input type="checkbox"/> NO	WHY: <u>reclamation plan in place, mining is a</u>
Jason Enter	<input type="checkbox"/> YES	<input type="checkbox"/> NO	<u>justifiable industrial use</u>
David Hermanson	<input checked="" type="checkbox"/> YES	<input type="checkbox"/> NO	
Justin Laven	<input checked="" type="checkbox"/> YES	<input type="checkbox"/> NO	
Ron Regenscheid	<input checked="" type="checkbox"/> YES	<input type="checkbox"/> NO	
David Wendinger	<input checked="" type="checkbox"/> YES	<input type="checkbox"/> NO	

7. The requested use will not create an unreasonably adverse effect because of noise, odor, glare, or general unsightliness, for nearby property owners.

Terry Morrow	<input checked="" type="checkbox"/> YES	<input type="checkbox"/> NO	WHY: <u>no blasting, will control dust, not visible</u>
Jason Enter	<input type="checkbox"/> YES	<input type="checkbox"/> NO	<u>from highway</u>
David Hermanson	<input checked="" type="checkbox"/> YES	<input type="checkbox"/> NO	
Justin Laven	<input checked="" type="checkbox"/> YES	<input type="checkbox"/> NO	
Ron Regenscheid	<input checked="" type="checkbox"/> YES	<input type="checkbox"/> NO	
David Wendinger	<input checked="" type="checkbox"/> YES	<input type="checkbox"/> NO	

8. The requested use is reasonably related to the existing land use and environment.

Terry Morrow	<input checked="" type="checkbox"/> YES	<input type="checkbox"/> NO	WHY: <u>other mines in area, mineral extraction is</u>
Jason Enter	<input type="checkbox"/> YES	<input type="checkbox"/> NO	<u>an allowed use, in ag and natural environment</u>
David Hermanson	<input checked="" type="checkbox"/> YES	<input type="checkbox"/> NO	<u>area</u>
Justin Laven	<input checked="" type="checkbox"/> YES	<input type="checkbox"/> NO	
Ron Regenscheid	<input checked="" type="checkbox"/> YES	<input type="checkbox"/> NO	
David Wendinger	<input checked="" type="checkbox"/> YES	<input type="checkbox"/> NO	

9. There are no apparent unreasonable health risks posed to neighbors or the public in general.

Terry Morrow	<input checked="" type="checkbox"/> YES	<input type="checkbox"/> NO	WHY: <u>meets all county and state standards, has</u>
Jason Enter	<input type="checkbox"/> YES	<input type="checkbox"/> NO	<u>an NPDES permit from MPCA</u>
David Hermanson	<input checked="" type="checkbox"/> YES	<input type="checkbox"/> NO	
Justin Laven	<input checked="" type="checkbox"/> YES	<input type="checkbox"/> NO	
Ron Regenscheid	<input checked="" type="checkbox"/> YES	<input type="checkbox"/> NO	
David Wendinger	<input checked="" type="checkbox"/> YES	<input type="checkbox"/> NO	

10. The requested use will will not (Circle One) have an adverse effect upon public health, safety and welfare due to the following other factors:

Terry Morrow	<input checked="" type="checkbox"/> YES	<input type="checkbox"/> NO	WHY: <u>no apparent adverse effects</u>
Jason Enter	<input type="checkbox"/> YES	<input type="checkbox"/> NO	_____
David Hermanson	<input checked="" type="checkbox"/> YES	<input type="checkbox"/> NO	_____
Justin Laven	<input checked="" type="checkbox"/> YES	<input type="checkbox"/> NO	_____
Ron Regenscheid	<input checked="" type="checkbox"/> YES	<input type="checkbox"/> NO	_____
David Wendinger	<input checked="" type="checkbox"/> YES	<input type="checkbox"/> NO	_____

**SPECIAL CONDITIONS ARE LISTED
ON THE RECORDED CONDITIONAL USE PERMIT AND IN THE RECORD**

**THE NICOLLET COUNTY PLANNING AND ZONING ADVISORY COMMISSION:
(APPROVES X) (DENIES) THE REQUESTED CONDITIONAL USE PERMIT**

This decision is based on:

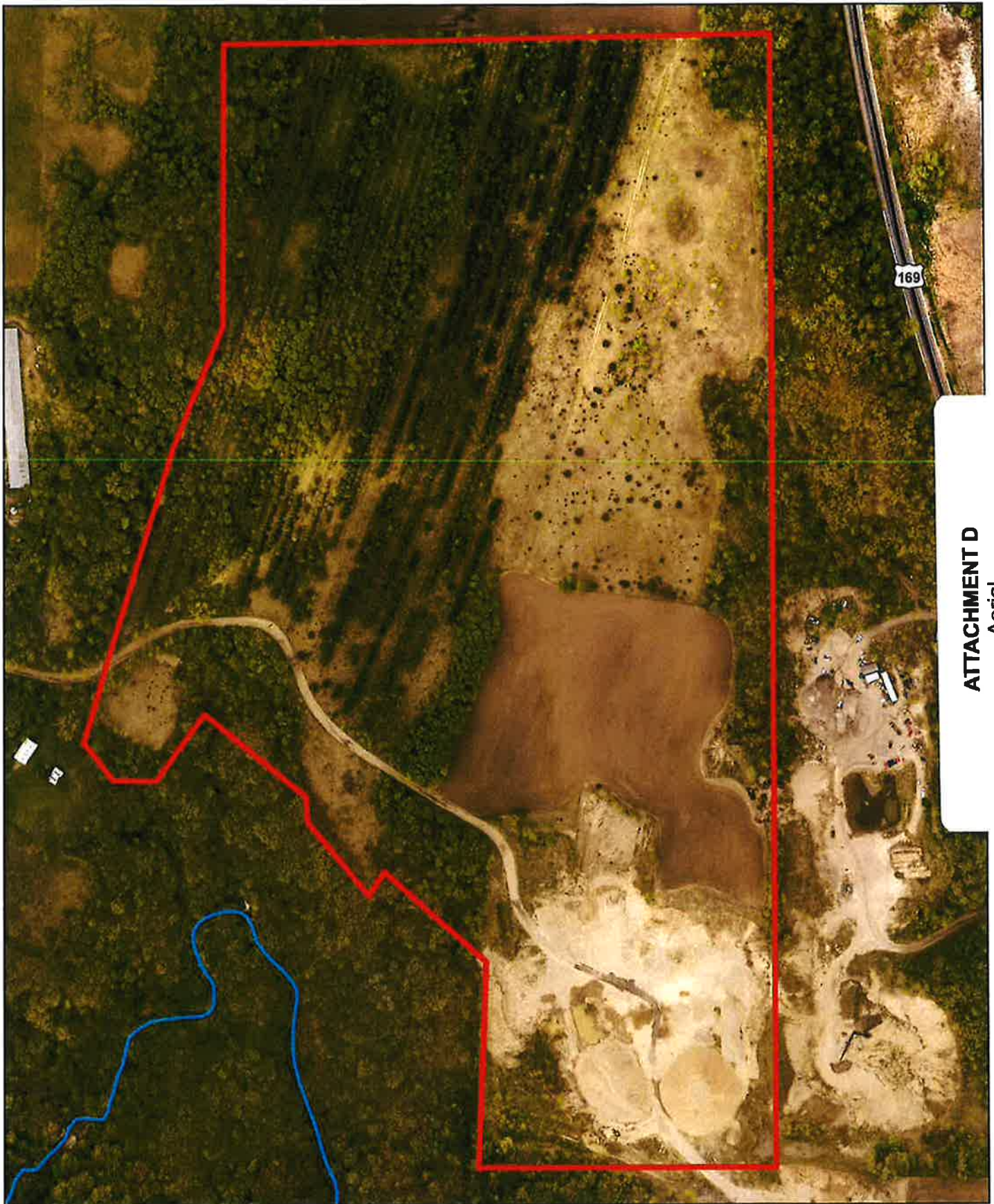
X application _____ viewed by _____ members of Commission:
X staff report _____ pictures
_____ information received at public hearing

Dranttel _____ Regenscheid _____
Enter _____ Wendinger _____
Hermanson _____
Laven _____

Facts supporting the answer to each question above are hereby certified to be the Findings of the Nicollet County Planning and Zoning Advisory Commission.

Date: _____

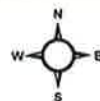
Chair: _____



ATTACHMENT D
Aerial

Disclaimer: The information herein is intended to be a true representation of available records. However, there is no guarantee to the user as to the accuracy, suitability, or reliability of this data for any purpose. The Property Services Division of Nicollet County assumes no responsibility for actual or consequential damage incurred as a result of any user's reliance on this data.

1:3,600 1 inch = 300 feet



0 150 300 Feet

Legend

Lorentz-GP75

KIRK & AMY ANDERSON
39870 COUNTY ROAD 20
SAINT PETER MN 56082

TORREY & JULIE CARLBLOM
35545 398TH LN
SAINT PETER MN 56082

JAMES & ANNE DAVIS
39835 COUNTY ROAD 20
SAINT PETER MN 56082

GELDNER BROS SAND & GRAVEL LLC
28808 W LAKE DR
MADISON LAKE MN 56063

HIGH POINT FARMS LLC &
JACYL PARTNERSHIP LLP
6216 SHAMROCK DR
MADISON LAKE MN 56063

LYLE & CAROLINE JEANETTE JASTER
38949 COUNTY ROAD 20
SAINT PETER MN 56082

CHARLOTTE KAMPS REVOCABLE TRUST
137 S MORNINGSIDE DR
LE SUEUR MN 56058

HARVEY & DIANN KENDALL
108 HILLCREST RD
MONTICELLO MN 55362

MARK & SUSAN KENDALL
39956 US HIGHWAY 169
SAINT PETER MN 56082

AMBROSE & SCHELLI MCCABE
REVOCABLE TRUST
40497 COUNTY ROAD 20
SAINT PETER MN 56082

COLIN & CARA ROEMER
13264 GEORGIA DR
APPLE VALLEY MN 55124

JACEK & MALGORZATA SOROKA
39877 COUNTY ROAD 20
SAINT PETER MN 56082

EDWARD & DONNA WALTER
39757 COUNTY ROAD 20
SAINT PETER MN 56082

JEREMY WALTER & LISA FERRETTI
39761 COUNTY ROAD 20
SAINT PETER MN 56082-4337

DAVID WOELPERN
40196 US HWY 169
SAINT PETER MN 56082-4392

ATTACHMENT E
Neighbor Notification List



MINERAL EXTRACTION CHECKLIST

The following information is required to be provided for a conditional use permit application. Additional information may be required, as determined necessary by the Zoning Administrator and per Section 724 of the Zoning Ordinance.

NUMBER OF ACRES AS FOLLOWS:

4 Acres being mined or used for mining purposes (stockpiles, equipment storage, haul roads, etc).

0 Acres permitted and remaining to be mined in future phases.

1.5 Acres where land reclamation has occurred.

2.5 Acres not permitted to be mined (non-mining related acres).

_____ Total acreage of property.

TONNAGE OF MATERIAL REMOVED:

0 Tons of material removed from site over the past three (3) years, or since last permit renewal date.

Include a copy of the renewed **BOND** or **LETTER OF CREDIT** for the site. Continuation letters must be sent to the Property Services Office on years when the permit is not scheduled for renewal.

PLEASE PRINT:

Property Owner: GP-75, LLC

Owner's Address: 47091 335th AVE Kasota, MN 56050

Contractor working the site: Wendell Lorentz & Sons, LLC

Contractor's address: PO Box 847 Mandota, MN 56002

Contractor's phone number: 507-340-8901

Date: 8-19-2020

Applicant (Landowner or Contractor) Signature: Shaw Buxton

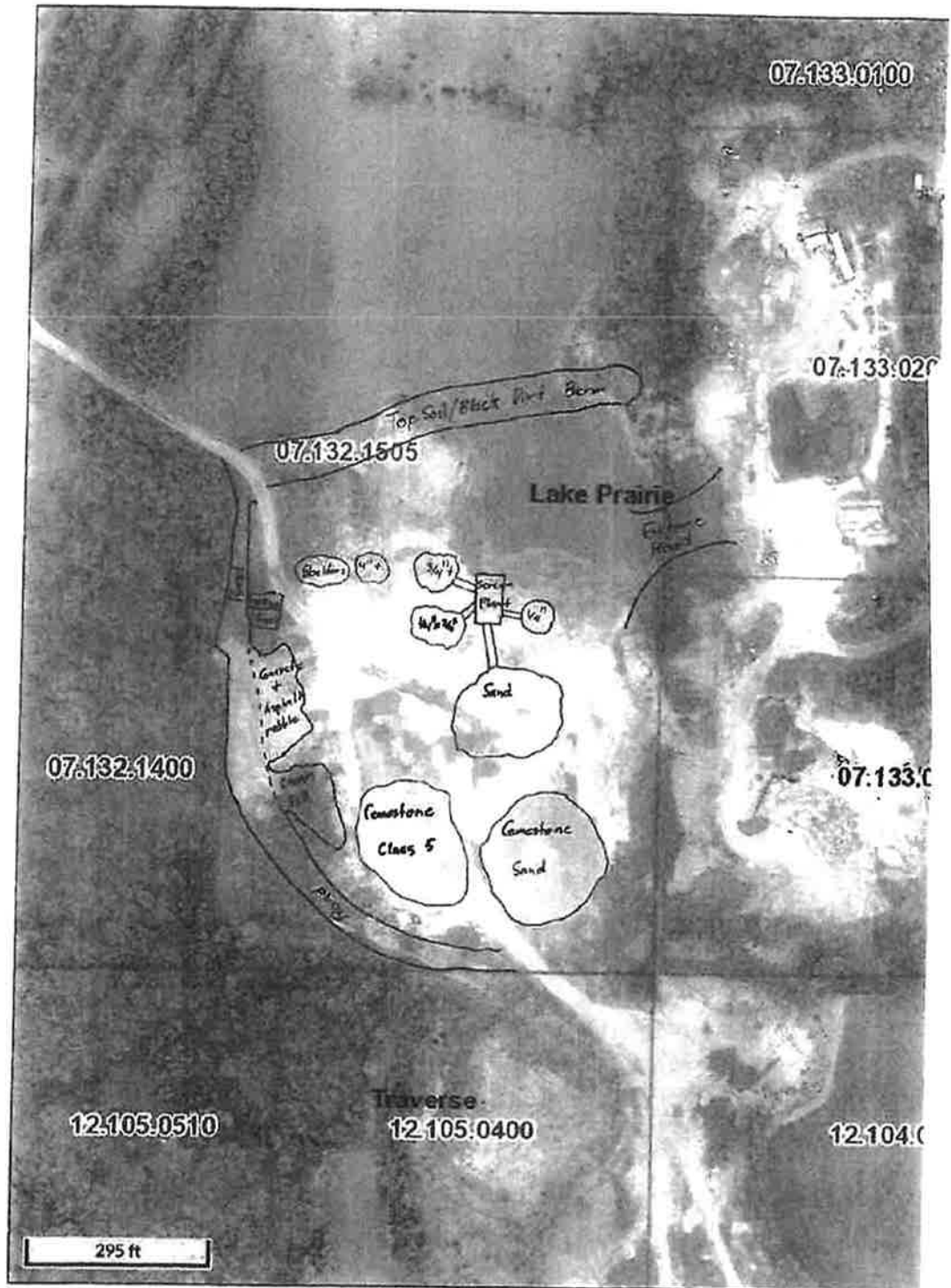
Parcel No. 07.132.1505 Map No. _____

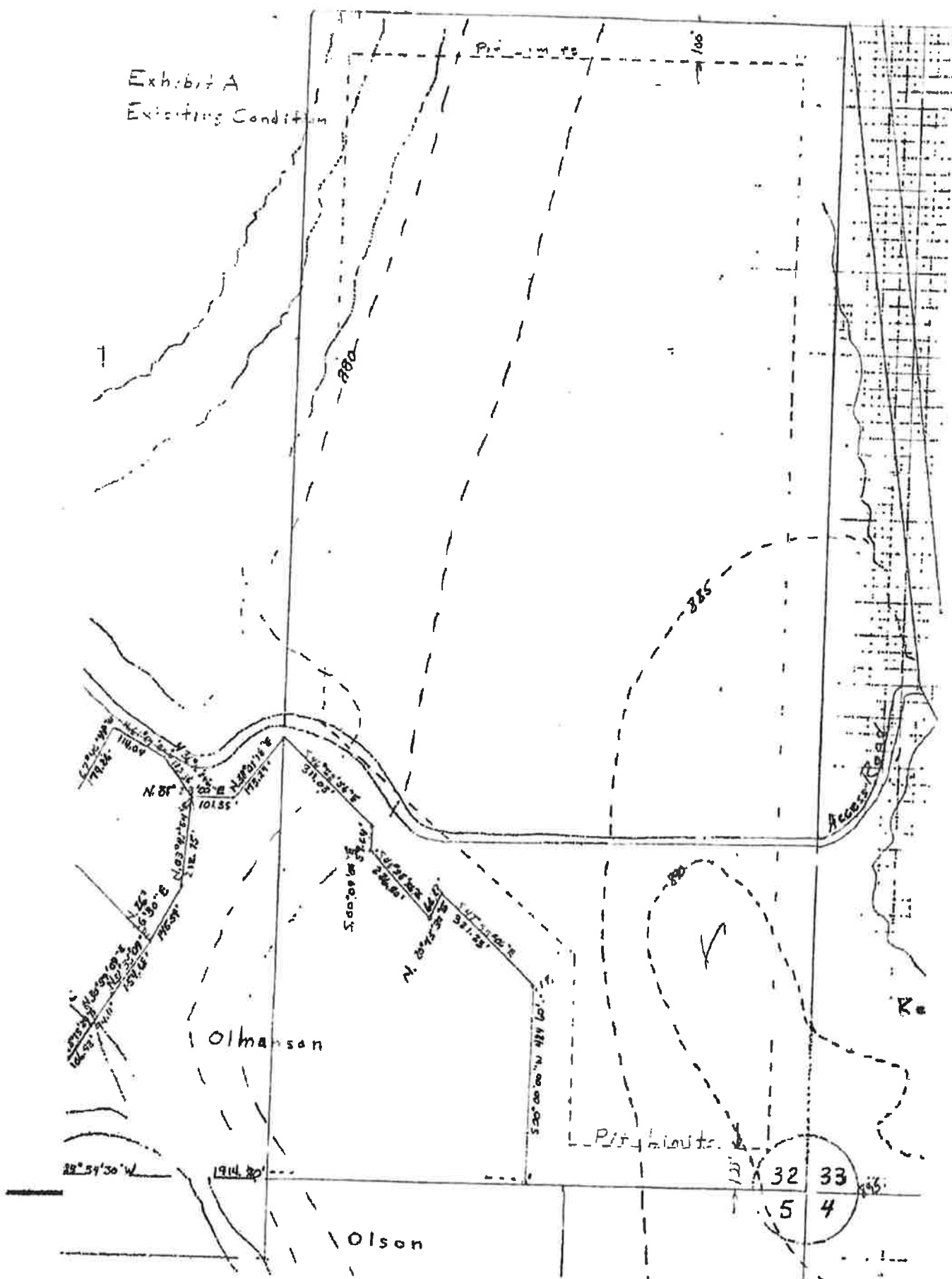
Revised 11-29-18 JH

Mission Statement
Providing efficient services
with innovation and accountability.

Leadership. Efficiency.
Accountability. Innovation.
Integrity.

Vision Statement
Setting the standard for providing superior and
efficient county government services through
leadership, accountability and innovation to a
growing and diverse society.

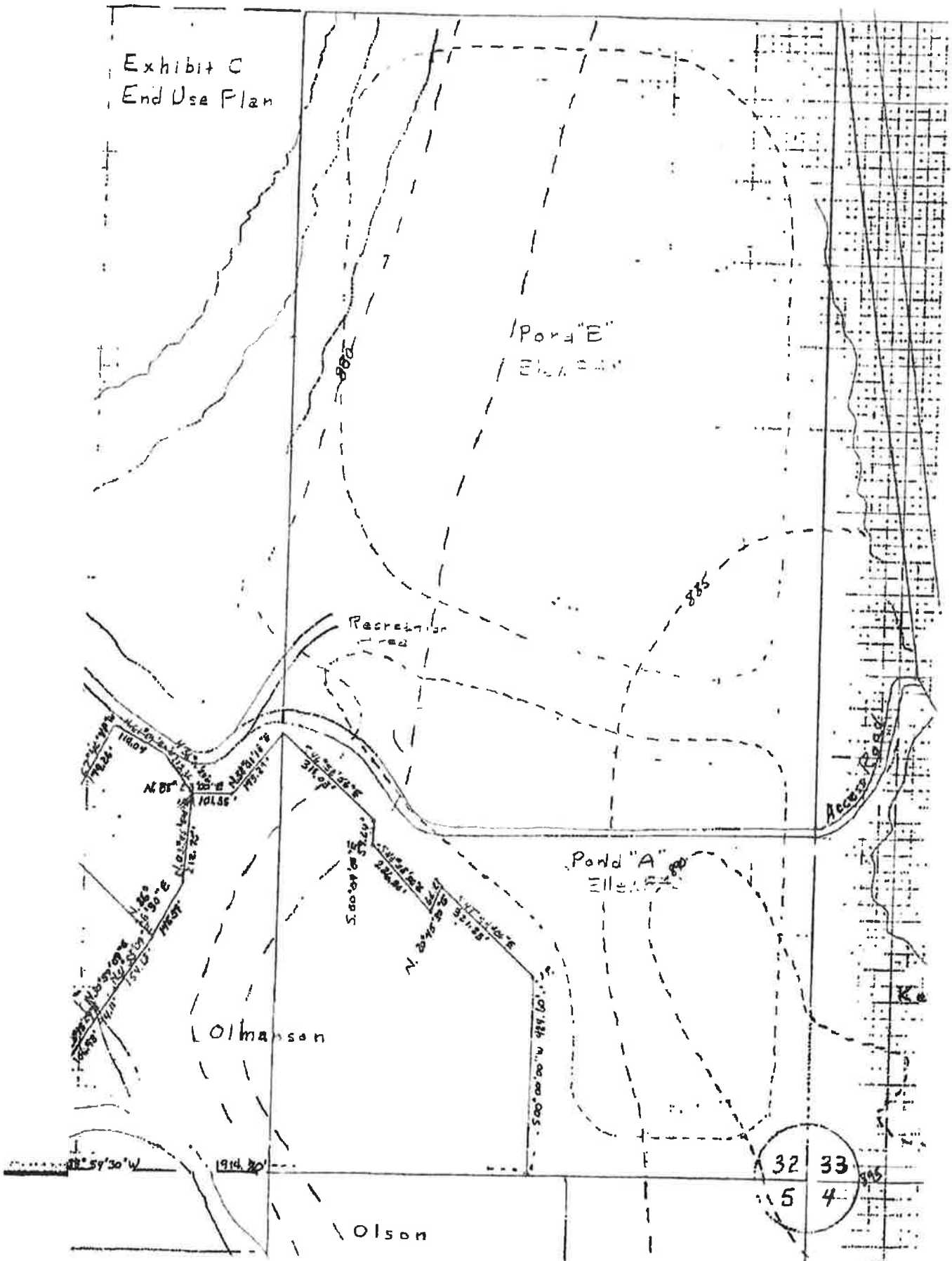




ATTACHMENT F.3

Map A - Existing Conditions

Exhibit C
End Use Plan



ATTACHMENT F.5
Map C - Reclamation/End Use



CONDITIONAL USE PERMIT

THREE-YEAR REVIEW OF MINERAL EXTRACTION PERMIT

**WENDELL LORENTZ & SONS, LLC /
DAVID WOELPERN**

PLN20-24

**NICOLLET COUNTY
PLANNING & ZONING ADVISORY COMMISSION**

SUBJECT:	Conditional Use Permit, PLN20-24
APPLICANT:	Wendell Lorentz & Sons, LLC
LANDOWNER:	David Woelperm
LOCATION:	Part of the Northeast 1/4 of the Northeast 1/4 of Section 5-110-26 and Part of Government Lot 6 in Section 4-110-26 in Traverse Township
PARCEL NO:	12.105.0400 and 12.104.0100
EXISTING ZONING:	Conservancy, Shoreland, Floodplain
HEARING DATE:	September 21, 2020

REQUEST

The applicant has submitted a request for a three-year review of a mineral extraction permit to mine, crush, wash, and stockpile gravel, including a hot mix plant.

EXISTING LAND USE

The request involves two adjacent properties totaling 86.3 acres. The site contains the mining area, wooded bluffs, and agricultural land. The mining area is located in the northwestern portion of the site. The site is zoned a mix of Conservancy, Shoreland, and Floodplain. The mining area is located in the Conservancy district. In the Conservancy district mining is a conditional use.

SURROUNDING LAND USE

The site is surrounded by a mix of wooded bluffs, agricultural land, and floodplain. The City of Saint Peter is located approximately 1.5 miles south of the site. The site is bordered to the west and south by Robart's Creek. East of the site is U.S. Highway 169 and the Minnesota River. Directly to the north are the GP-75, Inc. (formerly Brostrom-Pell), Geldner Brothers, and Kendall gravel pits.

PROJECT DESCRIPTION

Background:

The mine was originally permitted in 1990 by Richard Woelperm. In 1992, the property transferred to David Woelperm and three other family members. David Woelperm took sole ownership of the property in 1999. The current lessee is the applicant: Wendell Lorentz & Sons, LLC. The previous lessee was SMC (Southern Minnesota Construction Company).

The operation includes the mining, crushing, and stockpiling of gravel. All mining is done by front end loaders, bulldozers, scrapers, and excavators. Electricity is produced by portable generator sets or comes from hard wire sources. Fuel is delivered by local distributors on a daily basis, with fuel storage kept at a minimum. Mining operations are monitored by the Mine Safety and Health Administration and the Minnesota Pollution Control Agency.

The site is also permitted for the location of a temporary asphalt or concrete hot mix plant. Hot mix and crushing operations will occur seasonally, from approximately April through December. Loading operations will occur year-round. Materials such as sand, gravel, clay, recycled asphalt and concrete, and limestone may be stockpiled or used onsite by the hot mix plant as necessary.

Current Request:

The current request is for a three-year review of a mineral extraction permit to mine, crush, wash, and stockpile gravel, with a hot mix plant. Section 724.2(3) of the Nicollet County Zoning Ordinance requires that conditional use permits for mineral extraction be renewed every three years. According to the applicant there are six acres actively being mined, 30 acres permitted and to be mined in future phases, and four acres where reclamation has occurred. No material has been removed from the site in the last three years.

NOTE: The mine pre-exists the November 25, 2014 amendments to the mineral extraction section of the Zoning Ordinance. If the original parameters of the project are changed, the operation must conform to current standards.

Access:

The site has direct access to U.S. Highway 169. The site also has access to County Road 20 through the GP-75, Inc. pit to the north and, from there, by easement across an adjacent property to the west.

Appearance:

The gravel pit is not visible from the Minnesota River, nor is it generally visible from U.S. Highway 169 at this time. Section 723.12 of the Zoning Ordinance stipulates that mining operations in proximity to the Minnesota River Valley shall be conducted in such a manner as to preserve the face of the bluffs as viewed from the River and any roads along the River.

Blasting:

No blasting occurs at the site.

Bond:

Per Section 724.2(4) of the Nicollet County Zoning Ordinance, a bond in the amount of at least \$2,500 per actively mined and not yet reclaimed acres shall be valid for a period of not less than one year beyond the expiration date of the permit. The applicant presently has a Bond in place with Western National Mutual Insurance Company for \$30,000 to cover the actively mined and not yet reclaimed acres noted on the mining checklist submitted by the applicant.

Dust, Noise, and Odor Control:

Dust on haul roads is minimal. When necessary, roads are treated with water or calcium chloride to control dust.

Hours of Operation:

In 2014, the applicant requested a deviation from Section 724.5(9) of the Zoning Ordinance which requires mining operations be conducted between 7AM and 7PM. The request was for one additional hour at the beginning of the work day, resulting in operating hours of 6AM to 7PM. The change was requested in order to meet a five-year project supply estimate from MNDOT. The request was approved in 2014. Further deviation from this standard is allowed for emergencies and equipment repair and requires notification be made to Nicollet County Property Services.

Reclamation Plan:

A reclamation plan is on file for the mine. The end use plan for the mine is for the area to become wildlife habitat. The edges of the mine will be smoothed over and vegetation will be established via natural regrowth.

Water:

Mining will occur above the water table. Stormwater is allowed to collect in the pit and filter naturally into the groundwater.

Waste Disposal:

All hazardous substances, such as engine oil, hydraulic oil, anti-freeze, and other maintenance fluids, will be enclosed in waterproof trailers. The operation will utilize portable toilets and human waste is disposed of by a sanitation company. All garbage will be removed on a daily basis or placed in a waste dumpster for periodic disposal.

MINNESOTA POLLUTION CONTROL AGENCY STANDARDS

The applicants are required to maintain a National Pollutant Discharge Elimination System (NPDES) permit from the Minnesota Pollution Control Agency.

NEIGHBOR NOTIFICATION

Property owners were notified of the request per the standards of Section 505.3 of the Zoning Ordinance and Minnesota State Statute 394.26.

CONDITIONAL USE PERMIT CRITERIA

- 1. Given the nature of the land, the requested use is compatible with the general welfare, public health and safety.**

True, because:

- The operation meets the applicable standards of Sections 505, 603.3, and 724 of the Zoning Ordinance for mines in the Conservancy zoning district.
- The operation appears to meet the applicable Minnesota Pollution Control Agency standards for mines.
- There exist no extraordinary circumstances regarding the project.
- The proposal appears to be typical of gravel mining operations within the County.

- 2. The requested use will not create an unreasonably excessive burden on the existing roads or utilities.**

True, because:

- The size and function of the facility is not unreasonable for the location.
- The existing infrastructure is suited for mining operations.
- It appears the burden on public infrastructure from the facility is minimal; both US Highway 169 and County Road 20 are ten ton roads.

- 3. The requested use is compatible with the surrounding area and will not significantly depreciate nearby properties.**

True, because:

- There are five other mines within one mile of the site.
- The mine is within a predominantly natural environment and agricultural.
- The applicant has a reclamation plan in place for the site.

- 4. The structure and the use shall have an appearance that will not have an unreasonably adverse effect on nearby properties.**

True, because:

- Within one mile of the site there are five other mines.
- The mine is screened to the east by the bluffland of the Minnesota River Valley and the mined area is generally not visible from U.S. Highway 169 at this time.
- The proposal appears to be typical for extraction sites within the county that mine, crush, and stockpile gravel.

5. The requested use is consistent with the Nicollet County Land Use Ordinances.

True, because:

- It meets the applicable standards and requirements found in Sections 505, 603, and 724 of the Zoning Ordinance for mining operations in the Conservancy zoning district.

6. The requested use is not in conflict with the Nicollet County Comprehensive Plan.

True, because:

- The comprehensive plan states mineral extraction is a justifiable industrial use of the land and provides vital resources for highway and building construction.
- The applicant has a reclamation plan in place for the site.
- The mine is screened from US Highway 169.

7. The requested use will not create an unreasonably adverse effect because of noise, odor, glare, or general unsightliness, for nearby property owners.

True, because:

- The mined area is screened and is not generally visible from U.S. Highway 169.
- The applicant applies water or calcium chloride to control dust.
- No blasting takes place onsite.

8. The requested use is reasonably related to the existing land use and environment.

True, because:

- There are several other mines within one mile of the site.
- The mine is located in an existing natural environment and agricultural landscape
- Mineral extraction is an allowed conditional use in the Conservancy district.

9. There are no apparent unreasonable health risks posed to neighbors or the public in general.

True, because:

- The operation appears to be typical for mines within the county.
- The proposal meets the applicable county and state standards for mining operations.
- The site maintains a National Pollutant Discharge Elimination System permit from the Minnesota Pollution Control Agency.

10. The requested use will/will not have an adverse effect upon public health, safety and welfare due to the following other factors:

Will Not – True, because:

- The request is proposed to meet county standards, with no apparent adverse effects to the public health, safety, and welfare.

RECOMMENDATIONS

It appears the request meets all 10 conditional use permit criteria. The granting of a conditional use permit from Sections 505, 603.3, and 724 of the Zoning Ordinance, would seem to meet the necessary requirements set forth in Section 505.1, Criteria for Granting Conditional Use Permits.

Staff suggests that if the request is recommended for approval, the following conditions be attached:

1. The applicant undertakes the project according to the plans and specifications submitted to the county with the application.
2. The permit will be periodically reviewed by the county to ensure compliance with the permit and permit conditions.
3. The county may enter onto the premises at reasonable times and in a reasonable manner to ensure the permit holder is in compliance with the conditions and all other applicable statutes, rules, and ordinances.
4. Dust control measures shall be implemented if needed.
5. The conditional use permit to mine, crush, and stockpile gravel shall be reviewed in May 2020.
6. The bond shall be amended as needed to cover the amount of actively mined acres. The bond must be kept in force during the time of operation.
7. Prior to issuance of this conditional use permit, an additional, updated, or amended bond as described in Section 724 of the Nicollet County Zoning Ordinance shall be submitted to Nicollet County Property Services.
8. A continuation certificate shall be in force during the course of this permit.
9. The applicant shall conduct mining operations between 6AM and 7PM, except in the event of an emergency.

Parcel No: 12.105.0400/12.104.0100
Map No: 1405200003/1404100001

Applicant: Wendell Lorentz & Sons, LLC
Landowner: David Woelper

PLN20-24

- ATTACHMENT A Application**
- ATTACHMENT B Criteria for Conditional Use Permit**
- ATTACHMENT C Location Map**
- ATTACHMENT D Aerial**
- ATTACHMENT E Neighbor Notification List**
- ATTACHMENT F Documents Submitted by Applicant**
- F.1 Applicant Narrative
 - F.2 Mineral Extraction Checklist
 - F.3 Map A – Existing Conditions (Original)
 - F.4 Map B – Proposed Operations (Original)
 - F.5 Map C – Reclamation/End Use (Original)
 - F.6 Map C – Reclamation/End Use (2014)



PROPERTY SERVICES DIVISION
501 SOUTH MINNESOTA AVENUE, SAINT PETER MN 56082
507-934-7070

PLANNING & ZONING ADVISORY COMMISSION
APPLICATION

Total Fees: \$446.00

Map#: 1404100001
Parcel#: 121040100
Permit#: PLN20-00024
Date: August 28, 2020

Applicant: Andrew Lorentz, Wendell Lorentz & Sons, LLC, PO Box 847, Mankato MN 56002
Phone: 388-4182

Owner: WOELPERN DAVID F, 40196 US HWY 169, SAINT PETER MN 56082-4392

Property Address: 0,

Abbreviated Legal Description: S 44 AC OF GL 6 "EX 0.90 AC FOR TH" ACRES 43.10 N 8 AC OF GL 7 ACRES 8.00 N
22 1/2 AC OF SW 1/4 OF NW 1/4 ACRES 22.50

Township: Traverse Township

Record Type: Conditional Use

Category: Mineral Extraction

Project Description: Three-year renewal of a mineral extraction permit to mine, crush, and stockpile gravel, including a hot mix plant. Ref: 603.3, 724.

Planning Commission Hearing Date: 09/21/2020

Board of Commissioners Date: 10/13/2020



APPLICANT SIGNATURE

8/28/2020

DATE

ATTACHMENT A
Application



PROPERTY SERVICES DIVISION
501 SOUTH MINNESOTA AVENUE, SAINT PETER MN 56082
507-934-7070

PLANNING & ZONING ADVISORY COMMISSION
APPLICATION

Total Fees: \$446.00

Map#: 1405200003
Parcel#: 121050400
Permit#: PLN20-00024
Date: August 28, 2020

Applicant: Andrew Lorentz, Wendell Lorentz & Sons, LLC, PO Box 847, Markato MN 56002
Phone: 388-4182
Owner: WOELPERN DAVID F, 40196 US HWY 169, SAINT PETER MN 56082-4392
Property Address: 0,
Abbreviated Legal Description: N 12 3/4 AC OF NE 1/4 ACRES 12.70
Township: Traverse Township

Record Type: Conditional Use
Category: Mineral Extraction

Project Description: Three-year renewal of a mineral extraction permit to mine, crush, and stockpile gravel, including a hot mix plant. Ref: 603.3, 724.

Planning Commission Hearing Date: 09/21/2020
Board of Commissioners Date: 10/13/2020



APPLICANT SIGNATURE

8/28/2020

DATE



**NICOLLET COUNTY PLANNING AND ZONING ADVISORY COMMISSION
CRITERIA FOR GRANTING A CONDITIONAL USE PERMIT**

Name of Applicant: Wendell Lorentz & Sons, LLC
Property Owner: David Woelper
Use Requested: Three-year review of a mineral extraction permit to mine, crush, and stockpile gravel, including a hot mix plant

Date: September 21, 2020
File: PLN20-24

FINDINGS OF FACT

Authority for issuance of conditional use permits is derived from Minnesota State Statute §394.301 and Nicollet County Zoning Ordinance, Section 505. The conditional use must maintain the health, safety, morals, and general welfare of the community.

1. Given the nature of the land, the requested use is compatible with the general welfare, public health and safety.

Terry Morrow	<input checked="" type="checkbox"/> YES	<input type="checkbox"/> NO	WHY: <u>meets MPCA standards, no extraordinary</u>
Jason Enter	<input type="checkbox"/> YES	<input type="checkbox"/> NO	<u>circumstances, typical mine</u>
David Hermanson	<input checked="" type="checkbox"/> YES	<input type="checkbox"/> NO	_____
Justin Laven	<input checked="" type="checkbox"/> YES	<input type="checkbox"/> NO	_____
Ron Regenscheid	<input checked="" type="checkbox"/> YES	<input type="checkbox"/> NO	_____
David Wendinger	<input checked="" type="checkbox"/> YES	<input type="checkbox"/> NO	_____

2. The requested use will not create an unreasonably excessive burden on the existing roads or utilities.

Terry Morrow	<input checked="" type="checkbox"/> YES	<input type="checkbox"/> NO	WHY: <u>has access to 169, infrastructure suited for</u>
Jason Enter	<input type="checkbox"/> YES	<input type="checkbox"/> NO	<u>mining operations, uses two ten ton roads</u>
David Hermanson	<input checked="" type="checkbox"/> YES	<input type="checkbox"/> NO	_____
Justin Laven	<input checked="" type="checkbox"/> YES	<input type="checkbox"/> NO	_____
Ron Regenscheid	<input checked="" type="checkbox"/> YES	<input type="checkbox"/> NO	_____
David Wendinger	<input checked="" type="checkbox"/> YES	<input type="checkbox"/> NO	_____

3. The requested use is compatible with the surrounding area and will not significantly depreciate nearby properties.

Terry Morrow	<input checked="" type="checkbox"/> YES	<input type="checkbox"/> NO	WHY: <u>other mines in area, reclamation plan on</u>
Jason Enter	<input type="checkbox"/> YES	<input type="checkbox"/> NO	<u>file</u>
David Hermanson	<input checked="" type="checkbox"/> YES	<input type="checkbox"/> NO	_____
Justin Laven	<input checked="" type="checkbox"/> YES	<input type="checkbox"/> NO	_____
Ron Regenscheid	<input checked="" type="checkbox"/> YES	<input type="checkbox"/> NO	_____
David Wendinger	<input checked="" type="checkbox"/> YES	<input type="checkbox"/> NO	_____

4. The structure and the use shall have an appearance that will not have an unreasonably adverse effect on nearby properties.

Terry Morrow	<input checked="" type="checkbox"/> YES	<input type="checkbox"/> NO	WHY: <u>five other mines within one mile, mine is</u>
Jason Enter	<input type="checkbox"/> YES	<input type="checkbox"/> NO	<u>screened by berm and is not visible from 169</u>
David Hermanson	<input checked="" type="checkbox"/> YES	<input type="checkbox"/> NO	_____
Justin Laven	<input checked="" type="checkbox"/> YES	<input type="checkbox"/> NO	_____
Ron Regenscheid	<input checked="" type="checkbox"/> YES	<input type="checkbox"/> NO	_____
David Wendinger	<input checked="" type="checkbox"/> YES	<input type="checkbox"/> NO	_____

5. The requested use is consistent with the Nicollet County Land Use Ordinances.

Terry Morrow	<input checked="" type="checkbox"/> YES	<input type="checkbox"/> NO	WHY: <u>meets Sections 505, 603, and 724 of the</u>
Jason Enter	<input type="checkbox"/> YES	<input type="checkbox"/> NO	<u>Zoning Ordinance</u>
David Hermanson	<input checked="" type="checkbox"/> YES	<input type="checkbox"/> NO	
Justin Laven	<input checked="" type="checkbox"/> YES	<input type="checkbox"/> NO	
Ron Regenscheid	<input checked="" type="checkbox"/> YES	<input type="checkbox"/> NO	
David Wendinger	<input checked="" type="checkbox"/> YES	<input type="checkbox"/> NO	

6. The requested use is not in conflict with the Nicollet County Comprehensive Plan.

Terry Morrow	<input checked="" type="checkbox"/> YES	<input type="checkbox"/> NO	WHY: <u>has a reclamation plan in place, mine is</u>
Jason Enter	<input type="checkbox"/> YES	<input type="checkbox"/> NO	<u>screened, mineral extraction is a justifiable</u>
David Hermanson	<input checked="" type="checkbox"/> YES	<input type="checkbox"/> NO	<u>industrial use</u>
Justin Laven	<input checked="" type="checkbox"/> YES	<input type="checkbox"/> NO	
Ron Regenscheid	<input checked="" type="checkbox"/> YES	<input type="checkbox"/> NO	
David Wendinger	<input checked="" type="checkbox"/> YES	<input type="checkbox"/> NO	

7. The requested use will not create an unreasonably adverse effect because of noise, odor, glare, or general unsightliness, for nearby property owners.

Terry Morrow	<input checked="" type="checkbox"/> YES	<input type="checkbox"/> NO	WHY: <u>mine is partially screened, no blasting,</u>
Jason Enter	<input type="checkbox"/> YES	<input type="checkbox"/> NO	<u>has dust control</u>
David Hermanson	<input checked="" type="checkbox"/> YES	<input type="checkbox"/> NO	
Justin Laven	<input checked="" type="checkbox"/> YES	<input type="checkbox"/> NO	
Ron Regenscheid	<input checked="" type="checkbox"/> YES	<input type="checkbox"/> NO	
David Wendinger	<input checked="" type="checkbox"/> YES	<input type="checkbox"/> NO	

8. The requested use is reasonably related to the existing land use and environment.

Terry Morrow	<input checked="" type="checkbox"/> YES	<input type="checkbox"/> NO	WHY: <u>other mines in area, in a natural</u>
Jason Enter	<input type="checkbox"/> YES	<input type="checkbox"/> NO	<u>environment area, is an allowed use</u>
David Hermanson	<input checked="" type="checkbox"/> YES	<input type="checkbox"/> NO	
Justin Laven	<input checked="" type="checkbox"/> YES	<input type="checkbox"/> NO	
Ron Regenscheid	<input checked="" type="checkbox"/> YES	<input type="checkbox"/> NO	
David Wendinger	<input checked="" type="checkbox"/> YES	<input type="checkbox"/> NO	

9. There are no apparent unreasonable health risks posed to neighbors or the public in general.

Terry Morrow	<input checked="" type="checkbox"/> YES	<input type="checkbox"/> NO	WHY: <u>typical mine in area, meets county and</u>
Jason Enter	<input type="checkbox"/> YES	<input type="checkbox"/> NO	<u>state standards, has an NPDES from MPCA</u>
David Hermanson	<input checked="" type="checkbox"/> YES	<input type="checkbox"/> NO	
Justin Laven	<input checked="" type="checkbox"/> YES	<input type="checkbox"/> NO	
Ron Regenscheid	<input checked="" type="checkbox"/> YES	<input type="checkbox"/> NO	
David Wendinger	<input checked="" type="checkbox"/> YES	<input type="checkbox"/> NO	

Terry Morrow	<input checked="" type="checkbox"/> YES	<input type="checkbox"/> NO
Jason Enter	<input type="checkbox"/> YES	<input type="checkbox"/> NO
David Hermanson	<input checked="" type="checkbox"/> YES	<input type="checkbox"/> NO
Justin Laven	<input checked="" type="checkbox"/> YES	<input type="checkbox"/> NO
Ron Regenscheid	<input checked="" type="checkbox"/> YES	<input type="checkbox"/> NO
David Wendinger	<input checked="" type="checkbox"/> YES	<input type="checkbox"/> NO

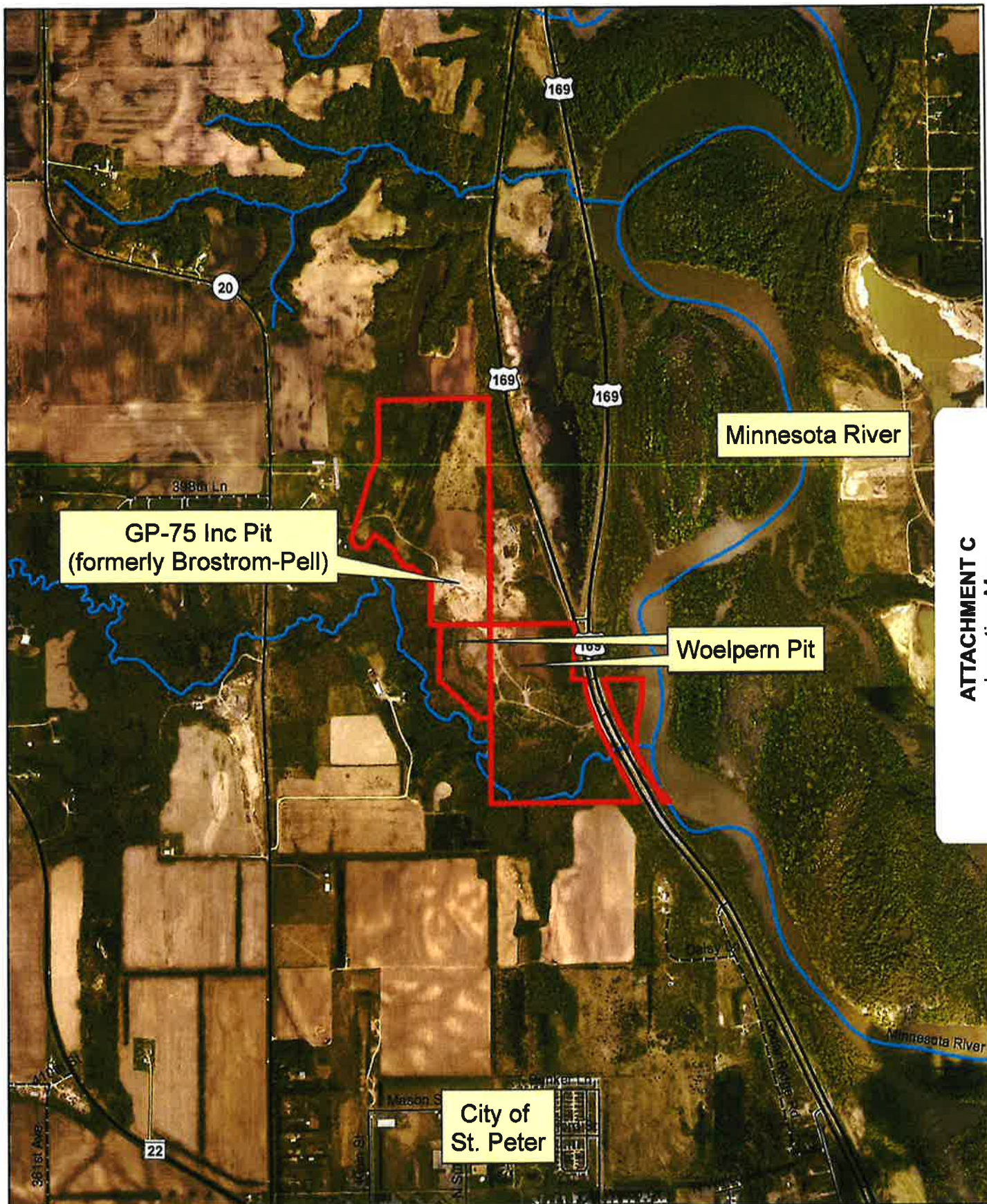
WHY: typical mine, meets county standards

**THE NICOLLET COUNTY PLANNING AND ZONING ADVISORY COMMISSION:
(APPROVES X) (DENIES) THE REQUESTED CONDITIONAL USE PERMIT**

 X application viewed by members of Commission:
 X staff report pictures
 information received at public hearing

Facts supporting the answer to each question above are hereby certified to be the Findings of the Nicollet County Planning and Zoning Advisory Commission.

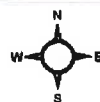
Chair: _____



ATTACHMENT C
Location Map

Disclaimer: The information herein is intended to be a true representation of available records. However, there is no guarantee to the user as to the accuracy, suitability, or reliability of this data for any purpose. The Property Services Division of Nicollet County assumes no responsibility for actual or consequential damage incurred as a result of any user's reliance on this data.

1:18,000 1 inch = 1,500 feet



0 750 1,500 Feet

Legend

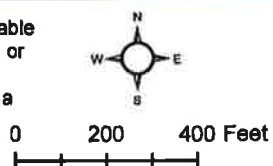
- Lorentz-GP75
- Lorentz-Woelpern



ATTACHMENT D
Aerial

Disclaimer: The information herein is intended to be a true representation of available records. However, there is no guarantee to the user as to the accuracy, suitability, or reliability of this data for any purpose. The Property Services Division of Nicollet County assumes no responsibility for actual or consequential damage incurred as a result of any user's reliance on this data.

1:4,800 1 inch = 400 feet



Legend

Lorentz-Woelpern

JAMES & ANNE DAVIS
39835 COUNTY ROAD 20
SAINT PETER MN 56082

MARIE DRANTTEL
34697 DAISY LN
SAINT PETER MN 56082

RANDY & JOANN FREY-HAWKINS
40700 CEDAR RIDGE RD
SAINT PETER MN 56082

GELDNER BROS SAND & GRAVEL LLC
28808 W LAKE DR
MADISON LAKE MN 56063

GP-75 LLC
PO BOX 30
SAINT PETER MN 56082

MARK & SUSAN KENDALL
39956 US HIGHWAY 169
SAINT PETER MN 56082

AMBROSE & SCHELLI MCCABE
REV TRUST
40497 COUNTY ROAD 20
SAINT PETER MN 56082

MN HISTORICAL SOCIETY
200 TOWER AVE
SAINT PAUL MN 55111

COLIN & CARA ROEMER
13264 GEORGIA DR
APPLE VALLEY MN 55124

JACEK & MALGORZATA SOROKA
39877 COUNTY ROAD 20
SAINT PETER MN 56082

CONDITIONAL USE PERMIT APPLICATION

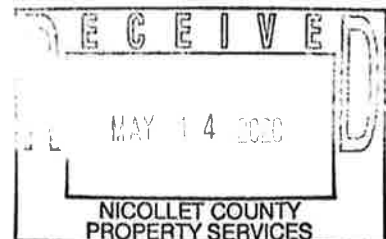
WOELPERN PIT

WENDELL LORENTZ & SONS, INC

AND

DAVID WOELPERN – OWNER

ATTACHMENT F.1
Applicant Narrative



May 11, 2020

Nicollet County Planning and Zoning
501 South Minnesota Ave
St. Peter, MN 56082

RE: Woelpern Pit

Wendell Lorentz & Sons, Inc requests of the Nicollet County Planning and Zoning Commission and the Nicollet County Board of Commissioners the approval and renewal of a Conditional Use Permit for mineral extraction and processing in a certain tract of land consisting of Map#14-04-100-001.

Wendell Lorentz & Sons, Inc proposes to mine the aggregates, operate a wash plant, crush and screen materials on an as needed basis. Reclamation will be completed only after the site has been closed down permanently. Actual life of the site is hard to estimate due to the market demand of the materials.

The road access will be onto Highway 169 or County Road 20.

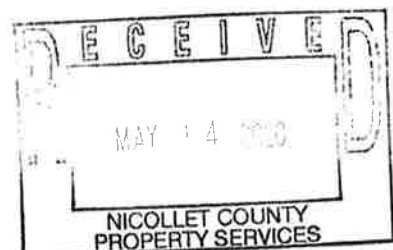
All mining will be done by front end loaders, scrapers, and excavators. Wendell Lorentz and Sons, Inc will adhere to all setbacks as required by the Zoning Ordinance. There will be a need to bring additional materials onto the site, i.e.: sand, gravel, clay, recycled asphalt, recycled concrete and limestone.

Mining operations will be monitored by the Mine Safety and Health Administration (MSHA) and the Minnesota Pollution Control Agency (MPCA).

All equipment and storage areas will be temporary which will be on an as needed basis, soil erosion and sediment will be controlled under present MPCA rules and including the property NPDES and Storm Water Construction permits. Dust control will be with water and calcium chloride.

There will be no explosives used in this area. All hazardous substances such as engine oils, hydraulic oils, anti-freeze and other maintenance fluids will be enclosed in waterproof buildings.


Wendell Lorentz & Sons, Inc
By: Andrew Lorentz



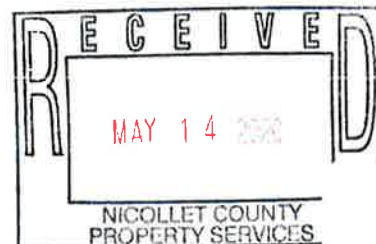


MINERAL EXTRACTION CHECKLIST

The following information is required to be provided for a conditional use permit application. Additional information may be required, as determined necessary by the Zoning Administrator and per Section 724 of the Zoning Ordinance.

NUMBER OF ACRES AS FOLLOWS:

- 6 Acres being mined or used for mining purposes (stockpiles, equipment storage, haul roads, etc).
30 Acres permitted and remaining to be mined in future phases.
4 Acres where land reclamation has occurred.
- Acres not permitted to be mined (non-mining related acres).
40 Total acreage of property.



TONNAGE OF MATERIAL REMOVED:

- 0 - Tons of material removed from site over the past three (3) years, or since last permit renewal date.

Include a copy of the renewed **BOND** or **LETTER OF CREDIT** for the site. Continuation letters must to be sent to the Property Services Office on years when the permit is not scheduled for renewal.

PLEASE PRINT:

Property Owner: David Woelfel
 Owner's Address: 40196 US Hwy 169 St. Peter MN
8880 County Highway 169, St. Peter, MN 56082
 Contractor working the site: Wendell Lorentz & Sons, Inc
 Contractor's address: PO Box 841, Mantato, MN 56002
 Contractor's phone number: 507-340-8901

Date: _____

Applicant (Landowner or Contractor) Signature: David Woelfel

Parcel No. 12-105-0400 & 12-104-0100

Map No. 14-04-100-001

Revised 11-29-18 JH

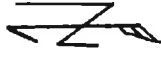
ATTACHMENT F.2
Mineral Extraction Checklist

Mission Statement
Providing efficient services
with innovation and accountability.

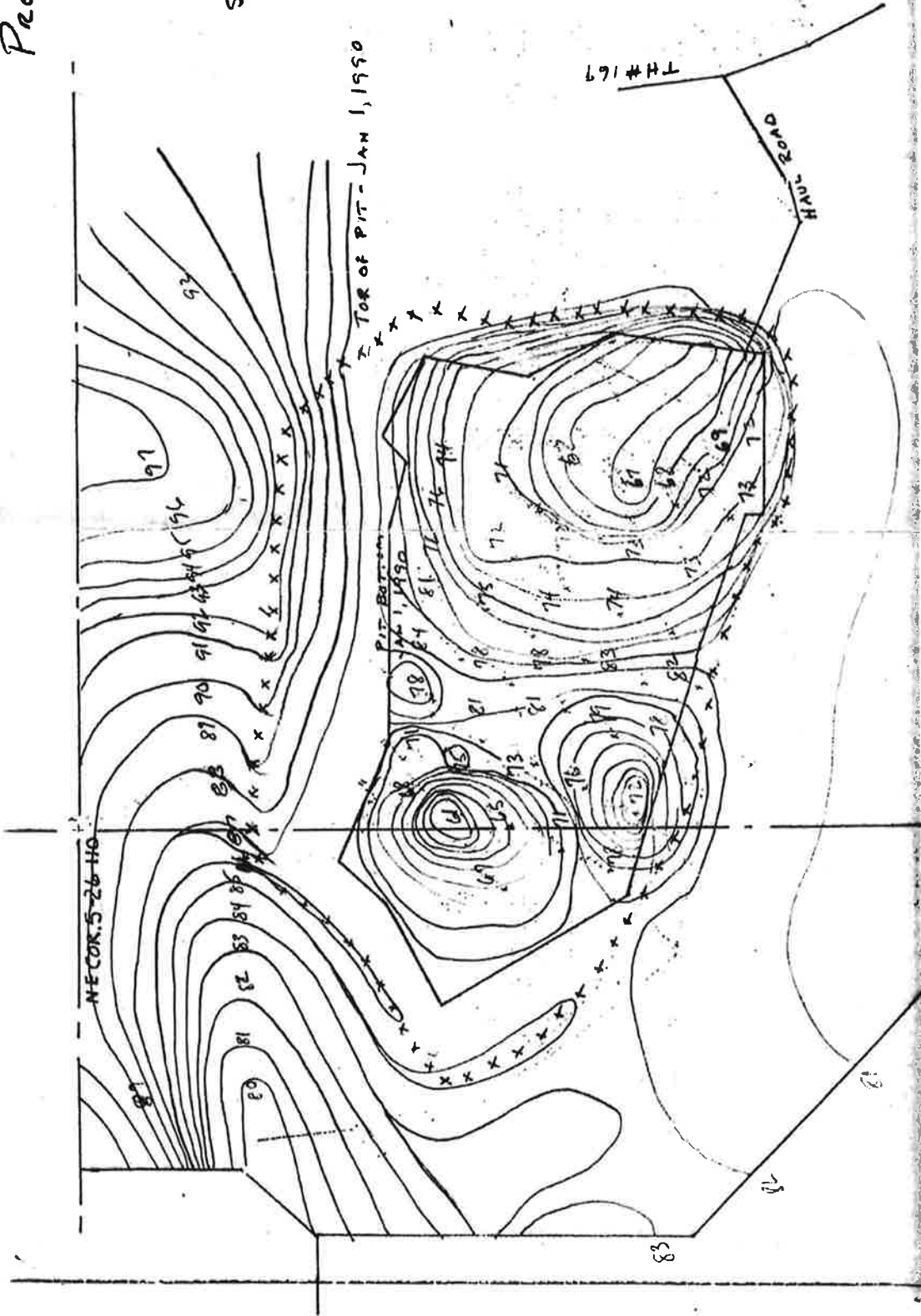
Leadership. Efficiency.
Accountability. Innovation.
Integrity.

Vision Statement
Setting the standard for providing superior and
efficient county government services through
leadership, accountability and innovation to a
growing and diverse society.

Present PIT A

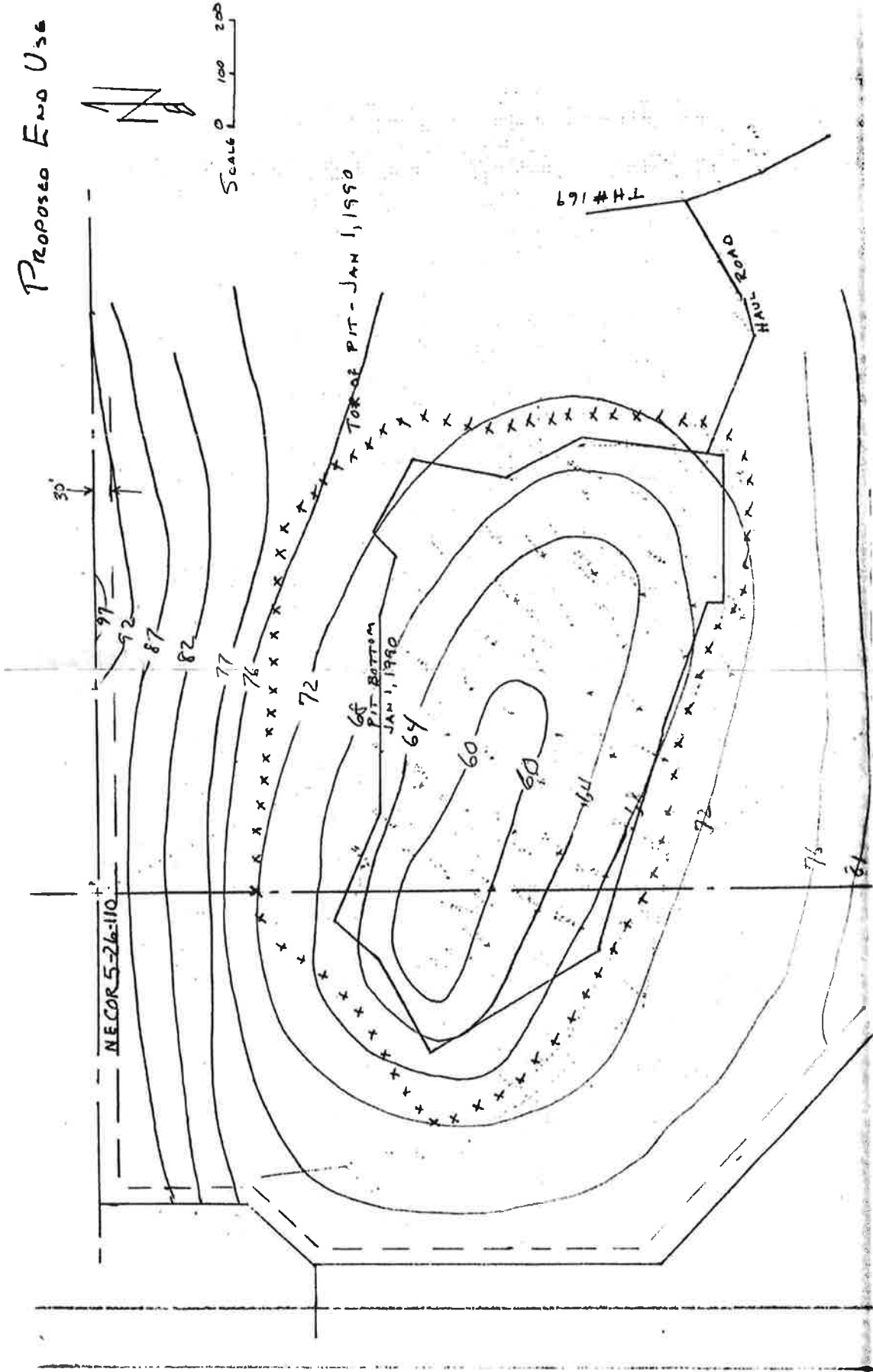


SCALE 0 100 200

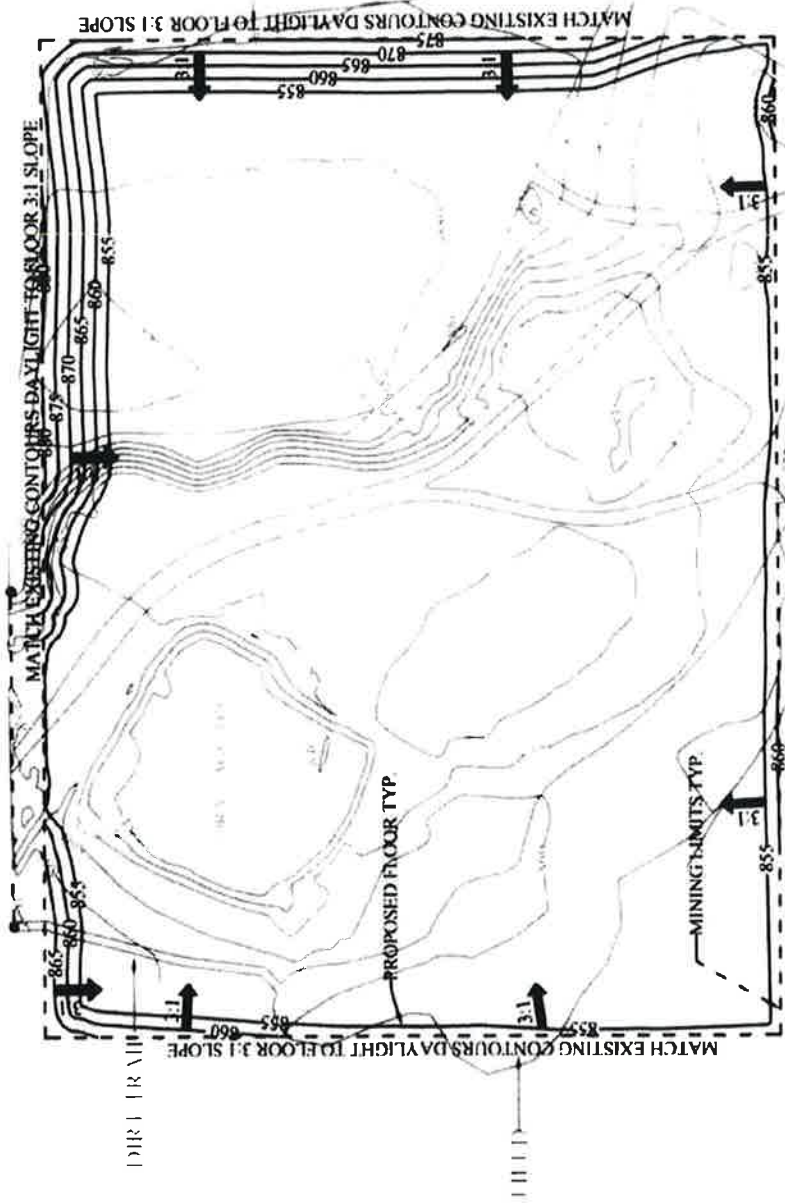


ATTACHMENT F.3
Map A - Existing Conditions (Original)

Proposed End Use C

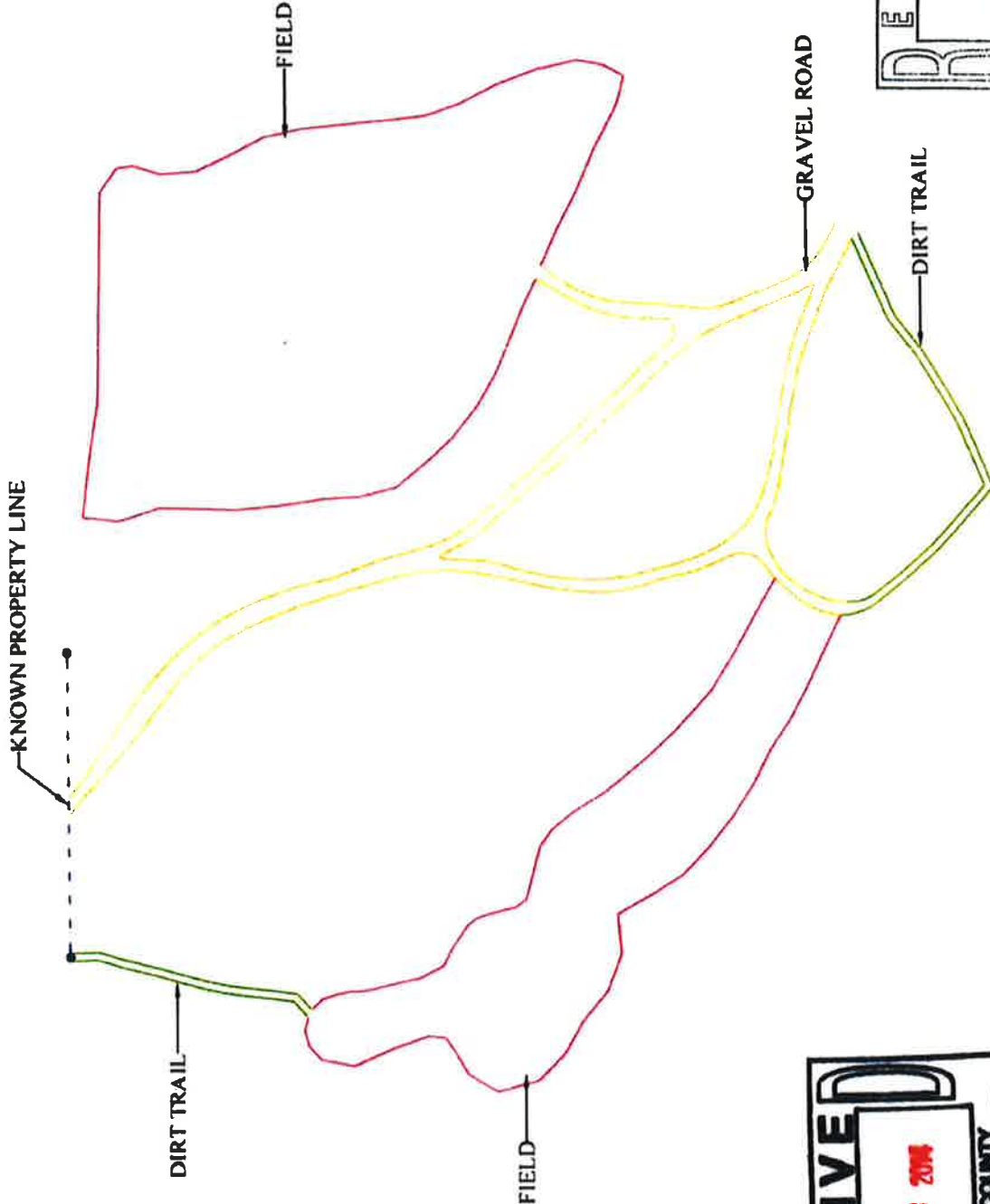


ATTACHMENT F.5
Map C - Reclamation/End Use (Original)



WOELPERN PIT PROPOSED RECLAMATION DRAWING SURVEYED MAY 5TH, 2014 SCALE 1"=200' DRAWN BY JAS **BMC**

ATTACHMENT F.6
Map C - Reclamation/End Use (2014)



RECEIVED
MAY 14 2020
NICOLLET COUNTY
PROPERTY SERVICES

RECEIVED
MAY 13 2020
NICOLLET COUNTY
ENVIRONMENTAL SERVICES



Permit Form

RECORD ID	RECORD TYPE	DESCRIPTION	ADDRESS	OWNER NAME
BLD20-00139	SSTS Permit	Replacement and upgrade of septic tanks to 1250 septic 1000 septic. Possible replacement of 1000 pump if necessary. Reuse of 1998 mound that appears to be hydraulically overloaded. Mound to be monitored, if overload does not subside, mound will need to be replaced.	38835 490TH ST ST PETER, MN 56082	LITTLE FRANK D & ALANA A LITTLE
BLD20-00140	Structure Permit	Construct a 40' x 80' (3,200 sq ft) hoop barn for hay storage.	39309 FORT RD ST PETER, MN 56082	ENZ LARRY F & LAVONNE A ENZ
BLD20-00141	Structure Permit	Replace existing split rail fence with a new split rail fence in the same location in the R-1 District.	52995 DEERWOOD TRL N MANKATO, MN 56003	PR AHL PAUL H & DONNA M PRAHL
BLD20-00142	SSTS Permit	Replacement septic for a 5 bedroom house and a 10 child daycare. Combined system for the business and the house. New septic system with 3000 gallons of septic tank(s) and 1000 gallon pump tank. New soil treatment area designed for this house and specific sited location.	40929 478TH ST N MANKATO, MN 56003	MICHEL S DAVID P
BLD20-00143	Structure Permit	Construct a 272 sf replacement deck and bathroom on existing house. Interior/exterior remodel and structural alteration. Verified outside of 0.2% chance or 500-year floodplain elevation.	57237 446TH ST NEW ULM, MN 56073	Michael Hippert
BLD20-00144	SSTS Compliance Inspection	Compliance inspection for property transfer	60641 VALLEY HILLS DR NEW ULM, MN 56073	HULL JASON E & JULIE M HULL
BLD20-00145	Structure Permit	Construct a 20' x 40' (800 sf) two-story single family dwelling. No basement. Two bedrooms. Existing access. Outside of the 0.2% (500-year) floodplain elevation of 757'. Lowest floor elevation of 760'. Contractor is Matt Kes. License number: QB137896. Septic design submitted and approved. New 911 address, sign, post, and mailbox support.	0	WAGNER GERALD
BLD20-00146	Structure Permit	Construction of one-story single family dwelling, with a one-stall attached garage. Total footprint of 2,280 sf (30' x 76'). No basement. Three bedrooms. Access existing. Contractor is Excelsior Homes West, Inc. License number: BC005417. Septic design submitted and approved. New 911 address, sign, post, and mailbox support.	37237 FORT RD ST PETER, MN 56082	MEYER ROBERT E II

BLD20-00146	Structure Permit	Construction of one-story single family dwelling, with a one-stall attached garage. Total footprint of 2,280 sf (30' x 76'). No basement. Three bedrooms. Access existing. Contractor is Excelior Homes West, Inc. License number: BC005417. Septic design submitted and approved. New 911 address, sign, post, and mailbox support.	37237 FORT RD ST PETER, MN 56082	MEYER ROBERT E II
BLD20-00147	SSTS Compliance Inspection	Compliance inspection for property transfer	45233 SUNRISE DR NEW ULM, MN 56073	FISCHER DEAN J & JUDY A FISCHER
BLD20-00148	SSTS Compliance Inspection	Compliance inspection for property transfer	39742 348TH ST LE SUEUR, MN 56058	ZEIHER JAKE & KALLI SCHWIRTZ
BLD20-00149	SSTS Compliance Inspection	Compliance inspection for Property Transfer	52476 465TH ST COURTLAND, MN 56021	BUDAHN NAOMI M TRUST
BLD20-00150	SSTS Permit	Septic replacement for a 3 bedroom house. New septic tank, New pump tank and new soil treatment area designed for this house	45233 SUNRISE DR NEW ULM, MN 56073	FISCHER DEAN J & JUDY A FISCHER
BLD20-00151	SSTS Compliance Inspection	Compliance inspection for zoning permit - house addition	42842 COUNTY ROAD 53 ST PETER, MN 56082	JAEGER AMANDA S
BLD20-00152	Structure Permit	Construct a 32' x 32' (1,024 sq ft) replacement garage damaged by runoff. Replacing same dimensions in the same location.	41259 Cedar Ridge Rd St. Peter, Minnesota 56082	Mark Hagelberger
BLD20-00153	SSTS Permit	Replacement septic system for a 4 bedroom house with new septic tank and new soil treatment area.	51699 506TH ST COURTLAND, MN 56021	DRILL MARVIN R & LISA A
BLD20-00154	Structure Permit	Construct a replacement storage shed. Shed will be 66' x 108' (7,128 sf). Southern lean-to will be 21' x 36' (756 sf). Northern lean-to will be 18' x 48' (864 sf). Total footprint of 8,748 sf. Shed will have electrical, will be non-insulated, and will have a dirt floor. Contractor is RAM Construction.	47133 481ST AVE NICOLLET, MN 56074	DALLMANN MICHAEL A
BLD20-00155	SSTS Permit	Replacement septic for a 6 bedroom house. New Septic tank, new pump tank and new mound soil treatment area.	36528 FORT RD ST PETER, MN 56082	MUELLERLEILE STANLEY L & MARY MUELLERLEILE
BLD20-00156	SSTS Permit	New septic system for a new 5 bedroom house. New Septic tank and new pump tank to a new mound soil treatment area.	0 COUNTY ROAD 13 N MANKATO, MN 56003	R HENRY INVESTMENTS LLC
FDL20-00001	Feedlot Construction	New feedlot	35412 511TH AVE LAFAYETTE, MN 56054	SCHUEUR GERALD J, CONSTANCE L SCHEURER & CRYSTAL R TORRES

Nicollet County Board of Commissioners
Board Meeting Agenda Item



Agenda Item:										
Consider Final Payment for SP 052-614-009										
Primary Originating Division/Dept.: Public Works-Highway Contact: Seth Greenwood, P.E. Title: PWD/Co. Eng. Amount of Time Requested 10 minutes Presenter: Seth Greenwood, P.E. Title: PWD/Co. Eng.	Meeting Date: 10/13/2020 Item Type: Regular Agenda <small>(Select One)</small>									
	Attachments: <input type="radio"/> Yes <input checked="" type="radio"/> No									
County Strategy: Facilities and Space - preserve, maintain and build our assets <small>(Select One)</small>										
BACKGROUND/JUSTIFICATION: Project SP 052-614-009 is the temporary stabilization of the CSAH 14 slope slide that occurred in 2019. Work was completed in late November 2019 but Mathiowetz Construction Co. was to remove and relocate the concrete jersey barrier when the final repair project for CSAH 14 started. The jersey barrier has been removed and final payment can now be issued for this project. <table style="width: 100%;"> <tr> <td style="width: 30%;">Final Payment Amount</td> <td>\$1,967.89</td> </tr> <tr> <td>Total Contract Value</td> <td>\$181,938.85</td> </tr> </table> <p>Project cost is funded 80% FHWA ER and 20% State Disaster Funds.</p>			Final Payment Amount	\$1,967.89	Total Contract Value	\$181,938.85				
Final Payment Amount	\$1,967.89									
Total Contract Value	\$181,938.85									
Supporting Documents: <input checked="" type="radio"/> Attached <input type="radio"/> In Signature Folder <input type="radio"/> None										
Prior Board Action Taken on this Agenda Item: <input checked="" type="radio"/> Yes <input type="radio"/> No If "yes", when? (provide year; mm/dd/yy if known)										
Approved by County Attorney's Office: <input type="radio"/> Yes <input type="radio"/> No <input checked="" type="radio"/> N/A										
ACTION REQUESTED: Approve final payment of \$1,967.89 to Mathiowetz Construction Co. for SP 052-614-009.										
<table style="width: 100%;"> <tr> <td style="width: 50%;"> FISCAL IMPACT: Included in current budget <small>(Select One)</small> If "Other", specify </td> <td style="width: 50%;"> FUNDING County Dollars = <table style="width: 100%;"> <tr> <td style="width: 50%;">Federal</td> <td style="width: 50%; text-align: right;">\$1,967.89</td> </tr> <tr> <td><small>(Select One)</small></td> <td></td> </tr> <tr> <td>Total</td> <td style="text-align: right;">\$1,967.89</td> </tr> </table> </td> </tr> </table> <p>FTE IMPACT: No FTE change <small>(Select One)</small> If "Increase or "Decrease" specify: Related Financial/FTE Comments:</p>			FISCAL IMPACT: Included in current budget <small>(Select One)</small> If "Other", specify	FUNDING County Dollars = <table style="width: 100%;"> <tr> <td style="width: 50%;">Federal</td> <td style="width: 50%; text-align: right;">\$1,967.89</td> </tr> <tr> <td><small>(Select One)</small></td> <td></td> </tr> <tr> <td>Total</td> <td style="text-align: right;">\$1,967.89</td> </tr> </table>	Federal	\$1,967.89	<small>(Select One)</small>		Total	\$1,967.89
FISCAL IMPACT: Included in current budget <small>(Select One)</small> If "Other", specify	FUNDING County Dollars = <table style="width: 100%;"> <tr> <td style="width: 50%;">Federal</td> <td style="width: 50%; text-align: right;">\$1,967.89</td> </tr> <tr> <td><small>(Select One)</small></td> <td></td> </tr> <tr> <td>Total</td> <td style="text-align: right;">\$1,967.89</td> </tr> </table>	Federal	\$1,967.89	<small>(Select One)</small>		Total	\$1,967.89			
Federal	\$1,967.89									
<small>(Select One)</small>										
Total	\$1,967.89									

Nicollet County Board of Commissioners
Board Meeting Agenda Item



Agenda Item:		
CARES Funding Update and Request for Purchases		
Primary Originating Division/Dept.: Administration	Meeting Date: 10/13/2020	
Contact: Ryan Krosch Title: Administrator	Item Type: Regular Agenda (Select One)	
Amount of Time Requested 20 minutes		
Presenter: Title:	Attachments: <input checked="" type="radio"/> Yes <input type="radio"/> No	
County Strategy: Financial Security - prudent use of taxpayer resources (Select One)		
BACKGROUND/JUSTIFICATION: I will be providing an update on our CARES funding programs. I will also be requesting approval of a resolution authorizing the purchase of new technology in our Emergency Operations Center and radios for public health and safety staff.		
Supporting Documents: <input checked="" type="radio"/> Attached <input type="radio"/> In Signature Folder <input type="radio"/> None		
Prior Board Action Taken on this Agenda Item: <input type="radio"/> Yes <input checked="" type="radio"/> No		
If "yes", when? (provide year; mm/dd/yy if known)		
Approved by County Attorney's Office: <input type="radio"/> Yes <input type="radio"/> No <input checked="" type="radio"/> N/A		
ACTION REQUESTED: Approve the Resolution Approving Nicollet County's CARES Act Emergency Operations Technology and Equipment Purchases.		
FISCAL IMPACT: Other (Select One) If "Other", specify	FUNDING County Dollars = Federal \$100,000 (Select One)	
FTE IMPACT: No FTE change (Select One) If "Increase or "Decrease" specify: Related Financial/FTE Comments:	Total	



NICOLLET COUNTY SHERIFF

09/10/2020

09/10/2020

NICOLLET COUNTY SHERIFF
P O BOX 117
SAINT PETER, MN 56082

Dear Dave Lange,

Motorola Solutions is pleased to present NICOLLET COUNTY SHERIFF with this quote for quality communications equipment and services. The development of this quote provided us the opportunity to evaluate your requirements and propose a solution to best fulfill your communications needs.

This information is provided to assist you in your evaluation process. Our goal is to provide NICOLLET COUNTY SHERIFF with the best products and services available in the communications industry. Please direct any questions to Donnie Rooney at donnier@alpha-wireless.com.

We thank you for the opportunity to provide you with premier communications and look forward to your review and feedback regarding this quote.

Sincerely,

Donnie Rooney

Motorola Solutions Manufacturer's Representative



Billing Address:
NICOLLET COUNTY SHERIFF
P O BOX 117
SAINT PETER, MN 56082
US

Quote Date:09/10/2020
Expiration Date:12/09/2020
Quote Created By:
Donnie Rooney
donnier@alpha-wireless.com

End Customer:
NICOLLET COUNTY SHERIFF
Dave Lange
dslange@co.nicollet.mn.us
(507) 934-7106

Contract: 20927 - MN DOT 119587

Line #	Item Number	Description	Qty	List Price	Sale Price	Ext. Sale Price
	APX™ 6000 Series	APX6000				
1	H98UCF9PW6BN	APX6000 700/800 MODEL 2.5 PORTABLE	11	\$3,026.00	\$1,853.50	\$20,388.50
1a	H869BZ	ENH: MULTIKEY	11	\$330.00	\$247.50	\$2,722.50
1b	QA05100AA	ENH: STD 1 YR WARRANTY APPLIES NO SFS	11	\$0.00	\$0.00	\$0.00
1c	QA05570AA	ALT: LI-ION IMPRES 2 IP68 3400 MAH	11	\$100.00	\$75.00	\$825.00
1d	Q361AR	ADD: P25 9600 BAUD TRUNKING	11	\$300.00	\$225.00	\$2,475.00
1e	H38BT	ADD: SMARTZONE OPERATION	11	\$1,200.00	\$900.00	\$9,900.00
1f	Q15AK	ADD: AES/DES-XL/DES-OFB ENCRYPTION AND ADP	11	\$799.00	\$449.25	\$4,941.75
1g	Q806BM	ADD: ASTRO DIGITAL CAI OPERATION	11	\$515.00	\$386.25	\$4,248.75
1h	H122BR	ALT: 1/4 WAVE 7/8 STUBBY (NAR6595)	11	\$24.00	\$18.00	\$198.00
2	PMMN4062AL	AUDIO ACCESSORY- REMOTE SPEAKER MICROPHONE,IMPRES RSM, NOISE CANC. EMERGENCY BUTTON 3.5MM JACK IP54	11	\$117.70	\$88.28	\$971.08



Any sales transaction following Motorola's quote is based on and subject to the terms and conditions of the valid and executed written contract between Customer and Motorola (the "Underlying Agreement") that authorizes Customer to purchase equipment and/or services or license software (collectively "Products"). If no Underlying Agreement exists between Motorola and Customer, then Motorola's Standard Terms of Use and Motorola's Standard Terms and Conditions of Sales and Supply shall govern the purchase of the Products.



Line #	Item Number	Description	Qty	List Price	Sale Price	Ext. Sale Price
3	NNTN8860A	CHARGER, SINGLE-UNIT, IMPRES 2, 3A, 115VAC, US/NA	11	\$165.00	\$112.50	\$1,237.50

Grand Total**\$47,908.08(USD)****Notes:**

- **PLEASE BE ADVISED:** Motorola Solutions is moving towards being more environmentally green and emailing invoices. You may receive an email invoice instead of a mailed invoice, depending on the purchase. In addition, the invoice may have a new address for submitting payments. If you have any questions or would like to change where your electronic invoices will be delivered, please contact your credit analyst or dial 800-422-4210.












Any sales transaction following Motorola's quote is based on and subject to the terms and conditions of the valid and executed written contract between Customer and Motorola (the "Underlying Agreement") that authorizes Customer to purchase equipment and/or services or license software (collectively "Products"). If no Underlying Agreement exists between Motorola and Customer, then Motorola's Standard Terms of Use and Motorola's Standard Terms and Conditions of Sales and Supply shall govern the purchase of the Products.

Areas & Items











EOC

Provide a new system complete with audio, video and control for the EOC meeting room. This system is capable of being used as a single space or two separated spaces. The Main space will consist of 3 total displays (1- 85" south wall, 2- 55" center columns). These displays will share the same content at all times. The secondary space will have 1- 85" display that can share the content from the main area or can utilize separate content. We will provide one HDMI wall plate in each space that can be used for a hard wired laptop connection. We will provide 2- Barco clickshare devices so each space can have its own for sharing content to the local display. We will have the audio separated into two spaces so the audio will follow the video formatting for shared or separated content. We will utilize the existing amplifier to power speakers. We will provide 2- touch screen interfaces (1 for each space) to allow control of the video. Rooms can be combined to share content to all displays or separated to allow for concurrent meetings to take place.

Items

	Sony 85-inch LED, 4k HDR, Pro Display with Tu <i>Sony Commercial Displays- 3 year advanced replacement warranty</i>	Qty: 2
	Sony 55-inch LED, 4k HDR, Pro Display with Tu <i>Sony Commercial Displays- 3 year advanced replacement warranty</i>	Qty: 2
	Sanus SANUS BLACK Advanced Tilt Mount	Qty: 2
	OmniMount Omnimount OC80FM Full Motion Tilt & Pan TV Mount for 37 to 63 Inch Flat Panels	Qty: 2
	Barco Barco ClickShare CSE-200 Stand-Alone Wireless Presentation System - Up to 16 Users/2 Buttons Included	Qty: 2
	AMX 7 Modero G5 Wall Mount Touch Panel	Qty: 2
	AMX Multi Mount Kit for 7" Modero S Series Wall Mount Touch Panel, mounts to any smooth surface including glass without drilling or cutting, compatible with MSD-701-L2 (FG2265-32) and ACB-2110 (FG4221-10).	Qty: 2
	AMX	Qty: 1
	AMX DX-TX-DWP-4K-BL, DXLink 4K Multi-Format Decor Style Wallplate TX, Black DX-TX-DWP-4K-BL, DXLink 4K Multi-Format Decor Style Wallplate TX, BlackDX-TX-DWP-4K-WH, DXLink Multi-Format Decor Style	Qty: 2

Items

	Wallplate TX, White		
	Xantech Xantech HDBaseT 4K Extender Set - 70m (4K up to 40m)		Qty: 4
	TechLogix 1x4 HDMI Splitter -- 4K@60		Qty: 1
	Binary Binary B6 Certified Premium High Speed HDMI Cables with Ethernet - .7M		Qty: 8
	Kramer Electronics DisplayPort (M) to HDMI (M) - 10'		Qty: 2
	Custom Custom Installation Network Cable Per Foot		Qty: 500
	Ubiquiti Ubiquiti UniFi Security Gateway		Qty: 1
	Ubiquiti Ubiquiti UniFi Switch, 16 Port, 150W		Qty: 1
	ECS 120V Power to locations as described.		Qty: 4
	Labor	Installation Labor	
	Labor	Custom GUI/Programming	

EOC Total : \$36,662.59



RESOLUTION APPROVING NICOLLET COUNTY'S CARES ACT EMERGENCY OPERATIONS TECHNOLOGY AND EQUIPMENT PURCHASES



WHEREAS, The Coronavirus Aid, Relief, and Economic Security (CARES) Act was passed by Congress and signed into law by President Trump on March 27th, 2020; and

WHEREAS, this over \$2 trillion economic relief package was established to provide economic and public health assistance to the American people impacted by the coronavirus (COVID-19) pandemic; and

WHEREAS, through the Coronavirus Relief Fund, the CARES Act provides \$150 billion of financial assistance for state, local and tribal governments who are navigating the impact of the COVID-19 pandemic; and

WHEREAS, The CARES Act requires that the payments from the Coronavirus Relief Fund only be used to cover expenses that—

1. are necessary expenditures incurred due to the public health emergency with respect to the Coronavirus Disease 2019 (COVID-19);
2. were not accounted for in the budget most recently approved as of March 27, 2020 (the date of enactment of the CARES Act) for the state or government; and
3. were incurred during the period that begins on March 1, 2020, and ends on December 30, 2020 (December 1, 2020 for Minnesota); and

WHEREAS, Nicollet County received \$4,146,361 of CARES Act funds; and

WHEREAS, on August 11, 2020 Nicollet County approved a CARES Act Funding Plan and Budget in accordance with guidance provided by the US Department of Treasury and Minnesota Office of Management and Budget; and

WHEREAS, US Treasury Guidance dated September 2, 2020 states that CARES Act funds may be used for expenses of establishing temporary public medical facilities and other measures to increase COVID-19 treatment capacity; emergency medical response expenses related to COVID-19; expenses for public safety measures undertaken in response to COVID-19; expenses for establishing and operating public telemedicine capabilities for COVID-19-related treatment; expenses for communication and enforcement by State, territorial, local, and Tribal governments of public health orders related to COVID-19; expenses to improve telework capabilities for public employees to enable compliance with COVID-19 public health precautions; any other COVID-19-related expenses reasonably necessary to the function of government that satisfy the eligibility criteria; and

WHEREAS, US Treasury Coronavirus Relief Fund Frequently Asked Questions (FAQ)

dated September 2, 2020 states Cares Act funds may be used for the expenses of, for example, establishing temporary public medical facilities and other measures to increase COVID-19 treatment capacity or improve mitigation measures; and

WHEREAS, US Treasury Guidance further says public health and public safety employees are considered “substantially dedicated” to responding to the COVID-19 emergency for purposes of claiming a reimbursement of their payroll costs; and

WHEREAS, these substantially dedicated public health and public safety employees need proper technology and communication equipment to respond to the COVID-19 emergency; and

WHEREAS, Nicollet County encompasses 467 squares miles which creates a need to have proper and dedicated technology and communication equipment to maintain communication between public health and public safety officials and workers; and

WHEREAS, the United States, State of Minnesota and Nicollet County have all been in a declared public health emergency since March, 2020 due to the COVID-19 pandemic creating a need for emergency operation centers to be functional with modern technology and creating a need for public health and public safety employees to have modern and dedicated communication equipment to respond to the COVID-19 pandemic.

NOW, THEREFORE, BE IT RESOLVED, that the Nicollet County Board of Commissioners approves the purchase of Nicollet County Emergency Operations Center technology and equipment and public health and public safety radios and related equipment with a budget of \$100,000.

BE IT FURTHER RESOLVED, the Nicolet County Board of Commissioners has determined that these expenditures:

1. are necessary expenditures incurred due to the public health emergency with respect to the Coronavirus Disease 2019 (COVID–19);
2. were not accounted for in the County budget most recently approved as of March 27, 2020 (the date of enactment of the CARES Act); and
3. were incurred during the period that begins on March 1, 2020, and ends on December 30, 2020 (December 1, 2020 for Minnesota).

BE IT FURTHER RESOLVED, the Nicolet County Board of Commissioners has determined that these expenditures fulfill the US Treasury Guidance stated herein.

Approved by the Board of Commissioners of Nicollet County, Minnesota this 13th day of October, 2020.

John Luepke, Nicollet County Board Chair

Attest:

Ryan Krosch, County Administrator
Clerk to the County Board

OFFICIAL PROCEEDINGS OF THE
NICOLLET COUNTY DRAINAGE AUTHORITY
September 22, 2020

The Nicollet County Drainage Authority met in regular session on Tuesday, September 22, 2020 at 10:00 a.m. with Chair John Luepke presiding. Commissioners Marie Dranttel, Terry Morrow, Jack Kolars, Denny Kemp and John Luepke were present. Also present were County Administrator Ryan Krosch, Recording Secretary Abigail Lewis and County Attorney Michelle Zehnder Fischer.

The meeting was held via teleconference pursuant to Minnesota Statute 13D.021 due to the coronavirus pandemic. There were no public comments submitted by email or phone. No members of the public requested to participate in the meeting by phone. The meeting was recorded and broadcast live online.

Consent Agenda

Motion by Commissioner Kemp and seconded by Commissioner Morrow to approve the consent agenda items as follows: approval of the September 22, 2020 Drainage Authority minutes. Motion carried with all voting in favor.

Continued Public Hearing for Ditch Cleaning CD48A

At 10:00 a.m. Chair Luepke opened the continued public hearing for ditch cleaning on CD48A. Public Services Manager, Jaci Kopet, provided opening comments.

As this was a continued hearing posting and notifications were not required. At the August 25, 2020 meeting it was discussed that there was a need to reestablish the drainage records as our records lack the as-built plans and various changes that happened to the ditch throughout the years. Manager Kopet recommend to close the public hearing and proceed with the request to reestablish the records for CD48A. Prior to closing the meeting Manager Kopet suggested allowing landowners in attendance to voice concerns or support for the cleaning as they were in attendance. At 10:01 a.m., Chair Luepke opened the public comment portion of the meeting.

Gene Dorn, resident of Nicollet, MN, appeared before the Board to express his desire and request for CD48A to be cleaned.

At 10:10 a.m. Chair Luepke closed the public hearing. Consensus of the Board was to proceed with the reestablishment of CD48A.

Reestablishment of Drainage Records for Nicollet County Ditch 48A

County Attorney Michelle Zehnder Fischer appeared before the Board to recommend re-establishing the drainage system record for CD48A.

Attorney Zehnder Fischer provided background context on the need for reestablishing CD48A. Ditch Inspector Nathan Henry received a petition from landowners to clean a portion of CD 48A. A portion of CD 48A is within public waters. To assess the needs of the system and the process for cleaning the system, Inspector Henry sought the opinion of Chris Otterness, PE, Houston Engineering, to provide an estimate for the preparation of a field survey and repair report.

Mr. Otterness provided Inspector Henry with the estimated cost of preparing the field survey and repair report. Mr. Otterness also noted drainage system records lacked as-built plans and complete information about subsequent modifications to the system. Mr. Otterness recommended the reestablishment of the public drainage system record under

Minn. Stat. § 103E.101, subd. 4a. Under Minn. Stat. § 103E.101, subd. 4a, a reestablishment of the drainage record is warranted when the system records are lost, destroyed, or they are otherwise incomplete. Mr. Otterness opined that the record is incomplete as it lacks either design plans or as-built plans.

Mr. Otterness recommended that the Board first decide whether to order the reestablishment of the drainage system record before authorizing the preparation of the survey as the reestablishment of the record would impact the survey.

Motion by Commissioner Morrow and seconded by Commissioner Kemp to approve the order to reestablish CD48A and the Findings of Fact for CD48A. Motion carried with all voting in favor.

Motion by Commissioner Kemp and seconded by Commissioner Morrow to adjourn the meeting. The meeting adjourned at 10:12 a.m.

JOHN LUEPKE, CHAIR
BOARD OF COMMISSIONERS

ATTEST:

RYAN KROSCH
CLERK TO THE BOARD

Nicollet County Drainage
Authority Meeting
Agenda Item



Agenda Item:

Consider ditch repair report 20-024 through 20-032

Primary Originating Division/Dept.: Public Works

Meeting Date: 10/13/2020

Contact: Nate Henry

Title: Drainage Inspector

Item Type:
(Select One) Consent Agenda

Amount of Time Requested 0 minutes

Presenter: Nate Henry

Title: Drainage Inspector

Attachments: ☒ Yes ☐ No

County Strategy:
(Select One)

Facilities and Space - preserve, maintain and build our assets

BACKGROUND/JUSTIFICATION:

See attached ditch repair reports

Supporting Documents: ☒ Attached

☐ In Signature Folder

☐ None

Prior Drainage Authority Action Taken on this Item:

☐ Yes

☒ No

If yes, when? (provide year; mm/dd/yy if known)

Approved by County Attorney's Office:

☐ Yes

☐ No

☒ N/A

ACTION REQUESTED:

Approve ditch repair report 20-024 through 20-032

FISCAL IMPACT: Other
(Select One)

If "Other", specify

FUNDING

Drainage Authority Dollars =

Other

\$41,000.00

(Select One)

FTE IMPACT: No FTE change

(Select One)

If "Increase or "Decrease" specify:

Total

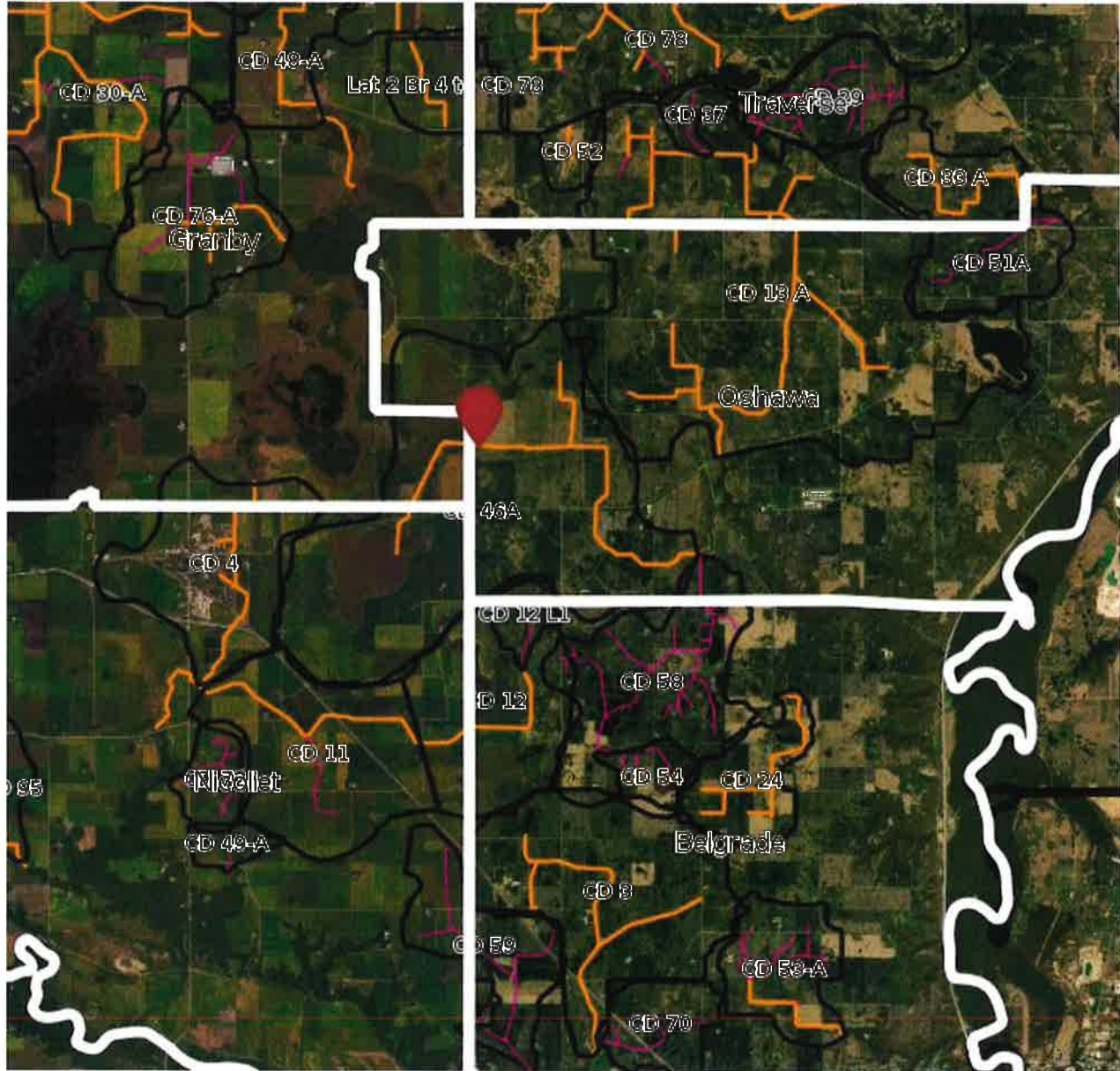
\$41,000.00

Related Financial/FTE Comments:

NICOLLET COUNTY DRAINAGE DEPARTMENT REPAIR REPORT

For Staff Documentation & Contractor Information

County Ditch 46-A Repair #20-024



▼ Municipalities	▼ Public Drainage Systems	▼ Drainage System Watersheds
▼ Townships	Open Ditch	▼ Roads
▼ Sections	Shallow Ditch	Interstate
▼ County Boundary	Tile	U.S. and State Hwy
▼ Parcels	▼ Streams	CSAH
	Protected Natural	County Road
	Protected Altered	Township Road
	Other Perennial/Intermittent	City Street
	▼ Private Drainage	
	Drainage Outlet	
	Open Ditch	

**NICOLLET COUNTY
DRAINAGE DEPARTMENT
REPAIR REPORT**

For Staff Documentation & Contractor Information

OVERVIEW

Date Repair Was Created:	2020-08-12	Branch:	dam
Problem/Proposed Work:	Cat tails and debris have floated down to the dam and are holding back water. Tom Martins is requesting the ditch system remove the obstruction from the dam.		
Ditch Repair:			
Tile Repair:			
FEMA Event:	False	FEMA Date:	

REPAIR LOCATION DETAILS

Commissioner District:	2	Township:	Oshawa
Twp:	110N	Range:	27W
Section:	31	Qtr-Qtr Section:	
Latitude:	44.278699	Longitude:	-94.109230
Parcel Number:	1331400010		
Location Details:			

PERSON REQUESTING REPAIR

Name	Address	Phone
Tom Martins		

LANDOWNER

Name	Address	Phone
PETERS FAMILY LLLP	41129 STATE HIGHWAY 99 SAINT PETER MN 56082	

STATUS LOG

Action	Date	Initials	Notes
For Review	08/12/2020	nhenry	

DRAINAGE AUTHORITY ACTIONS

Action	Date	Board Date	Initials	Notes
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REPAIR ESTIMATES

Order	Date	Contractor	Total Cost	Notes
1	2020-08-12	Lafayette Excavating	500.00	

REPAIR INVOICES

Order	Date	Contractor	%Complete	Total Cost	Notes
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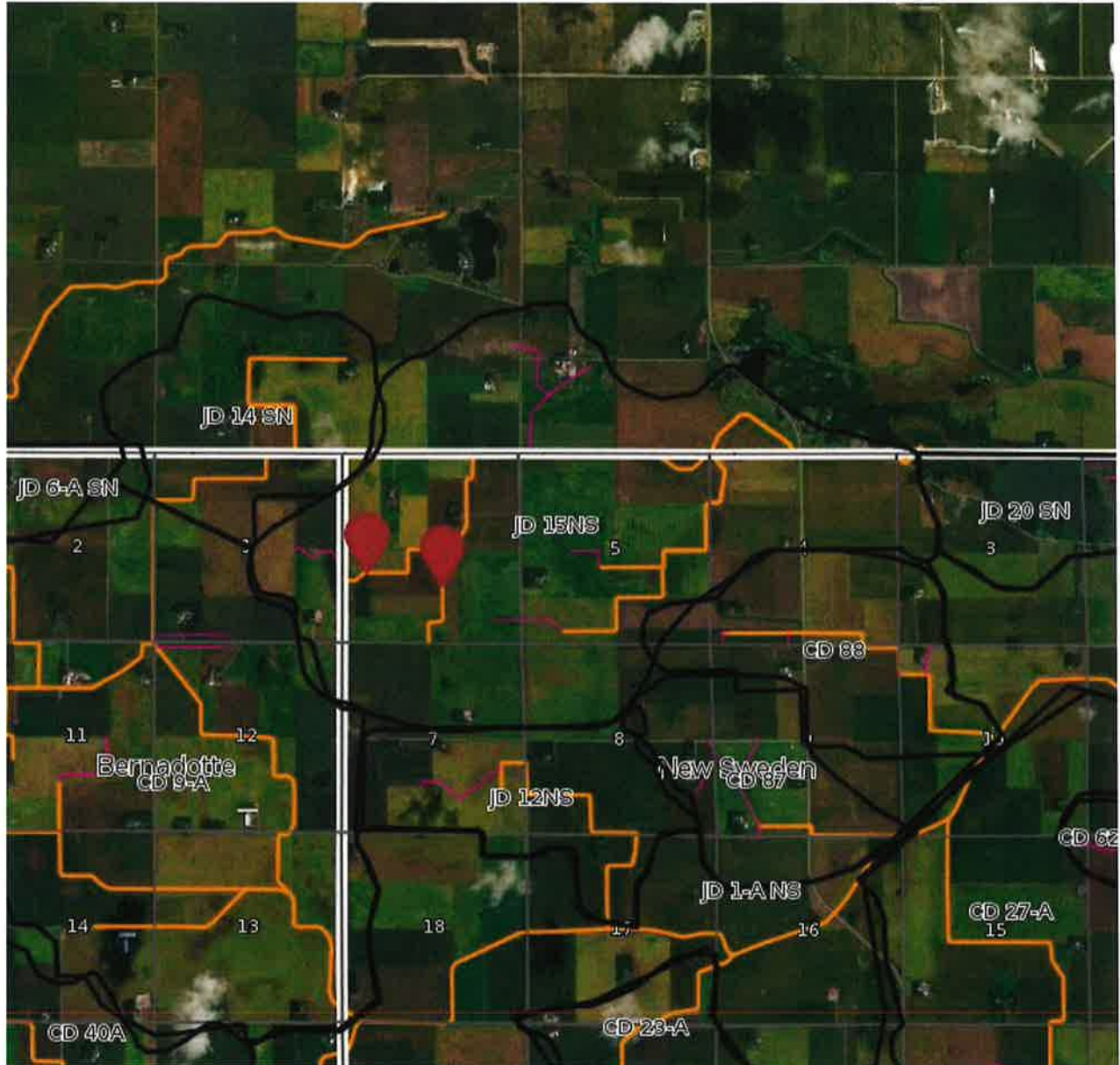
INSPECTION LOG

Date	Initials	Notes
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NICOLLET COUNTY DRAINAGE DEPARTMENT REPAIR REPORT

For Staff Documentation & Contractor Information

Judicial Ditch 15 Repair #20-025



▼ Municipalities	▼ Public Drainage Systems	▼ Drainage System Watersheds
▼ Townships	Open Ditch	▼ Roads
▼ Sections	Shallow Ditch	Interstate
▼ County Boundary	Tile	U.S. and State Hwy
▼ Parcels	▼ Streams	CSAH
	Protected Natural	County Road
	Protected Altered	Township Road
	Other Perennial/Intermittent	City Street
	▼ Private Drainage	
	Drainage Outlet	
	Open Ditch	

NICOLLET COUNTY DRAINAGE DEPARTMENT REPAIR REPORT

For Staff Documentation & Contractor Information

OVERVIEW

Date Repair Was Created:	2020-08-12	Branch:	main
Problem/Proposed Work:	Two concrete ditch crossing pipe are separating and leaking fill. The landowner is requesting the ditch system repair the crossing prior to fall harvest.		
Ditch Repair:			
Tile Repair:			
FEMA Event:	False	FEMA Date:	

REPAIR LOCATION DETAILS

Commissioner District:	5	Township:	New Sweden
Twp:	111N	Range:	28W
Section:	6	Qtr-Qtr Section:	
Latitude:	44.450495	Longitude:	-94.226959
Parcel Number:	0606300004		
Location Details:			

PERSON REQUESTING REPAIR

Name	Address	Phone
RONALD LEROY BRUSS	34541 491ST AVE LAFAYETTE MN 56054	

LANDOWNER

Name	Address	Phone
RONALD LEROY BRUSS	34541 491ST AVE LAFAYETTE MN 56054	

STATUS LOG

Action	Date	Initials	Notes
For Review	08/12/2020	nhenry	

DRAINAGE AUTHORITY ACTIONS

Action	Date	Board Date	Initials	Notes
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REPAIR ESTIMATES

Order	Date	Contractor	Total Cost	Notes
1	2020-08-12	Lafayette Excavating	12000.00	

REPAIR INVOICES

Order	Date	Contractor	%Complete	Total Cost	Notes
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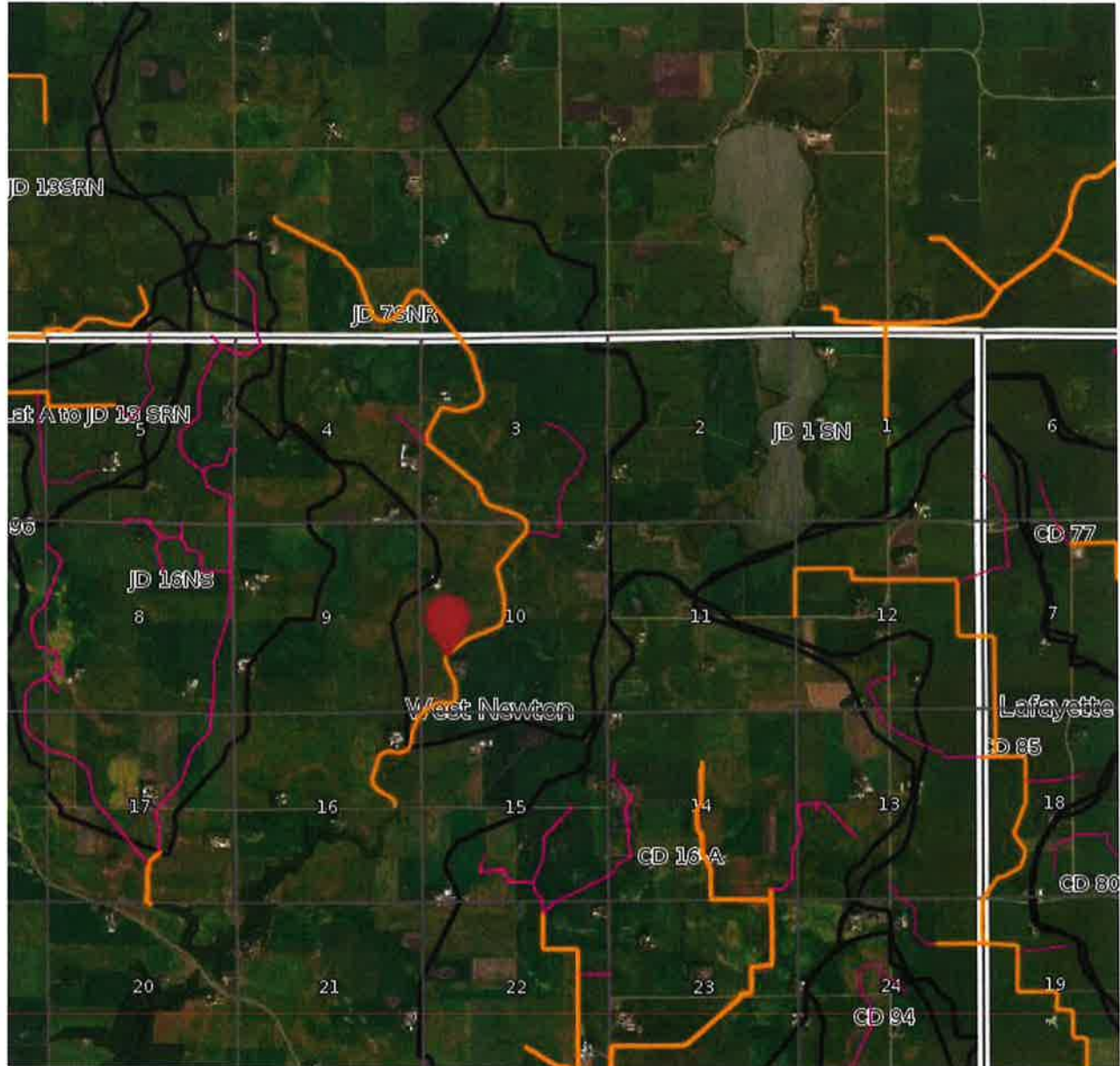
INSPECTION LOG

Date	Initials	Notes
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NICOLLET COUNTY DRAINAGE DEPARTMENT REPAIR REPORT

For Staff Documentation & Contractor Information

Judicial Ditch 7 SRN Repair #20-026



▼ Municipalities	▼ Public Drainage Systems	▼ Drainage System Watersheds
▼ Townships	Open Ditch	▼ Roads
▼ Sections	Shallow Ditch	Interstate
▼ County Boundary	Tile	U.S. and State Hwy
▼ Parcels	▼ Streams	CSAH
	Protected Natural	County Road
	Protected Altered	Township Road
	Other Perennial/Intermittent	City Street
	▼ Private Drainage	
	Drainage Outlet	
	Open Ditch	

NICOLLET COUNTY DRAINAGE DEPARTMENT REPAIR REPORT

For Staff Documentation & Contractor Information

OVERVIEW

Date Repair Was Created:	2020-09-10	Branch:	main
Problem/Proposed Work:	Water running over the ditch bank has created a washout. The landowner is requesting the ditch system create a rip rap spillway to prevent the ditch bank from eroding.		
Ditch Repair:			
Tile Repair:			
FEMA Event:	False	FEMA Date:	

REPAIR LOCATION DETAILS

Commissioner District:	5	Township:	West Newton
Twp:	111N	Range:	31W
Section:	10	Qtr-Qtr Section:	
Latitude:	44.440975	Longitude:	-94.537498
Parcel Number:	0310300001		
Location Details:			

PERSON REQUESTING REPAIR

Name	Address	Phone
MICHAEL BASTIAN	64008 FORT RD NEW ULM MN 56073	

LANDOWNER

Name	Address	Phone
MICHAEL BASTIAN	64008 FORT RD NEW ULM MN 56073	

STATUS LOG

Action	Date	Initials	Notes
For Review	09/10/2020	nhenry	

DRAINAGE AUTHORITY ACTIONS

Action	Date	Board Date	Initials	Notes
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REPAIR ESTIMATES

Order	Date	Contractor	Total Cost	Notes
1	2020-09-10	Lafayette Excavating	5000.00	

REPAIR INVOICES

Order	Date	Contractor	%Complete	Total Cost	Notes
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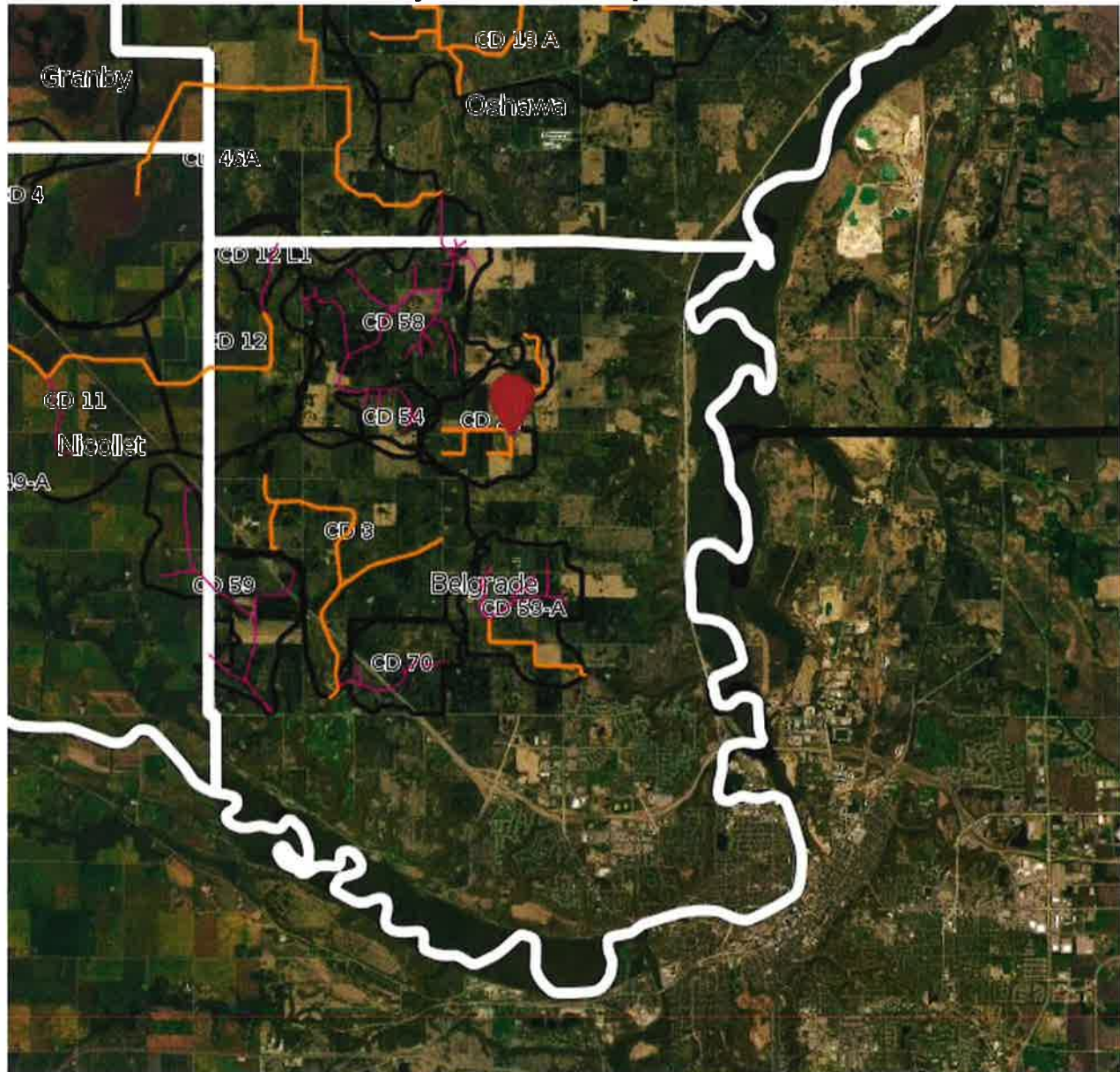
INSPECTION LOG

Date	Initials	Notes
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NICOLLET COUNTY DRAINAGE DEPARTMENT REPAIR REPORT

For Staff Documentation & Contractor Information

County Ditch 24-A Repair #20-027



▼ Municipalities	▼ Public Drainage Systems	▼ Drainage System Watersheds
▼ Townships	Open Ditch	▼ Roads
▼ Sections	Shallow Ditch	Interstate
▼ County Boundary	Tile	U.S. and State Hwy
▼ Parcels	▼ Streams	CSAH
	Protected Natural	County Road
	Protected Altered	Township Road
	Other Perennial/Intermittent	City Street
	▼ Private Drainage	
	Drainage Outlet	
	Open Ditch	

NICOLLET COUNTY DRAINAGE DEPARTMENT REPAIR REPORT

For Staff Documentation & Contractor Information

OVERVIEW

Date Repair Was Created:	2020-09-14	Branch:	main
Problem/Proposed Work:	A concrete ditch crossing is separated and leaking fill. The crossing needs to be repaired prior to the ditch clean out this fall.		
Ditch Repair:			
Tile Repair:			
FEMA Event:	False	FEMA Date:	

REPAIR LOCATION DETAILS

Commissioner District:	5	Township:	Belgrade
Twp:	109N	Range:	27W
Section:	22	Qtr-Qtr Section:	
Latitude:	44.223435	Longitude:	-94.053105
Parcel Number:	1822100001		
Location Details:			

PERSON REQUESTING REPAIR

Name	Address	Phone
LANZ HARLAN TRUST and JOAN LANZ TRUST	48986 COUNTY ROAD 13 SAINT PETER MN 56082	

LANDOWNER

Name	Address	Phone
LANZ HARLAN TRUST and JOAN LANZ TRUST	48986 COUNTY ROAD 13 SAINT PETER MN 56082	

STATUS LOG

Action	Date	Initials	Notes
For Review	09/14/2020	nhenry	

DRAINAGE AUTHORITY ACTIONS

Action	Date	Board Date	Initials	Notes
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REPAIR ESTIMATES

Order	Date	Contractor	Total Cost	Notes
1	2020-09-14	Lafayette Excavating	6000.00	

REPAIR INVOICES

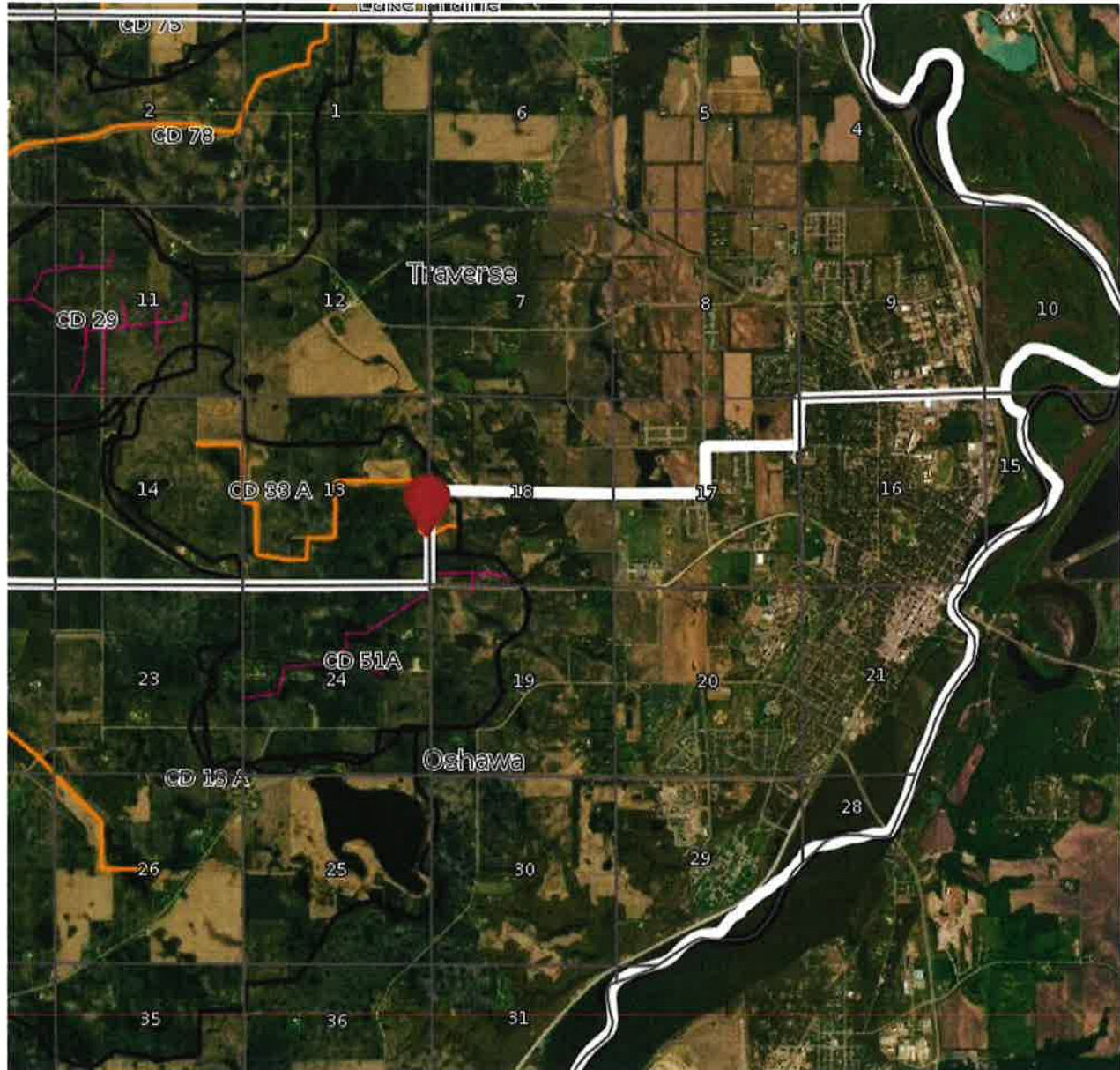
Order	Date	Contractor	%Complete	Total Cost	Notes
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INSPECTION LOG

NICOLLET COUNTY DRAINAGE DEPARTMENT REPAIR REPORT

For Staff Documentation & Contractor Information

County Ditch 33-A Repair #20-028



▼ Municipalities	▼ Public Drainage Systems	▼ Drainage System Watersheds
▼ Townships	Open Ditch	▼ Roads
▼ Sections	Shallow Ditch	Interstate
▼ County Boundary	Tile	U.S. and State Hwy
▼ Parcels	▼ Streams	CSAH
	Protected Natural	County Road
	Protected Altered	Township Road
	Other Perennial/Intermittent	City Street
	▼ Private Drainage	
	Drainage Outlet	
	Open Ditch	

NICOLLET COUNTY DRAINAGE DEPARTMENT REPAIR REPORT

For Staff Documentation & Contractor Information

OVERVIEW

Date Repair Was Created:	2020-09-18	Branch:	main
Problem/Proposed Work:	A concrete ditch crossing is seperated and leaking fill. The landowner is requesting the ditch system repair the crossing.		
Ditch Repair:	Culvert/Crossing		
Tile Repair:			
FEMA Event:	False	FEMA Date:	

REPAIR LOCATION DETAILS

Commissioner District:	1	Township:	Traverse
Twp:	110N	Range:	27W
Section:	13	Qtr-Qtr Section:	
Latitude:	44.330036	Longitude:	-93.994872
Parcel Number:	1313400003		
Location Details:			

PERSON REQUESTING REPAIR

Name	Address	Phone
ROBERT E II MEYER	37237 FORT RD SAINT PETER MN 56082	

LANDOWNER

Name	Address	Phone
ROBERT E II MEYER	37237 FORT RD SAINT PETER MN 56082	

STATUS LOG

Action	Date	Initials	Notes
For Review	09/18/2020	nhenry	

DRAINAGE AUTHORITY ACTIONS

Action	Date	Board Date	Initials	Notes
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REPAIR ESTIMATES

Order	Date	Contractor	Total Cost	Notes
1	2020-09-18	Lafayette Excavating	6000.00	

REPAIR INVOICES

Order	Date	Contractor	%Complete	Total Cost	Notes
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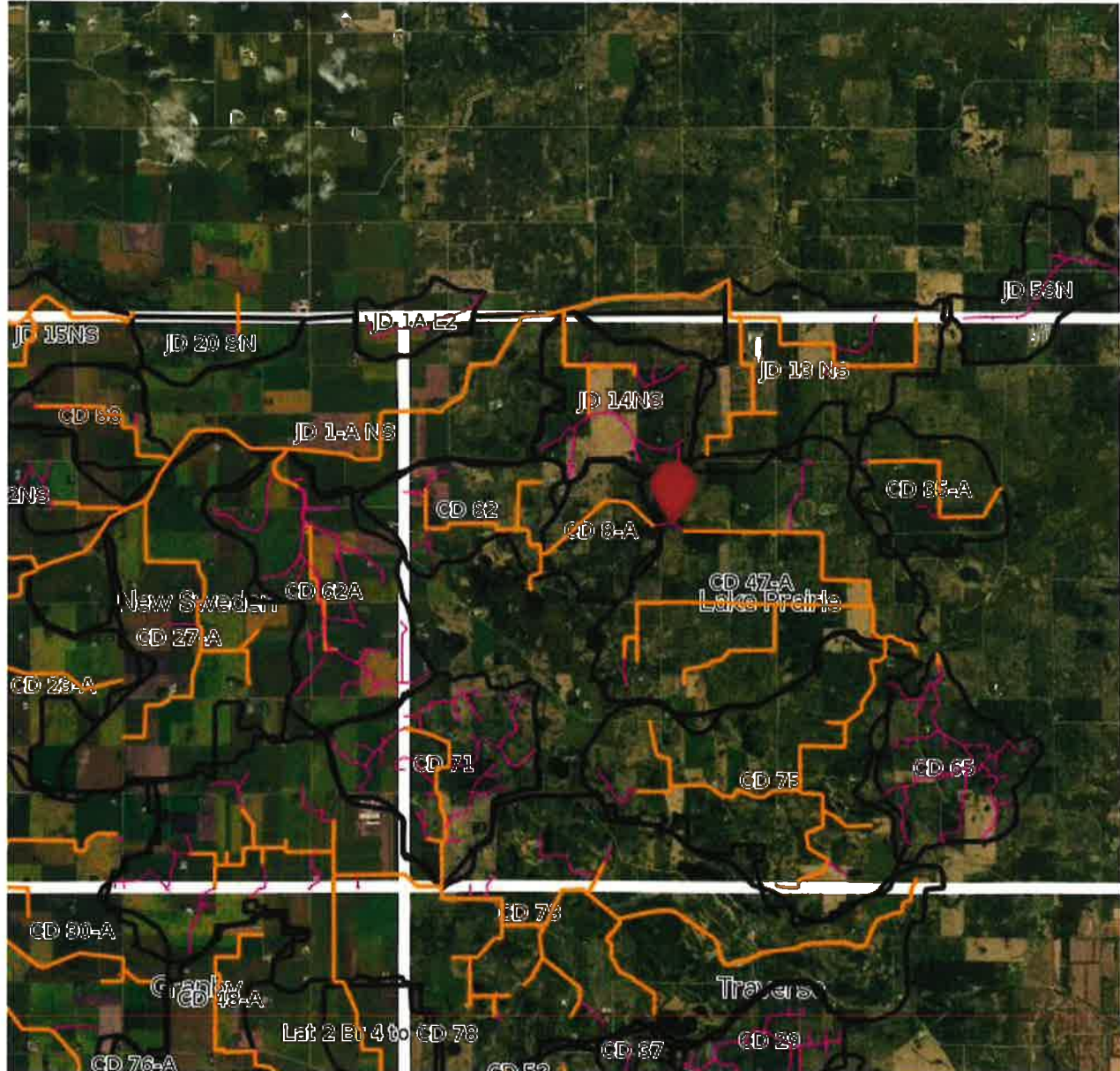
INSPECTION LOG

Date	Initials	Notes
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NICOLLET COUNTY DRAINAGE DEPARTMENT REPAIR REPORT

For Staff Documentation & Contractor Information

County Ditch 8-A Repair #20-029



▼ Municipalities	▼ Public Drainage Systems	▼ Drainage System Watersheds
▼ Townships	Open Ditch	▼ Roads
▼ Sections	Shallow Ditch	Interstate
▼ County Boundary	Tile	U.S. and State Hwy
▼ Parcels	▼ Streams	CSAH
	Protected Natural	County Road
	Protected Altered	Township Road
	Other Perennial/Intermittent	City Street
	▼ Private Drainage	
	Drainage Outlet	
	Open Ditch	

NICOLLET COUNTY DRAINAGE DEPARTMENT REPAIR REPORT

For Staff Documentation & Contractor Information

OVERVIEW

Date Repair Was Created:	2020-09-25	Branch:	main
Problem/Proposed Work:	There are multiple holes above the county tile line that needs to be repaired.		
Ditch Repair:			
Tile Repair:			
FEMA Event:	False	FEMA Date:	

REPAIR LOCATION DETAILS

Commissioner District:	1	Township:	Lake Prairie
Twp:	111N	Range:	27W
Section:	16	Qtr-Qtr Section:	
Latitude:	44.423248	Longitude:	-94.095216
Parcel Number:	0716200004		
Location Details:			

PERSON REQUESTING REPAIR

Name	Address	Phone
Eric Annaxstad		

LANDOWNER

Name	Address	Phone
SUNDERMAN FARMS	105 CULP HL LE SUEUR MN 56058	

STATUS LOG

Action	Date	Initials	Notes
For Review	09/25/2020	nhenry	

DRAINAGE AUTHORITY ACTIONS

Action	Date	Board Date	Initials	Notes
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REPAIR ESTIMATES

Order	Date	Contractor	Total Cost	Notes
1	2020-09-25	Lafayette Excavating	5000.00	

REPAIR INVOICES

Order	Date	Contractor	%Complete	Total Cost	Notes
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INSPECTION LOG

Date	Initials	Notes
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INSPECTION PHOTOS

For Staff Documentation & Contractor Information

[illegible]

<p>▼ Municipalities</p>  <p>▼ Townships</p>  <p>▼ Sections</p>  <p>▼ County Boundary</p>  <p>▼ Parcels</p> 	<p>▼ Public Drainage Systems</p> <p> Open Ditch</p> <p> Shallow Ditch</p> <p> Tile</p> <p>▼ Streams</p> <p> Protected Natural</p> <p> Protected Altered</p> <p> Other Perennial/Intermittent</p> <p>▼ Private Drainage</p> <p> Drainage Outlet</p> <p> Open Ditch</p>	<p>▼ Drainage System Watersheds</p>  <p>▼ Roads</p> <p> Interstate</p> <p> U.S. and State Hwy</p> <p> CSAH</p> <p> County Road</p> <p> Township Road</p> <p> City Street</p>
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**NICOLLET COUNTY
DRAINAGE DEPARTMENT
REPAIR REPORT**

For Staff Documentation & Contractor Information

OVERVIEW

Date Repair Was Created:	2020-10-02	Branch:	Lat 1A
Problem/Proposed Work:	Beavers have built a dam in the culvert under County road 32. The landowner is requesting the ditch system destroy the beaver and remove the dam. A bounty of \$50.00 per tale will be paid to the trapper.		
Ditch Repair:	Beaver Dam		
Tile Repair:			
FEMA Event:	False	FEMA Date:	

REPAIR LOCATION DETAILS

Commissioner District:	5	Township:	Lafayette
Twp:	111N	Range:	30W
Section:	2	Qtr-Qtr Section:	
Latitude:	44.454909	Longitude:	-94.400559
Parcel Number:	0402201001		
Location Details:			

PERSON REQUESTING REPAIR

Name	Address	Phone
Denny Sjogren		

LANDOWNER

Name	Address	Phone
JOHNSON BETTE P FAMILY FARM DYNASTY TRUST	525 W WABASHA SAINT PETER MN 56082	

STATUS LOG

Action	Date	Initials	Notes
For Review	10/02/2020	nhenry	

DRAINAGE AUTHORITY ACTIONS

Action	Date	Board Date	Initials	Notes
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REPAIR ESTIMATES

Order	Date	Contractor	Total Cost	Notes
1	2020-10-02	Lafayette Excavating	500.00	

REPAIR INVOICES

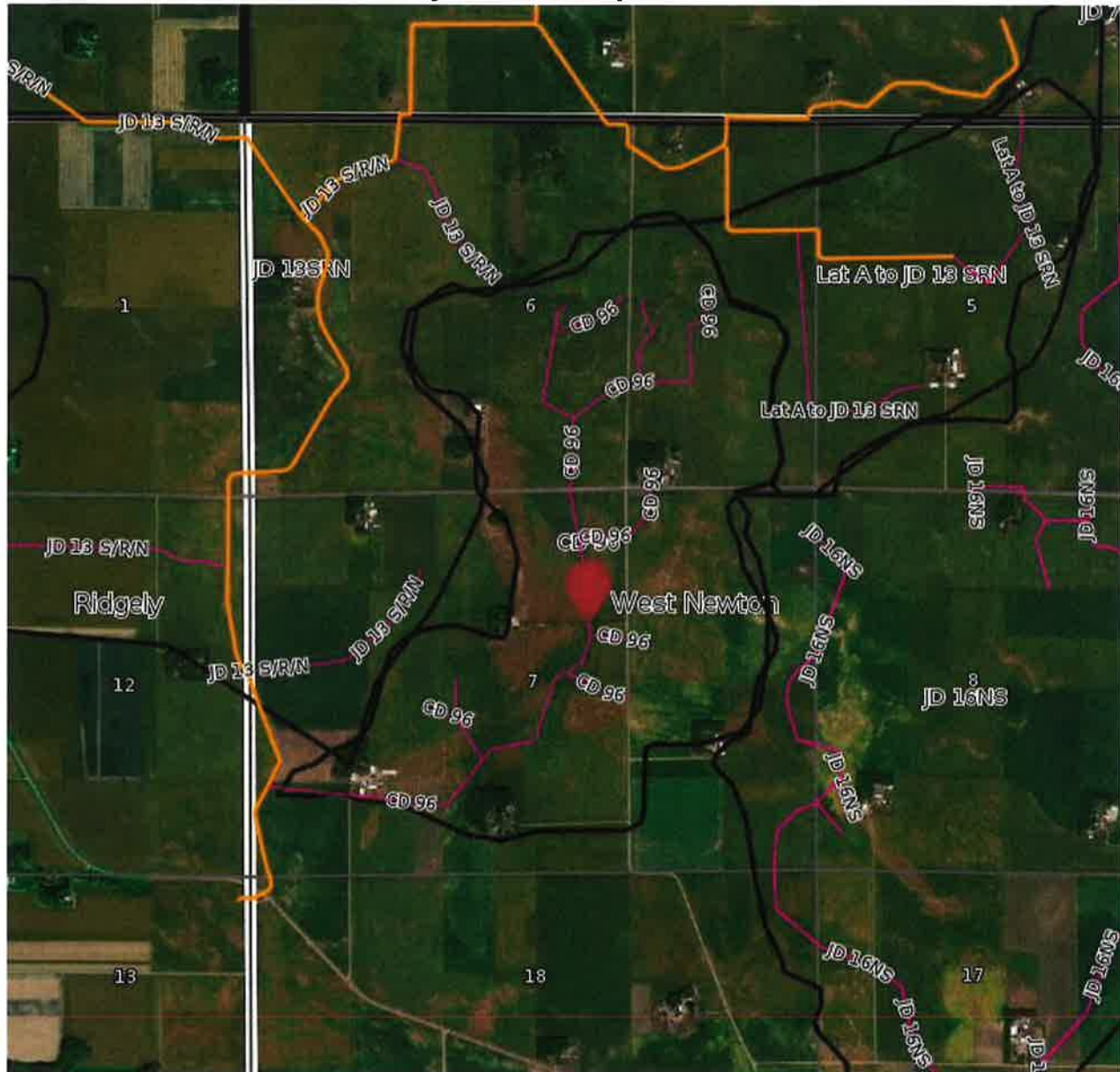
Order	Date	Contractor	%Complete	Total Cost	Notes
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INSPECTION LOG

NICOLLET COUNTY DRAINAGE DEPARTMENT REPAIR REPORT

For Staff Documentation & Contractor Information

County Ditch 96 Repair #20-031



▼ Municipalities 	▼ Public Drainage Systems Open Ditch Shallow Ditch Tile	▼ Drainage System Watersheds
▼ Townships 	▼ Streams Protected Natural Protected Altered Other Perennial/Intermittent	▼ Roads Interstate U.S. and State Hwy CSAH County Road Township Road City Street
▼ Sections 	▼ Private Drainage Drainage Outlet Open Ditch	
▼ County Boundary 		
▼ Parcels 		

NICOLLET COUNTY DRAINAGE DEPARTMENT REPAIR REPORT

For Staff Documentation & Contractor Information

OVERVIEW

Date Repair Was Created:	2020-10-02	Branch:	main
Problem/Proposed Work:	There are two holes in the field above a county tile. This area is known for quick sand additional fill and bedding may be needed to repair the tile line.		
Ditch Repair:			
Tile Repair:			
FEMA Event:	False	FEMA Date:	

REPAIR LOCATION DETAILS

Commissioner District:	5	Township:	West Newton
Twp:	111N	Range:	31W
Section:	7	Qtr-Qtr Section:	
Latitude:	44.439970	Longitude:	-94.606962
Parcel Number:	0307100007		
Location Details:			

PERSON REQUESTING REPAIR

Name	Address	Phone
BIANCHI FRANCIS B and NANCY K LIVING TRUST	37946 667TH AVE NEW ULM MN 56073	

LANDOWNER

Name	Address	Phone
BIANCHI FRANCIS B and NANCY K LIVING TRUST	37946 667TH AVE NEW ULM MN 56073	

STATUS LOG

Action	Date	Initials	Notes
For Review	10/02/2020	nhenry	

DRAINAGE AUTHORITY ACTIONS

Action	Date	Board Date	Initials	Notes
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REPAIR ESTIMATES

Order	Date	Contractor	Total Cost	Notes
1	2020-10-02	Sample Vendor	5000.00	

REPAIR INVOICES

Order	Date	Contractor	%Complete	Total Cost	Notes
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INSPECTION LOG

NICOLLET COUNTY DRAINAGE DEPARTMENT REPAIR REPORT

For Staff Documentation & Contractor Information

Judicial Ditch 16 Repair #20-032



▼ Municipalities	▼ Public Drainage Systems	▼ Drainage System Watersheds
▼ Townships	Open Ditch	▼ Roads
▼ Sections	Shallow Ditch	Interstate
▼ County Boundary	Tile	U.S. and State Hwy
▼ Parcels	▼ Streams	CSAH
	Protected Natural	County Road
	Protected Altered	Township Road
	Other Perennial/Intermittent	City Street
	▼ Private Drainage	
	Drainage Outlet	
	Open Ditch	

**NICOLLET COUNTY
DRAINAGE DEPARTMENT
REPAIR REPORT**

For Staff Documentation & Contractor Information

OVERVIEW

Date Repair Was Created:	2020-10-02	Branch:	6
Problem/Proposed Work:	There is a hole in the field above a county tile. The landowner is requesting the ditch system repair the tile.		
Ditch Repair:			
Tile Repair:			
FEMA Event:	False	FEMA Date:	

REPAIR LOCATION DETAILS

Commissioner District:	5	Township:	West Newton
Twp:	111N	Range:	31W
Section:	17	Qtr-Qtr Section:	
Latitude:	44.416636	Longitude:	-94.581634
Parcel Number:	0317300006		
Location Details:			

PERSON REQUESTING REPAIR

Name	Address	Phone
LENORA ZITZMAN	65773 FORT RD NEW ULM MN 56073	

LANDOWNER

Name	Address	Phone
LENORA ZITZMAN	65773 FORT RD NEW ULM MN 56073	

STATUS LOG

Action	Date	Initials	Notes
For Review	10/02/2020	nhenry	

DRAINAGE AUTHORITY ACTIONS

Action	Date	Board Date	Initials	Notes
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REPAIR ESTIMATES

Order	Date	Contractor	Total Cost	Notes
1	2020-10-02	Lafayette Excavating	1000.00	

REPAIR INVOICES

Order	Date	Contractor	%Complete	Total Cost	Notes
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INSPECTION LOG

Date	Initials	Notes
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Nicollet County Drainage
Authority Meeting
Agenda Item



Agenda Item:

Contract for Reestablishment of Records and Field Survey and Repair Report for CD 48A

Primary Originating Division/Dept.: County Attorney/Drainage Inspector

Meeting Date: 10/13/2020

Contact: Michelle Zehnder Fischer Title: County Attorney

Item Type: Consent Agenda
(Select One)

Amount of Time Requested minutes

Presenter: Michelle Zehnder Fischer Title: County Attorney

Attachments: ☐ Yes ☒ No

County Strategy: Facilities and Space - preserve, maintain and build our assets
(Select One)

BACKGROUND/JUSTIFICATION:

The Drainage Authority previously approved the reestablishment of Drainage System Records for CD 48A. A contract is needed with Houston Engineering to accomplish the reestablishment of records for CD 48A and completing the field survey and repair report for CD 48A.

Supporting Documents: ☒ Attached ☐ In Signature Folder ☐ None

Prior Drainage Authority Action Taken on this Item: ☒ Yes ☐ No

If yes, when? (provide year; mm/dd/yy if known) 9/22/2020

Approved by County Attorney's Office: ☒ Yes ☐ No ☐ N/A

ACTION REQUESTED:

Approve and execute the contract

FISCAL IMPACT: Other
(Select One)

If "Other", specify

FUNDING

Drainage Authority Dollars =

Not to exceed \$21,800

Grant

(Select One)

FTE IMPACT: No FTE change
(Select One)

If "Increase or "Decrease" specify:

Total

Related Financial/FTE Comments:



HoustonEngineering Inc.

MAPLE GROVE OFFICE
7550 MERIDIAN CIRCLE NORTH
SUITE 120
P: (763) 493-4522 | F: (763) 493-5572

CLIENT/OWNER SERVICES AGREEMENT

PROJECT NAME: Nicollet County CD 48A Repair Report

HOUSTON JOB NO.: 6162-0007

HOUSTON PROJ. MGR.: Chris Otterness

CLIENT/OWNER NAME: Nicollet County

CLIENT/OWNER ADDRESS: 501 South Minnesota Avenue, Saint Peter, MN 56082

CLIENT/OWNER PHONE NO.: 507-934-7204

CLIENT/OWNER CONTACT: Nate Henry

This Client/Owner Services Agreement ("Agreement") is made and entered into effective as of this 7th day of October, 2020, by and between **HOUSTON ENGINEERING, INC.** ("Houston") and Nicollet County ("Client").

Recitals

- A. Client has requested Houston to perform certain professional services in connection with a project generally referred to as Nicollet County CD 48A Repair Project ("Project").
- B. Houston desires to provide the professional services requested by Client in accordance with this Agreement.

NOW, THEREFORE, for good and valuable consideration, the receipt and sufficiency of which is hereby acknowledged, Houston and Client agree as follows:

1. **Services.** Houston shall perform the services set forth in Attachment A ("Services") in accordance with the terms and conditions of this Agreement.
2. **Term of Agreement.** This Agreement shall commence on the date first stated above, and Houston is authorized to commence performance of the Services as of that date. This Agreement shall terminate on the 31st day of December, 2020, unless terminated earlier pursuant to the terms and conditions of this Agreement.

3. **Attachments.** The Attachments below, which have been marked for inclusion, are hereby specifically incorporated into and made a part of this Agreement:

- ☒ ATTACHMENT A - SERVICES
- ☒ ATTACHMENT B - GENERAL TERMS AND CONDITIONS
- ☒ ATTACHMENT C - DATA PRACTICES COMPLIANCE
- ☐ ATTACHMENT D - _____
- ☐ FEE SCHEDULE - DATED 2020
- ☐ ALTA/NSPS LAND TITLE SURVEY RIDER

4. **Compensation.**

\$ _____ Lump Sum Fee - Based on the Services defined herein

\$ 21,800.00 Not to Exceed Fee - Client invoiced on an hourly basis commensurate with the attached Fee Schedule

\$ _____ Percentage of Estimated Construction Cost

\$ _____ Other - _____

IN WITNESS WHEREOF, the parties have caused this Agreement to be executed as of the date first above written:

CLIENT/OWNER

HOUSTON ENGINEERING, INC.

BY: _____

AUTHORIZED REPRESENTATIVE

BY: Chris Otterness

AUTHORIZED REPRESENTATIVE

TITLE: _____

TITLE: Project Manager

PLEASE SIGN AND RETURN ONE COPY TO HOUSTON AT THE ADDRESS ABOVE

ATTACHMENT A. PROPOSED SCOPE OF WORK

The project purpose is evaluating repair alternatives to restore the drainage function on Nicollet County Ditch 48A south of CSAH 5. The following tasks describes HEI's anticipated scope of work.

Base Task: Field Survey and Repair Report South of CSAH 5

HEI will begin by establishing horizontal and vertical survey control including benchmarks for the survey area. Our field survey crew will next gather survey data and system condition information necessary to determine the As-Constructed and Subsequently Improved Condition (ACSIC) to evaluate repair alternatives to restore drainage function.

The field surveyed information to be collected includes:

- Channel and left- and right-bank profile elevations at approximately 200-foot spacing
- Channel cross-sections at approximately 1,000-foot spacing
- Soil borings or probes to the hard-bottom interface for the purposes of determining the ACSIC elevation at approximately 1,000-foot spacing
- Culvert crossing dimensions and invert elevations
- Locations of visible bank instability or erosion
- Photographs at bridge and culvert crossings, channel cross-sections, visible side inlets, tile outlets, and instability or erosion locations

HEI will prepare plan and profile drawings using the field survey data to show the soil borings, culvert crossings, current elevations, and alignment of the drainage system. Additionally, the drawings will include ditch stationing, existing ditch bottom and left and right bank profiles, soil boring elevations, Public Land Survey System (PLSS) sections, road labels, county parcels, parcel numbers and owner names, surveyed private laterals and tile outlets, and Public Waters and National Wetland Inventory data. Plan sheets will be 11" x 17" and scaled to approximately 4,500 lineal feet per sheet.

A report will be prepared that includes an overview of the drainage systems condition, repair recommendations, opinion of probable cost, and preliminary construction plans for the recommended alternative. Additionally, the report will include an evaluation of regulatory considerations and their effect on the feasibility of repair alternatives. HEI will provide a draft report, complete a conference call with the County to review the analysis, and attend and present at a public hearing. The presentation will include project maps, plans, and other graphics indicating the purposes for the repair, proposed alternatives examined, properties benefiting from the public drainage system, and the extent of repairs.

BASE TASK DELIVERABLES

Our project scope and cost estimate will allow us to deliver:

1. Digital field survey data (.csv and .shp format)
2. Draft and final repair report including plan-profile drawings
3. Attend and present at a public hearing on the repair report

Optional Task: Reestablishment of Drainage System Records

We understand there is some uncertainty as to the history and established grade of the CD 48A system, due to the lack of an as-built plan and undocumented modifications of the system. For systems with these uncertainties and potential regulatory considerations, we recommend completing a reestablishment of the public drainage system record per MN Statute 103E.101 Subd. 4a. This will provide you, the benefiting,

landowners, and regulating agencies clarity on the as-constructed and subsequently improved condition (ACSIC), which is the legal basis for management of the system (including repairs). Since this system flows through a public water wetland (which is within MnDNR jurisdiction), the determination of an ACSIC and memorialization of it through a legal proceeding becomes even more important.

If ordered to complete this task, HEI will complete survey of CD 48A north of CSAH 5 in conjunction with the survey required for the repair report (as described above). HEI will then review available historic records provided by Nicollet County to guide the determination of the alignment, grade, and cross-section of the ACSIC. We will also review available historical aerial imagery to confirm or identify the as-constructed alignment.

HEI will then draft a technical report that includes a summary of background information about the public drainage system establishment and describes the process used to determine the system's ACSIC alignment, grade, and geometry following MS 103E.101(4a). We will provide a draft memorandum to the County for review and after receiving comments, we will finalize the report and present the findings at a public hearing to reestablish drainage system records. If the County chooses to complete this optional task, we recommend that it be completed prior to development of the repair report, as the work will help inform and guide the recommended repair.

DELIVERABLES

Our project scope and cost estimate will allow us to deliver:

1. Digital field survey data (.csv and .shp format)
2. Draft and final report to reestablish records
3. Attend and present at a public hearing to reestablish records

ASSUMPTIONS

The estimated compensation associated with completing the proposed scope of work is based on the following assumptions:

1. Field survey will not require the use of watercraft (i.e. water depth will be limited to chest wader depth).
2. All available historic drainage system records will be shared with HEI.
3. Nicollet County will provide one set of comments on the draft reports.
4. Costs do not include on-site wetland delineations or any local, state, or federal permitting (this is expected to be completed, as needed at a later date after a repair project is ordered).
5. Repair report will evaluate a single repair alternative.

ESTIMATED COMPENSATION

Compensation for completing the tasks described in the Scope of Work and will be billed on a time and materials basis with the cost not to exceed the amount shown below without approval by Nicollet County.

Base Task: Field Survey and Repair Report	\$13,100
Optional Task: Reestablish Drainage System Records	\$ 8,700
TOTAL COST	\$21,800

PROJECT SCHEDULE

HEI will begin work on the project once a signed contract between HEI and Nicollet County is executed (see attached *HEI General Terms and Conditions*). It is anticipated that field survey will occur prior to freeze-up in the fall of 2020, a public hearing to reestablish records in early 2021, and a public hearing on the repair report in spring 2021.

Engineering Services Nicollet CD 48A
August 21, 2020
Page 3

Additional Services

HEI can provide an array of additional services to further support development and progression of the repair project, that are outside of this scope.

The additional services may include:

- Digitizing drainage system records;
- Support to obtain regulatory approval for of the preferred repair alternative;
- Drone survey;
- Contract documents suitable for a public bidding process; and
- Construction management.

The cost for these additional services can be provided on request and we would be happy to discuss the options with you.

General Terms and Conditions

1. STANDARD OF CARE

Houston shall perform its Services in a manner consistent with that degree of care and skill ordinarily exercised by members of the same profession currently practicing under similar circumstances in the region where the Project is located.

2. PAYMENT TERMS

Invoices will be submitted periodically (customarily on a monthly basis) and are due and payable upon receipt. Client agrees to pay a service charge on all accounts 30 days or most past due at a rate equal to one percent (1%) each month but in no event shall such service charge exceed the maximum amount allowed by law. Acceptance of any payment from Client without accrued service charges shall not be deemed to be a waiver of such service charges by Houston. In the event Client is past due with respect to any invoice Houston may, after giving five (5) days written notice to Client, suspend all services without liability until Client has paid in full all amounts owing Houston on account of services rendered and expenses incurred, including service charges on past due invoices. Payment of invoices is not subject to discount or offset by Client.

3. CHANGES OR DELAYS

If the Project requires conceptual or process development services, such services often are not fully definable in the initial planning. If, as the Project progresses, facts develop that in Houston's judgment dictate a change in the Services to be performed, Houston shall inform Client of such changes and the parties shall negotiate, in good faith, with respect to any change in scope and adjustment to the time of performance and compensation and modify the Agreement accordingly. In the event the parties are unable to reach an agreement, either party may terminate this Agreement without liability by giving fourteen (14) days written notice to the other party. In the event of termination, the final invoice will include all Services and expenses associated with the Project up to the effective date of termination, and will also include equitable adjustment to reimburse Houston for any termination settlement costs incurred relating to commitments that had become firm before termination plus a 10 percent markup on those settlement costs.

4. PAYMENT

Where the method of payment under the Agreement is based upon cost reimbursement (e.g., hourly rate, time and materials, direct personnel expense, per diem, etc.), the following shall apply: (a) the minimum time segment for charging work is one-quarter hour; (b) labor (hours worked) and expenses will be charged at rates commensurate with the attached fee schedule or, if none is attached, with Houston's current fee schedule (at the time of the work); (c) when applicable, rental charges will be applied to cover the cost of pilot-scale facilities or equipment, apparatus, instrumentation, or other technical machinery. When such charges are applicable, Client will be advised at the start of an assignment, task, or phase; and (d) invoices based upon cost reimbursement will be submitted showing labor (hours worked) and total expense. If requested by Client, Houston shall provide supporting documentation at Client's cost, including labor and copying costs.

5. TERMINATION

Either party may terminate this Agreement, in whole or in part, by giving fourteen (14) days written notice to the other party, if the other party fails to fulfill its obligations under this Agreement through no fault of the terminating party. In such event, and subject to the limitations set forth in this Agreement, the non-defaulting party may pursue its rights and remedies as contemplated by this Agreement and as allowed by law.

6. LIMITATION OF LIABILITY

In no event shall Houston be liable for incidental, indirect or consequential damages of any kind. Houston's maximum cumulative liability with respect to all claims and liabilities under this Agreement, whether or not insured, shall not exceed the greater of \$50,000 or the total compensation received by Houston under this Agreement. The disclaimers and limitations of liability set forth in this Agreement shall apply regardless of any other contrary provision set forth and regardless of the form of action, whether in contract, tort or otherwise. Each provision of this Agreement which provides for a limitation of liability, disclaimer of warranty or condition or exclusion of damages is severable and independent of any other provision and is to be enforced as such. Client hereby releases Houston from any and all liability over and above the limitations set forth in this paragraph.

7. INSURANCE

Houston shall obtain and maintain during the term of this Agreement, at its own expense, workers' compensation insurance and comprehensive general liability insurance in amounts determined by Houston and will, upon request, furnish insurance certificates to Client. The existence of any such insurance shall not increase Houston's liability as limited by paragraph 6 above.

8. HAZARDOUS SUBSTANCES

Client shall furnish or cause to be furnished to Houston all documents and information known by Client that relate to the identity, location, quantity, nature, or characteristics of any asbestos, pollutant or hazardous substance, however defined ("Hazardous Substances") at, on or under the Project site. Houston is not, and has no responsibility as a handler, generator, operator, treater, storer, transporter, or disposer of Hazardous Substances found or identified at the Project. Client agrees to bring no claim for fault, negligence, breach of contract, indemnity, or other action against Houston, its principals, employees, agents, and consultants, if such claim in any way would relate to Hazardous Substances in connection with the Project. Client further agrees, to the fullest extent permitted by law, to defend, indemnify, and hold harmless Houston, its principals, employees, agents, and consultants from and against all claims, damages, losses, and expenses, direct or indirect, or consequential damages, including but not limited to fees and charges for attorneys and court and arbitration costs, arising out of or resulting from the performance of Houston's Services hereunder, or claims brought against Houston by third parties arising from Houston's Services or the services of others and/or work in any way associated with Hazardous Substance activities. This indemnification shall survive termination of this Agreement.

9. INDEMNIFICATION

Client shall indemnify, and hold harmless Houston, together with its officers, directors, agents, consultants and employees from and against any and all claims, costs, losses and damages, including attorneys' fees and other costs of litigation or dispute resolution arising directly or indirectly from Client's breach of this Agreement or Client's fault, negligent acts or omissions or intentional misconduct in connection with this Agreement or the Project. Subject to the limitations set forth in this Agreement, Houston shall indemnify and hold harmless Client, together with its officers, directors, agents, consultants and employees from and against any and all claims, costs, losses and damages, including attorneys' fees and other costs of litigation or dispute resolution arising directly or indirectly from Houston's breach of this Agreement or Houston's fault, negligent acts or omissions or intentional misconduct in connection with this Agreement or the Project. The indemnification obligations set forth in this paragraph shall survive termination of this Agreement.

10. WARRANTY

Except as specifically set forth in this Agreement, Houston has not made and does not make any warranties or representations whatsoever, express or implied, as to Services performed or products provided including, without limitation, any warranty or representation as to: (a) the merchantability or fitness or suitability of the Services or products for a particular use or purpose whether or not disclosed to Houston; and (b) delivery of the Services and products free of the rightful claim of any person by way of infringement (including, but not limited to, patent or copyright infringement) or the like. Houston does not warrant and will not be liable for any design, material or construction criteria furnished or specified by Client and incorporated into the Services provided hereunder.

11. PROJECT SITE

Client shall furnish such reports, data, studies, plans, specifications, documents, and other information regarding surface and subsurface site conditions required by Houston for proper performance of its Services. Houston shall be entitled to rely upon Client provided documents and information in performing the Services required under this Agreement. Houston assumes no responsibility or liability for the accuracy or completeness of any such documents or information. Houston will not direct, supervise, or control the work, means or methods of contractors or their subcontractors in connection with the Project. Houston's Services will not include a review or evaluation of the contractor's or subcontractor's safety measures. The presence of Houston, its employees, agents or subcontractors on a site shall not imply that Houston controls the operations of others nor shall it be construed to be an acceptance by Houston of any responsibility for job-site safety.

12. CONFIDENTIALITY

Houston shall maintain as confidential and not disclose to others without Client's prior consent all information obtained from Client that was not otherwise previously known to Houston or in the public domain and is expressly designated by Client in writing to be "CONFIDENTIAL." The provisions of this paragraph shall not apply to information in whatever form that (a) is published or comes into the public domain through no fault of Houston, (b) is furnished by or obtained from a third party who is under no obligation to keep the information confidential, or (c) is required to be disclosed by law on order of a court, administrative agency, or other authority with proper jurisdiction. Client agrees that Houston may use and publish Client's name and a general description of Houston's services with respect to the Project in describing Houston's experience and qualifications to other clients or potential clients.

13. RE-USE OF DOCUMENTS

All documents, including drawings and specifications, prepared or furnished by Houston (and Houston's affiliates, agents, subsidiaries, independent professional associates, consultants, and subcontractors) pursuant to this Agreement are instruments of service in respect of the Project, and Houston shall retain ownership thereof, whether or not the Project is completed. Client may make and retain copies for information and reference in connection with the Project; however, such documents are not intended or represented to be suitable for re-use by Client or others on extensions of the Project or on any other project. Any re-use without written verification or adaptation by Houston for the specific purpose intended will be at Client's sole risk and without liability to Houston or Houston's affiliates, agents, subsidiaries, independent professional associates, consultants, and subcontractors with respect to any and all costs, expenses, fees, losses, claims, demands, liabilities, suits, actions, and damages whatsoever arising out of or resulting therefrom. Any such verification or adaptation will entitle Houston to further compensation at rates to be agreed upon by Client and Houston.

14. REMEDIES

Subject to the limitations set forth in this Agreement, in the event any party is in default of this Agreement, the non-defaulting party shall be entitled to pursue all rights and remedies available to it under this Agreement or as allowed by law.

15. PROPRIETARY DATA

The technical and pricing information in connection with the Services provided by Houston is confidential and proprietary and is not to be disclosed or otherwise made available to third parties by Client without the express written consent of Houston.

16. GOVERNING LAW

The validity, construction and performance of this Agreement and all disputes between the parties arising out of or related to this Agreement shall be governed by the laws, without regard to the law as to choice or conflict of law, of the State of Minnesota. Client consents to jurisdiction as to all issues concerning or relating to this Agreement or the Project with the federal or state district courts designated for Nicollet County, Minnesota.

17. DATA PRACTICES ACT REQUESTS

Houston considers certain information developed during the execution of services as "not public" and "protected" from public disclosure under the various local, state and federal data practices laws. Client shall reimburse Houston for any and all costs and expenses, including attorneys' fees associated with any requests for release of information under any such laws.

18. FORCE MAJURE

Houston shall not be liable for any loss, damage or delay resulting out of its failure to perform hereunder due to causes beyond its reasonable control including, without limitation, acts of nature or the Client, acts of civil or military authority, terrorists threats or attacks, fires, strikes, floods, epidemics, quarantine restrictions, war, riots, delays in transportation, transportation embargos, extraordinary weather conditions or other natural catastrophe or any other cause beyond the reasonable control of Houston. In the event of any such delay, Houston's performance date(s) will be extended for that length of time as may be reasonably necessary to compensate for the delay.

19. WAIVER OF JURY

In the interest of expediting any disputes that might arise between Houston and Client, Client hereby waives its rights to a trial by jury of any dispute or claim concerning this Agreement, the Services, the Project and any other documents or agreements contemplated by or executed in connection with this Agreement.

20. NOTICES

Any and all notices, demands or other communications required or desired to be given under this Agreement shall be in writing and shall be validly given or made if personally served; sent by commercial carrier service; or if deposited in the United States Mail, certified or registered, postage prepared, return receipt requested. If such notice or demand is served personally, notice shall be deemed constructively made at the time of such personal service. If such notice, demand or other communication is given by mail or commercial carrier service, such notice shall be conclusively deemed given three (3) days after deposit thereof in the United States Mail or with a commercial carrier service. Notices, demand or other communications required or desired hereunder shall be addressed to the individuals indicated in this Agreement at the addresses indicated in this Agreement. Any party may change its address or authorized recipient for purposes of this paragraph by written notice given in the manner provided above.

21. MISCELLANEOUS

This Agreement shall take precedence over any inconsistent or contradictory provisions contained in any proposal, contract, purchase order, requisition, notice-to-proceed, or like document regarding the Services. If any provision of this Agreement is determined to be invalid or unenforceable in whole or part by a court of competent jurisdiction, the remaining provisions hereof shall remain in full force and effect and be binding upon the parties hereto. The parties agree to reform this Agreement to replace any such invalid or unenforceable provision with a valid and enforceable provision that as closely as possible expresses the intention of the stricken provision. This Agreement, including but not limited to the indemnification provisions, shall survive the completion of the Services under this Agreement and the termination of this Agreement. This Agreement gives no rights or benefits to anyone other than Houston and Client and has no third party beneficiaries except as may be specifically set forth in this Agreement. This Agreement constitutes the entire agreement between the parties and shall not in any way be modified, varied or amended unless in writing signed by the parties. Prior negotiations, writings, quotes, and understandings relating to the subject matter of this Agreement are merged herein and are superseded and canceled by this Agreement. Headings used in this Agreement are for the convenience of reference only and shall not affect the construction of this Agreement. This Agreement and the rights and duties hereunder may not be assigned by Client, in whole or in part, without Houston's prior written approval. No failure or delay on the part of Houston in exercising the right, power or remedy under this Agreement shall operate as a waiver thereof; nor shall any single or partial exercise of any rights, power or remedy preclude any other or further exercise thereof or the exercise of any other right, power or remedy hereunder. The remedies provided in this Agreement are cumulative and not exclusive of any remedies provided by law.

ATTACHMENT C – DATA PRACTICES COMPLIANCE AND AUDITING OBLIGATION

HEI will have access to data collected or maintained by the County to the extent necessary to perform HEI's obligations under this contract. HEI agrees that, pursuant to Minn. Stat. § 13.05, subd. 11, to maintain all of the data created, collected, received, stored, used, maintained or disseminated in performing this Contract are subject to the requirements of obtained from the County in the same manner as the County is required under the Minnesota Government Data Practices Act, Minn. Stat. Chap. 13 (the "Act"). HEI is required to comply with the requirements of the Act as if it were a government entity. HEI will not release or disclose the contents of data classified as not public to any person except at the written direction of the County. HEI will notify the County of all requests for data that HEI receives. HEI agrees to defend and indemnify the County from any claim, liability, damage or loss asserted against the County as a result of HEI's failure to comply with the requirements of the Act or this contract. Upon termination of this contract, HEI agrees to return data to the County, as requested by the County. The obligations of this section of the Contract, including the obligation to defend and indemnify the County, shall survive the termination of this Contract and shall continue so long as the data exists.

HEI's books, records, documents, papers, accounting procedures and practices, and other evidences relevant to this Contract are subject to the examination, duplication, transcription and audit by the County and either the legislative or State Auditor, pursuant to Minn. Stat. § 16C.05, subd. 5. Such evidences are also subject to review by the Comptroller General of the United States, or a duly authorized representative, if federal funds are used for any work under this Contract. HEI agrees to maintain such evidences for a period of six (6) years from the date services or payment were last provided or made or longer if any audit in progress required a longer retention period.