

## Nicollet County Board of Commissioners Meeting



**October 27, 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*

### **NOTICE REGARDING NICOLLET COUNTY BOARD OF COMMISSIONERS MEETING AND DRAINAGE AUTHORITY MEETING**

**October 27, 2020**

**9:00 A.M.**

**NICOLLET COUNTY GOVERNMENT CENTER BOARD ROOM  
501 SOUTH MINNESOTA AVENUE  
ST. PETER, MN**

Due to the COVID-19 (coronavirus) pandemic and resulting state and federal emergency declarations and guidance about limiting unnecessary person-to-person contact, the October 27, 2020 Nicollet County Board meeting and Drainage Authority meeting will be conducted under Minnesota Statute 13D.021 – Meetings by Telephone or Other Electronic Means. Some County Board and Drainage Authority 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.**

The meetings can also be viewed live at [www.co.nicollet.mn.us/642/County-Board-Meeting-Videos](http://www.co.nicollet.mn.us/642/County-Board-Meeting-Videos). A copy of the meeting agenda and packet is available at [www.co.nicollet.mn.us/AgendaCenter/Board-of-Commissioners-3](http://www.co.nicollet.mn.us/AgendaCenter/Board-of-Commissioners-3).

Questions or comments regarding agenda items and viewing or listening to the meeting can be directed to Ryan Krosch, Nicollet County Administrator, at 507-934-7204 or [rkrosch@co.nicollet.mn.us](mailto:rkrosch@co.nicollet.mn.us).

#### **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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*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 October 13, 2020 Board Minutes](#)
  2. [City of Lafayette MOU Relating Nicollet County Dangerous Dog Ordinance](#)
  3. [City of Nicollet MOU Relating Nicollet County Dangerous Dog Ordinance](#)
  4. [Revised 2020 MFIP/DWP Notice of Funds Available](#)
  5. [2020 Solid Waste Collection and Transportation License Applicant](#)
  6. [End of Probation](#)
  7. Approval of Bills
- Public Appearances
- 9:05 a.m.** Property Services
1. [Set Public Hearing Date for Comprehensive Plan Adoption](#)
  2. [October 19, 2020 Planning & Zoning Advisory Commission Meeting](#)
- 9:20 a.m.** Public Services
1. [Election Administration Update](#)
- 9:35 a.m.** Administration
1. [CARES Funding for Schools](#)
- 9:40 a.m.** Chair's Report
- Commissioner Committee Reports
- Commissioners Meetings & Conferences
- Approve Per Diems and Expenses
- Adjourn Board of Commissioners Meeting
- 9:45 a.m.** Call Drainage Authority Meeting to Order: Chair Luepke
- Drainage Authority Agenda Items
1. Consent Agenda
    - a. [Approval of October 13, 2020 Drainage Authority Minutes](#)
- Adjourn Drainage Authority Meeting

Continued...

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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](mailto:rkrosch@co.nicollet.mn.us).**

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  
OCTOBER 13, 2020

The Nicollet County Board of Commissioners met in regular session on Tuesday, October 13, 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 Kemp and seconded by Commissioner Morrow to approve the agenda with the two additions: CARES Broadband Presentation and a consent agenda addition: City of Courtland MOU Relating to the Nicollet County Dangerous Dog Ordinance. Motion carried with all voting in favor.

**Consent Agenda**

Motion by Commissioner Morrow and seconded by Commissioner Kemp to approve the consent agenda items as follows: approval of the September 22, 2020 Board Meeting minutes, FY2021 Natural Resources Block grant, Juvenile Work Crew Contract with Blue Earth County, end of probation for Megan Lamont, effective October 14, 2020, City of Courtland MOU Relating to the Nicollet County Dangerous Dog Ordinance and approval of the Commissioner Warrants as presented for the following amounts: Revenue Fund - \$328,087.16, Road & Bridge Fund - \$216,300.59, Human Services Fund - \$311,968.74 and acknowledge review of the Auditor's Warrants. Motion carried with all voting in favor.

**Public Appearances**

There were no public appearances.

**Property Services**

**Resolution Appointing the County Assessor**

Property and Public Services Director, Mandy Landkamer, appeared before the Board to request approval on a resolution to re-appoint Lorna Sandvik as the County Assessor. This appointment would be effective from January 1, 2021 and extend through December 31, 2024.

Motion by Commissioner Kemp and seconded by Commissioner Morrow to approve the Resolution Appointing the County Assessor. Motion carried on a roll call vote.



#### 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.

#### Ag BMP Low Interest Loan Project – Septic Liens

Director Landkamer requested approval of lien attachments on parcels that utilized the AgBMP loan program for septic activities, with the total loan amount of all parcels being \$68,424.24.

Motion by Commissioner Morrow and seconded by Commissioner Kemp to approve the Resolution Regarding AgBMP Loan Program Liens. Motion carried on a roll call vote.

#### 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:

##### AgBMP LIEN ATTACHMENT #4

PARCEL #	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

#### September 21, 2020 Planning & Zoning Advisory Commission Meeting

Planning and Zoning Administrator, Jon Hammel, appeared before the Board to request approval on four items from the September 21, 2020 Planning and Zoning Advisory Meeting.

- 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.

Commissioner Dranttel recused herself from the vote. Motion by Commissioner Kemp and seconded by Commissioner Morrow to accept the Planning and Zoning Advisory Commission's September 21, 2020 report, recommendations and findings as submitted therein, which included the following:

Ulland Brothers, Inc.	PLN20-04, -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.
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Motion carried with all voting in favor.

- 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.

Commissioner Dranttel recused herself from the vote. Motion by Commissioner Kemp and seconded by Commissioner Morrow to accept the Planning and Zoning Advisory Commission's September 21, 2020 report, recommendations and findings as submitted therein, which included the following:

Ulland Brothers, Inc.	PLN20-05	Three-year review of a mineral extraction permit to mine, crush, and stockpile gravel, with a hot mix plant.
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Motion carried with all voting in favor.

- 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.

Commissioner Dranttel recused herself from the vote. Motion by Commissioner Morrow and seconded by Commissioner Kemp to accept the Planning and Zoning Advisory Commission's September 21, 2020 report, recommendations and findings as submitted therein, which included the following:

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.
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Motion carried with all voting in favor.

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.

Commissioner Dranttel recused herself from the vote. Motion by Commissioner Morrow and seconded by Commissioner Kemp to accept the Planning and Zoning Advisory Commission's September 21, 2020 report, recommendations and findings as submitted therein, which included the following:

Wendell Lorentz & Sons LLC / David Woelper	PLN20-24	Three-year review of a mineral extraction permit to mine, crush, and stockpile gravel, including a hot mix plant.
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Motion carried with all voting in favor.

## **Public Works**

### **Consider Final Payment for SP 052-614-009**

Public Works Director, Seth Greenwood, appeared before the Board to request approval on final payment for SP 052-614-009.

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. Project cost is funded 80% Federal Highway Administration Emergency Relief and 20% State Disaster Funds.

Motion by Chair Kemp and seconded by Commissioner Kolars to approve the final payment amount of \$1,967.89 for SP 052-614-009 bring the project total amount to \$181,938.85. Motion carried with all voting in favor.

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

## **Administration**

### **CARES Broadband Presentation**

Le Sueur County Administrator, Darrell Pettis, appeared before the Board to present a proposal for a broadband tower located near Lake Emily, which has the possibility to serve the western river valley of Le Sueur County and rural eastern Nicollet County.

Administrator Pettis stated that Le Sueur County is working with a company called Netwave to install Broadband wireless towers within their county. Administrator Pettis stated that Netwave will be able to get the tower equipment up before December 1, 2020, which would allow for the two counties to utilize CARES funding for the purchase. The counties would pay for the tower equipment, but have no further obligation.

Administrator Pettis requested, on behalf of Le Sueur County, for Nicollet County to commit to 40% of the cost which would be approximately \$90,000 - \$94,000.

Commissioner Morrow shared his concerns about this particular plan as there are more underserved areas in other parts of Nicollet County that would benefit from

broadband. The consensus of the Board was to move this to further discussion at the upcoming County Board Workshop.

### **CARES Funding Update and Request for Purchases**

County Administrator, Ryan Krosch, appeared before the Board to provide an update on CARES Act funding dollars and request to purchase public health and safety radios and updates to the Emergency Operations Center (EOC) in the Government Center.

Motion by Commissioner Kemp and seconded by Commissioner Morrow to approve the Resolution Approving Nicollet County CARES Act Emergency Operations Technology and Equipment Purchases. Motion carried with all voting in favor on a roll call vote.

#### **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 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).

**BE IT FURTHER RESOLVED**, the Nicollet County Board of Commissioners has determined that these expenditures fulfill the US Treasury Guidance stated herein.

Administrator Krosch provided an updated on the first round of the Nicollet County CARES Business Relief Grant Program. Nicollet County received 73 applications and will be funding 72 of the applications for a total amount of approximately \$625,000. Administrator Krosch recommended that the County offer a second round of business relief grants and increase the employment number from 1-20 employees to 1-50 employees to allow for a greater pool of possible applicants. It was noted that if a business received a grant the first round, they would not be eligible for the second round.

Motion by Commissioner Kolars and seconded by Commissioner Kemp to approve the Resolution Approving Nicollet County's CARES Act Business Relief Grant Program – Round 2. Motion carried on a roll call vote.

**RESOLUTION APPROVING NICOLLET COUNTY'S  
CARES ACT BUSINESS RELIEF GRANT PROGRAM – 2<sup>ND</sup> ROUND**

**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 states that CARES Act Funds may be used for expenses associated with the provision of economic support in connection with the COVID-19 public health emergency including expenditures related to the provision of grants to small businesses; and

**WHEREAS**, US Treasury Coronavirus Relief Fund Frequently Asked Questions (FAQ) dated states Cares Act funds may be used to reimburse small business for costs caused by business interruption due to a required closure or stay at home order; and

**WHEREAS**, said FAQ further states that CARES Act funds may be used for economic support in the absence of a stay at home order if such expenditures are determined by the government to be necessary in response to the public health emergency; and

**WHEREAS**, Nicollet County businesses have experienced mandatory and voluntary business disruptions and less revenue due the public health emergency.

**NOW, THEREFORE, BE IT RESOLVED**, that the Nicollet County Board of Commissioners approves the attached Nicollet County CARES Act Funding program (Program):

- Nicollet County CARES Business Relief Grant Program – 2<sup>ND</sup> ROUND

**BE IT FURTHER RESOLVED**, general administrative and policy changes may be made to this Program by the Nicollet County Finance Director or Nicollet County Administrator without Nicollet County Board approval as guidance, need and circumstances change.

**BE IT FURTHER RESOLVED**, after consultation with the Nicollet County Finance Director and the County's Program consultant, the Nicollet County Administrator is authorized to approve the final list of grant award recipients for this Program.

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

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).

## **Commissioner Committee Reports**

The Commissioners reported on various meetings and activities including:

### **Commissioner Marie Dranttel**

- Brown Nicollet Environmental Health Meeting
- One Watershed One Plan Meeting
- Food Distribution Group
- Planning and Zoning Legal Training

**Commissioner Terry Morrow**

- Planning and Zoning Legal Training
- Brown Nicollet Environmental Health Meeting
- Tri-County Recycling Event

**Commissioner Denny Kemp**

- Planning and Zoning Legal Training
- South Central EMS
- AMC

**Commissioner Jack Kolars**

- Brown Nicollet Environmental Health Meeting
- MAPO
- Traverse des Sioux Library Meeting
- Planning and Zoning Legal Training

**Chair's Report**

- Brown Nicollet Environmental Health
- Planning and Zoning Legal Training
- Nicollet City Council Meeting

**Approve Per Diems and Expenses**

Motion by Commissioner Kemp and seconded by Commissioner Dranttel 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 10:10 a.m.

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JOHN LUEPKE, CHAIR  
BOARD OF COMMISSIONERS

ATTEST:

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RYAN KROSCH  
CLERK TO THE BOARD

Nicollet County Board of Commissioners  
Board Meeting Agenda Item



<b>Agenda Item:</b>						
City of Lafayette MOU relating Nicollet County Dangerous Dog Ordinance						
Primary Originating Division/Dept.: Sheriff's Office	Meeting Date: 10-27-20					
Contact: Dave Lange                      Title: Sheriff	Item Type: Consent Agenda (Select One)					
Amount of Time Requested              minutes						
Presenter: David Lange                      Title: Sheriff	Attachments: <input checked="" type="radio"/> Yes <input type="radio"/> No					
County Strategy: Programs and Services - deliver value-added quality services (Select One)						
<b>BACKGROUND/JUSTIFICATION:</b>  <p>The county has adopted a Dangerous Dog Ordinance and the City of Lafayette has adopted our ordinance as well to have the Sheriff's Office handle any cases within their city. This Memorandum of Understanding defines the Sheriff's Office to act as the cities Animal Control Authority.</p>						
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						
<b>ACTION REQUESTED:</b> County board approval of MOU and Signatures by the Chair and County Administrator.						
<table style="width: 100%; border: none;"> <tr> <td style="width: 50%; vertical-align: top;"> <b>FISCAL IMPACT:</b> No fiscal impact (Select One)             If "Other", specify         </td> <td style="width: 50%; vertical-align: top;"> <b>FUNDING</b>            County Dollars =             Grant            (Select One)         </td> </tr> <tr> <td style="vertical-align: top;"> <b>FTE IMPACT:</b> No FTE change (Select One)            If "Increase or "Decrease" specify:             Related Financial/FTE Comments:         </td> <td style="vertical-align: top;"> <b>Total</b> </td> </tr> </table>			<b>FISCAL IMPACT:</b> No fiscal impact (Select One)  If "Other", specify	<b>FUNDING</b> County Dollars =  Grant (Select One)	<b>FTE IMPACT:</b> No FTE change (Select One) If "Increase or "Decrease" specify:  Related Financial/FTE Comments:	<b>Total</b>
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<b>FTE IMPACT:</b> No FTE change (Select One) If "Increase or "Decrease" specify:  Related Financial/FTE Comments:	<b>Total</b>					



**CITY OF LAFAYETTE  
ORDINANCE NUMBER  
132**

**AN ORDINANCE RELATING TO THE DESIGNATION AND REGISTRATION OF  
POTENTIALLY DANGEROUS DOGS AND DANGEROUS DOGS**

WHEREAS, the City of Lafayette has authority to enact ordinances to provide for the government and good order of the city, the suppression of vice and immorality, the prevention of crime, the protection of public and private property, the benefit of residence, trade, and commerce, and the promotion of health, safety, order, convenience, and the general welfare by such ordinances not inconsistent with the Constitution and laws of the United States or of this state as it shall deem expedient; and

WHEREAS, Minn. Stat. §§ 609 and 347 do not provide a sufficiently detailed process for the designation, appeal process, and registration process for potentially dangerous and dangerous dogs; and

WHEREAS, Nicollet County now has an ordinance referred to as the "Nicollet County Dangerous Dog Ordinance," which provides for the designation, appeal process, and registration process for potentially dangerous and dangerous dogs; and

WHEREAS, the City of Lafayette would like to adopt a City Ordinance that is the same as the Nicollet County Dangerous Dog Ordinance to apply within the City.

NOW, THEREFORE, the City Council of the City of Lafayette, Nicollet County, State of Minnesota, hereby ordains as follows:

1. Section 91.11 shall be added to the Lafayette Code of Ordinances as follows:

LAFAYETTE CITY CODE SECTION 91.11 - City of Lafayette Dangerous Dog Ordinance

91.11 SECTION 1: TITLE AND JURISDICTION.

This Ordinance shall be known, cited, and referred to as the "City of Lafayette Dangerous Dog Ordinance," except as referred to herein, where it shall be known as "this Ordinance." The provisions of this Ordinance shall apply to all dogs found or located in the City of Lafayette.

91.11 SECTION 2: PURPOSE AND INTENT.

It is the intent of the City to protect the health and safety of the public against the risks that dangerous and potentially dangerous dogs pose to persons and other animals in

**CITY OF LAFAYETTE  
ORDINANCE NUMBER  
132**

the City. By their very nature, dogs that are classified as "dangerous" or "potentially dangerous" pose a direct threat to the people and other animals that live in the same community or may otherwise come into contact with the dangerous or potentially dangerous dogs. Further, it is the intent of the City to afford dog owners due process when the owner's dog is classified as a dangerous dog or potentially dangerous dog, consistent with Minnesota Statutes Sections 347.50 to 347.56 or other related laws. This Ordinance shall only apply to dogs considered dangerous or potentially dangerous, and it shall not impact the regulation or control of other animals, whether wild or domestic.

**91.11 SECTION 3: DEFINITIONS.**

A. Animal Control Authority. "Animal Control Authority" shall mean the Nicollet County Sheriff; an agency of the state, County, or other governmental subdivision of the state which is responsible for animal control operations; or any Law Enforcement agent or other public official acting under their direction and control. Additionally, "Animal Control Authority" shall mean any individual, organization, partnership, or entity operating under contract to perform animal control operations pursuant to a written agreement authorized and approved by the City Council.

B. Board. "Board" shall mean the Nicollet County Board of Commissioners.

C. County. The "County" shall mean the County of Nicollet, a political subdivision of the State of Minnesota.

D. Dangerous Dog. A "Dangerous Dog" shall mean a dog that has:

1. Without provocation, inflicted substantial bodily harm on a person on public or private property; or
2. Killed a domestic animal without provocation while off the property of the owner or custodian; or
3. Been found to be a Potentially Dangerous Dog and, after the owner has notice that the dog is potentially dangerous, the dog aggressively bites, attacks, or endangers the safety of humans or domestic animals.

E. Proper Enclosure. "Proper Enclosure" shall mean a securely confined interior area or a securely enclosed and locked pen or kennel suitable to prevent the dog from escaping and providing protection from the elements for the dog. A Proper Enclosure does not include: a porch, patio or any part of a house, garage, or other structure that would either allow the public to lawfully enter or the dog to exit of its own volition; or any house or structure in which windows are open or in which door or window screens are the only barriers that prevent the dog from exiting.

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F. Great Bodily Harm. "Great bodily harm" shall mean bodily injury which creates a high probability of death, or which causes serious or permanent disfigurement, or which causes permanent or protracted loss or impairment of the function of any bodily member or organ or other serious bodily harm.

G. Hearing Officer. "Hearing Officer" means a person, designated by the Board, who is tasked with making a determination in an Appeal Hearing of a designation of dangerous dog or potentially dangerous dog. The person appointed shall be a licensed doctor of veterinary medicine, or a qualified person trained in domestic animal husbandry.

H. Kill or Kills. "Kill" or "kills" shall mean the existence of a direct causal connection between the act of the attacking dog and the death of the person or other animal. For domestic animals that are euthanized following such an attack, "kill" or "kills" shall mean the death was the direct consequence of the attack; that extensive veterinarian assistance would be ultimately futile and only temporarily prolong the life of the animal; and that euthanasia merely hastened the inevitable death of the victim animal.

I. Microchip or Microchipped. "Microchip" or "microchipped" shall mean a device or implantation of a device, authorized and generally accepted by the veterinary community, to be permanently implanted in the dog, allowing for permanent identification of the dog and the dog's owner, via scanning and reading of the microchip through the dog's skin and hair or fur.

J. Owner. "Owner" shall mean any person or persons, firm, organization, association, department, or corporation owning, possessing, keeping, harboring, having an interest in, or having care, custody, or control of the dog. Any person keeping or harboring a dog for five (5) consecutive days shall, for the purposes of this Ordinance, be deemed to be the owner thereof.

K. Potentially Dangerous Dog. A "Potentially Dangerous Dog" is one that:

1. When unprovoked, inflicts a bite on a person or a domestic animal on public or private property; or
2. When unprovoked, chases or approaches a person or domestic animal, including a person on a bicycle upon the streets, sidewalks, or any public or private property, other than the dog owner's property, in an apparent attitude of attack; or
3. Has a known propensity, tendency, or disposition to attack unprovoked, causing injury or otherwise threatening the safety of humans or domestic animals.

L. Provocation or Provoked. "Provocation" or "provoked" shall mean an act that a person could reasonably expect may cause a dog to attack or bite.

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M. Substantial Bodily Harm. "Substantial bodily harm" shall mean bodily injury which involves a temporary but substantial disfigurement, or which causes a temporary but substantial loss or impairment of the function of any bodily member or organ, or which causes a fracture of any bodily member.

N. Unprovoked. "Unprovoked" shall mean the condition in which the dog is not purposefully excited, stimulated, agitated, or disturbed. It shall be a rebuttable presumption that any attack on a child twelve (12) years of age or younger shall be deemed unprovoked, unless the child is engaged in the commission of a crime or illegal activity, including activities classified as "cruelty to animals" as defined in Chapter 343 of the Minnesota Statutes.

O. Warning. "Warning" shall mean the posted and obviously visible signage indicating the presence of a Potentially Dangerous Dog or Dangerous Dog on the property. The Warning shall be posted on the property of the dog owner, or in the location where the dog is maintained, harbored, or kept. Said Warning shall include, when deemed necessary by Law Enforcement, the Animal Control Authority, or the Hearing Officer, the Uniform Dangerous Dog symbol as designed and prepared by the Commissioner of the Minnesota Department of Public Safety. Said symbol, when required, shall be made available to the dog owner, by the Nicollet County Sheriff's Office. The Nicollet County Sheriff's Office may require a reasonable fee for copies of the designated Uniform Dangerous Dog symbol.

**91.11 SECTION 4: PROHIBITIONS.**

A. It shall be unlawful for any person to own, possess, keep, harbor, or have in one's possession a Potentially Dangerous Dog or Dangerous Dog, except as provided in this Ordinance.

B. It shall be unlawful for any person to own, possess, keep, harbor, or maintain a dog after having been ordered to relinquish or release the dog pursuant to the Order of a Hearing Officer, the County Board, or the District Court, when able to do so or reasonably able to direct others to do so on the person's behalf.

**91.11 SECTION 5: POTENTIALLY DANGEROUS DOG DESIGNATION.**

A. Designation as Potentially Dangerous Dog.

1. Any Law Enforcement officer or the Animal Control Authority shall designate any dog as a Potentially Dangerous Dog upon information and belief that the dog meets any of the criteria in Section 3.K of this Ordinance.

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2. When a dog is designated a Potentially Dangerous Dog, Law Enforcement or the Animal Control Authority, shall personally serve the owner(s) of the Potentially Dangerous Dog with the written Notification of Potentially Dangerous Dog. Personal service of this Notification shall be made upon the owner or a person of suitable age and discretion at the residence of such owner. Service on any one owner or joint-owner shall be effective as to all owners.

3. Notice requirements. The Notification of Potentially Dangerous Dog shall provide:

- a. A description of the dog designated as a Potentially Dangerous Dog;
- b. The authority for and purpose of the Potentially Dangerous Dog designation;
- c. The date, time, place, and circumstances under which the dog was declared potentially dangerous;
- d. The imposition of conditions, as set forth in Sections 5.C and 5.D, determined to be necessary and reasonable to continue owning, maintaining, or harboring a Potentially Dangerous Dog;
- e. An advisory informing the owner(s) that within fourteen (14) calendar days from the date of service, the owner may submit in writing to the Nicollet County Sheriff's Office a request for hearing and notice of intent to appeal the Potentially Dangerous Dog determination or the imposition of conditions placed on the owner (s) as set forth in Sections 5.C and 5.D of this Ordinance; and
- f. An advisory informing the owner(s) that, if the owner does not request a hearing by timely submitting a notice of intent to appeal within fourteen (14) calendar days, the Potentially Dangerous Dog designation will stand and the owner will be subject to all restrictions and conditions as set forth in the Notification of Potentially Dangerous Dog issued by Law Enforcement or the Animal Control Authority.

**B. Hearing - Potentially Dangerous Dog.**

1. If an owner appeals a Potentially Dangerous Dog designation or conditions imposed, the hearing shall be held before a Hearing Officer not more than thirty (30) calendar days after the Nicollet County Sheriff's Office is notified of the owner's intent to appeal. The notice of appeal and request for hearing shall be made directly to the Nicollet County Sheriff's Office. If mailed, the written request must be postmarked within the specified time period. If personally served, the written request must be received within the specified time period.

2. At any time following the Potentially Dangerous Dog designation and any time pending hearing, the dog may be seized and kept by Law Enforcement or the Animal Control Authority, unless the owner shows proof, satisfactory to the Nicollet County Sheriff's Office, that the dog: (1) has met the requirements for rabies, vaccinations,

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distemper, and/or other conditions; (2) is kept only in a Proper Enclosure, unless restrained on a leash with muzzle; and (3) is otherwise maintained under circumstances which do not present an unreasonable risk of harm to persons or other domestic animals. All costs related to seizing the dog shall be borne by the dog owner(s).

3. At the hearing, the records of Law Enforcement and the Animal Control Authority related to the alleged bite(s), attack(s), or threatening behavior, medical or veterinarian records, and all reliable hearsay directly related to the alleged bite(s), attack(s), or behavior shall be admissible for consideration by the Hearing Officer without further foundation.

4. Law Enforcement or the Animal Control Authority shall be represented by the Nicollet County Attorney's Office. The owner may be represented by legal counsel hired by the owner at the owner's sole expense. The owner is not entitled to a public defender, court-appointed attorney, or any other legal representation at public expense.

5. At the hearing, Law Enforcement and/or the Animal Control Authority and the owner may present live testimony of witnesses, cross-examine witnesses, and present documents to support their respective positions. The Nicollet County Attorney's Office and the owner of the dog may apply to the District Court for subpoenas to compel the testimony of witnesses.

6. After considering all evidence relating to the alleged bite(s), attack(s), or threatening behavior, and no later than ten (10) business days after the hearing, the Hearing Officer shall issue its decision. The decision shall determine whether or not to uphold the Potentially Dangerous Dog designation. If the designation is upheld, the decision shall require that the dog have a microchip implanted, as set forth in Sections 3.1 and 5.C.a of this Ordinance, at the owner's expense. The Order may also direct Law Enforcement to seize the dog or, if not previously seized, to take the dog into custody, and it may impose any other conditions appropriate for continued ownership, harboring, or maintaining of a Potentially Dangerous Dog whether or not set forth in Sections 5.C and 5.D of this Ordinance. The decision must be delivered to the dog's owner personally or by certified mail as soon as practical and a copy must be provided to the Animal Control Authority.

7. In the event that the Potentially Dangerous Dog designation is upheld by the Hearing Officer, actual expenses of the hearing, up to a maximum of \$1,000.00, shall be the responsibility of the dog's owner.

**C. Registration of a Potentially Dangerous Dog.**

1. All Potentially Dangerous Dogs must be registered with the Nicollet County Sheriff's Office. An individual seeking to register a Potentially Dangerous Dog must present the Animal Control Authority with proof of the following:

a. Microchip: Proof the dog has been implanted with a microchip as defined by Section 3.1. If the dog has been seized, the owner must arrange for the dog to be microchipped before or at the time of release from custody of Law

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Enforcement or the Animal Control Authority. The name of the microchip manufacturer and identification number of the microchip must be provided to the Animal Control Authority. If the microchip is not implanted by the owner, it may be implanted by a qualified veterinarian under the direction of the Animal Control Authority. In either case, all costs related to implantation of the microchip must be borne by the dog's owner;

b. Annual Fee: The owner must, at the time of initial registration, and every year thereafter, submit an annual registration fee of \$500.00 per year to the Nicollet County Sheriff's Office; and

c. Vaccination: At the time of registration and as a condition of maintaining the dog in the owner's care, the dog owner must provide proof of proper vaccinations against rabies, distemper, or other conditions, and provide proof of such vaccination annually upon renewal of registration.

D. A dog owner seeking to possess, keep, harbor, or maintain a Potentially Dangerous Dog on the owner's property, the owner's residence, or other property under the owner's control must comply with the following conditions:

1. The owner of a dog that has been designated as a Potentially Dangerous Dog by Law Enforcement, the Animal Control Authority, or Hearing Officer must arrange for the dog to be microchipped, as set forth in Sections 3.1 and 5.C.a of this Ordinance, at the owner's expense;

2. The owner must post notice and warning of the presence of a Potentially Dangerous Dog on the front and back of the property, using signs and language that is understandable to children;

3. The owner and dog may be required to successfully complete an approved dog obedience class at the owner's expense and provide proof of that successful completion to the Nicollet County Sheriff's Office. Failure to successfully complete the course in a timely manner, if mandated, may result in the seizure of the dog by Law Enforcement or the Animal Control Authority;

4. The dog may be required to be kept in a Proper Enclosure, or be restrained by chain or leash not to exceed eight (8) feet in length, and muzzled, and under the control of a person eighteen (18) years of age or older at all times it is outdoors and not inside a Proper Enclosure;

**91.11 SECTION 6: DANGEROUS DOG DESIGNATION.**

A. Designation as Dangerous Dog.

1. Any Law Enforcement officer, the Animal Control Authority, or other authorized agent of the County shall designate any dog as a Dangerous Dog upon information and belief that the dog meets any of the criteria in Section 3.D of this Ordinance.

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2. When a dog is designated a Dangerous Dog, Law Enforcement or the Animal Control Authority shall personally serve the owner(s) of the Dangerous Dog with a written Notification of Dangerous Dog. The authority declaring the dog as dangerous shall give notice of this section by delivering or mailing it to the owner of the dog, or by posting a copy of it at a place where the dog is kept, or by delivering it to a person residing on the property, and telephoning, if possible. Service on any one owner or joint-owner shall be effective service as to all owners.

3. Notice Requirements. This Notification of Dangerous Dog shall provide:

- a. A description of the dog designated as a Dangerous Dog;
- b. The authority for and purpose of the Dangerous Dog designation and seizure;
- c. The date, time, place, and circumstances under which the dog was declared dangerous;
- d. The telephone number and contact person where the dog is kept;
- e. The imposition of conditions determined to be necessary and reasonable for continued ownership, maintaining, or harboring of a Dangerous Dog as set forth in Sections 6.C and 6.D of this Ordinance;
- f. An advisory informing the owner(s) that, within fourteen (14) calendar days from the date of service, the owner may request a hearing concerning the Dangerous Dog designation and, if applicable, prior Potentially Dangerous Dog designations for the dog. If the owner fails to request a hearing within fourteen (14) calendar days of the date of the notice, the owner's right to a hearing under this Section will terminate;
- g. If a request for hearing is made within fourteen (14) calendar days of the Notice, the owner must immediately comply with the requirements of Sections 6.D.3 (Proper Enclosure), 6.C.1.c (Vaccination), and 6.E (Requirements for Maintaining a Dangerous Dog) of this Ordinance until such time as the Hearing Officer issues its decision;
- h. A statement that if the Hearing Officer upholds the Dangerous Dog declaration, the owner will have fourteen (14) calendar days from receipt of that decision to comply with all the requirements of Sections 6.C (Registration), 6.D (Conditions), and 6.E (Requirements of Maintaining a Dangerous Dog) of this Ordinance;
- i. The person claiming an interest in the dog is responsible for all actual costs of the care, keeping, and disposition of the dog, except to the extent that a Court or Hearing Officer finds that the seizure or impoundment was not substantially justified by law.

8. Hearing - Dangerous Dog.

1. If any owner requests a hearing to appeal the designation as a Dangerous Dog, the hearing shall be held before a Hearing Officer not more than fourteen (14) business days after the Nicollet County Sheriff's Office is notified of the owner's intent to appeal. The notice of appeal and request for hearing shall



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be made directly to the Nicollet County Sheriff's Office. If mailed, the written request must be postmarked within the specified time period. If personally served, the written request must be received within the specified time period.

2. At any time following the Dangerous Dog designation and any time pending hearing, the dog may be seized and kept by Law Enforcement or the Animal Control Authority, unless the owner shows proof, satisfactory to the Nicollet County Sheriff's Office, that the dog: (1) has met the requirements for rabies, vaccinations, distemper, and/or other conditions; (2) is kept only in a Proper Enclosure, unless restrained on a leash with muzzle; and (3) is otherwise maintained under circumstances which do not present an unreasonable risk of harm to persons or other domestic animals. All costs related to seizing the dog shall be borne by the dog owner(s).

3. At the hearing, the records of Law Enforcement and the Animal Control Authority related to the alleged bite(s), attack(s) or behavior, medical or veterinarian records, and all reliable hearsay directly related to the alleged attack(s) shall be admissible for consideration by the Hearing Officer without further foundation.

4. Law Enforcement or the Animal Control Authority shall be represented by the Nicollet County Attorney's Office. The owner may be represented by legal counsel hired by the owner at the owner's sole expense. The owner is not entitled to a public defender, court-appointed attorney, or any other legal representation at public expense.

5. At the hearing, Law Enforcement and/or the Animal Control Authority and the owner may present live testimony of witnesses, cross-examine witnesses, and present documents to support their respective positions. The Nicollet County Attorney's Office and the owner of the dog may apply to the District Court for subpoenas to compel the testimony of witnesses.

6. After considering all evidence relating to the alleged bite(s), attack(s), or behavior, and no later than ten (10) business days after the hearing, the Hearing Officer shall issue its decision. The decision shall determine whether or not to uphold the Dangerous Dog designation. If the decision is upheld, the Hearing Officer may: direct Law Enforcement or the Animal Control Authority to seize the dog, if not previously seized by the Animal Control Authority, and take it into custody; require that the owner have a microchip implanted as set forth in Section 3.1 and 6.C.1.a of this Ordinance, at the owner's expense; or require the owner to comply with any or all conditions for continued ownership, harboring, or maintaining of a Dangerous Dog, whether or not set forth in Sections 6.C, 6.D, and 6.E of this Ordinance. The decision must be delivered to the dog's owner personally or by certified mail as soon as practical and a copy must be provided to the Animal Control Authority.

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7. Failure to Release Dog following Hearing. Any owner who does any of the following acts after a decision by the Hearing Officer upholding the Dangerous Dog designation shall be guilty of a misdemeanor:

- a. Possesses, keeps, harbors, or maintains a Dangerous Dog; or
- b. Refuses to release to or fails to produce the Dangerous Dog to Law Enforcement or the Animal Control Authority pursuant to a demand of Law Enforcement or the Animal Control Authority.

8. Authority to Order Destruction of Dog. The Hearing Officer, upon upholding a Dangerous Dog designation, is authorized to order, as part of the disposition of the case, that the dog be destroyed based upon findings that either of the following criteria is present:

- a. The dog is dangerous, as demonstrated by a vicious attack, unprovoked attack, an attack without warning, or multiple attacks and the owner of the dog has demonstrated an inability or unwillingness to sufficiently control the dog in order to prevent injury to persons or other animals; or
- b. The owner cannot, will not, does not, or otherwise refuses to provide proof of liability insurance for the dog as required by Section 6.D.2.

9. In the event that the Dangerous Dog designation is upheld by the Hearing Officer, actual expenses of the hearing, up to a maximum of \$1,000.00, shall be the responsibility of the dog's owner.

**C. Registration of a Dangerous Dog.**

1. All Dangerous Dogs must be registered with the Nicollet County Sheriff's Office. An individual seeking to register a Dangerous Dog must present the Animal Control Authority with proof of the following:

- a. Microchip: Proof the dog has been implanted with a microchip as defined by Section 3.1. If the dog has been seized, the owner must arrange for the dog to be microchipped before or at the time of release from custody of Law Enforcement or the Animal Control Authority. The name of the microchip manufacturer and identification number of the microchip must be provided to the Animal Control Authority. If the microchip is not implanted by the owner, it may be implanted by a qualified veterinarian under the direction of the Animal Control Authority. In either case, all costs related to implantation of the microchip must be borne by the dog's owner;
- b. Annual Fee: The owner must, at the time of initial registration, and every year thereafter, submit an annual registration fee of \$500.00 per year to the Nicollet County Sheriff's Office; and

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c. Vaccination: At the time of registration and as a condition of maintaining the dog in the owner's care, the dog owner must provide proof of proper vaccinations against rabies, distemper, or other conditions, and provide proof of such vaccination annually upon renewal of registration.

D. A dog owner seeking to possess, keep, harbor, or maintain a Dangerous Dog on the owner's property, the owner's residence, or other property under the owner's control must comply with the following conditions:

1. The Dangerous Dog must meet all the registration requirements of Section 6.C of this Ordinance;

2. Liability Insurance: At the time of registration and as a condition of maintaining the dog in the owner's care, the dog owner must provide a surety bond issued by a surety company authorized to conduct business in this State in a form acceptable to the Animal Control Authority in the sum of at least \$300,000.00 per person and \$600,000.00 per incident, payable to any person(s) injured by the Dangerous Dog; or a policy of liability insurance issued by an insurance company authorized to conduct business in this State in the amount of at least \$300,000.00 per person and \$600,000.00 per incident, insuring the owner for any personal injuries inflicted by the Dangerous Dog. At a minimum, the dog owner shall provide proof of the liability insurance to the Nicollet County Sheriff's Office annually when the owner pays the annual fee specified in Section 6.C.1.b;

3. Proper Enclosure: The dog must be maintained in a Proper Enclosure as defined in Section 3.E of this Ordinance;

4. Display Warning/Posting as Dangerous Dog: The owner must clearly post the warning on the property with the Uniform Dangerous Dog symbol, as specified by the Commissioner of the Minnesota Department of Public Safety. Posting must include the front and rear of the owner's property and on the Proper Enclosure in which the dog is maintained. The owner shall pay the fee for cost of the sign to the Animal Control Authority;

5. Dangerous Dog Collar: A registered Dangerous Dog must have a standardized, easily identifiable tag identifying the dog as dangerous, containing the Uniform Dangerous Dog symbol, and shall be affixed to the dog's collar at all times; and

6. Proper Restraint: The dog must be restrained by chain or leash not to exceed eight (8) feet in length, must be muzzled, and must be under the physical control of a person eighteen (18) years of age or older at all times it is outdoors and not inside a Proper Enclosure.

E. Requirements for Maintaining a Dangerous Dog.

1. An owner of a Dangerous Dog shall keep the dog, while on the owner's property, in a Proper Enclosure. If the dog is outside the Proper Enclosure, the dog must be muzzled and restrained by a proper restraint and under the physical restraint of a

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person eighteen (18) years of age or older. The muzzle must be made in a manner that will prevent the dog from biting any person or animal, but that will not cause injury to the dog or interfere with its vision or respiration.

2. An owner of a Dangerous Dog must renew the registration of the dog annually until the dog is deceased. If the dog is removed from the jurisdiction, it must be registered as a Dangerous Dog in its new jurisdiction.

3. An owner of a Dangerous Dog must notify the Animal Control Authority in writing of the death of the dog or its transfer to a new location where the dog will reside within thirty (30) calendar days of the death or transfer, and must, if requested by the Animal Control Authority, execute an affidavit under oath setting forth either the circumstances of the dog's death and disposition, or the complete name, address, and telephone number of the person to whom the dog has been transferred or the address where the dog has been relocated.

4. The Animal Control Authority shall require a Dangerous Dog to be sterilized at the owner's expense. If the owner does not have the animal sterilized within thirty (30) calendar days, the Animal Control Authority shall seize the dog and have it sterilized at the owner's expense.

5. A person who owns a Dangerous Dog and who rents property from another where the dog will reside must disclose to the property owner prior to entering the lease agreement and at the time of any lease renewal that the person owns a Dangerous Dog that will reside at the property.

6. A person who transfers ownership of a Dangerous Dog must notify the new owner that the Animal Control Authority or Hearing Officer has designated the dog as a Dangerous Dog. The current owner must also notify the Animal Control Authority in writing of the transfer of ownership and provide the Animal Control Authority with the new owner's name, address, and telephone number.

**91.11 SECTION 7: APPEALS, REVIEWS, AND COMPLIANCE.**

**A. Appeals of Dangerous Dog and Potentially Dangerous Dog Determinations.**

1. The decision of the Hearing Officer is a quasi-judicial determination that may be appealed by Writ of Certiorari to the Minnesota Court of Appeals. An order from the Hearing Officer for the destruction of a dog shall be stayed upon receipt of a notice of appeal if the notice of appeal is served on the Nicollet County Sheriff's Office within seven (7) business days of service of said order on the owner.

**B. Review of Designation.**

1. No sooner than six (6) months after a dog is designated as a Dangerous Dog, and then annually thereafter, an owner may request that the Animal Control Authority review the designation. The owner must provide evidence that the dog's behavior has changed due to the dog's age, neutering, environment, completion of obedience training that includes modification of aggressive behavior, or other factors. If

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the Animal Control Authority finds sufficient evidence that the dog's behavior has changed, the Animal Control Authority may rescind the Dangerous Dog designation.

**C. Compliance with Designation.**

1. Upon receipt of the Notification of Dangerous Dog or Hearing Officer's decision following a hearing, the owner or custodian of the dog shall comply with the requirements as set forth in the original Notification, or, if a hearing is held, the decision of the Hearing Officer.

2. If an owner or custodian of the dog fails to comply with any conditions set forth in the written Notification or as subsequently specified in the Hearing Officer's decision and fails to request a hearing as provided in Sections 5.8 and 6.8 of the Ordinance, the dog may be seized by Law Enforcement or the Animal Control Authority.

**D. Subsequent Offenses.**

If an owner of a dog which has been designated dangerous or potentially dangerous is subject to the conditions of this Section and has allegedly failed to comply with the conditions, the dog must be seized by Law Enforcement or the Animal Control Authority. Notice shall be provided to the owner of the basis for the seizure and the right to request a hearing before a Hearing Officer, as set forth in Section 5.8 or Section 6.8, to determine whether the conditions were violated. A request for hearing must be made within fourteen (14) calendar days of the seizure. If the owner fails to timely request a hearing, or is found to have violated the conditions, the Hearing Officer shall order the dog destroyed in a proper and humane manner and the owner shall pay the costs of confining the dog. If the owner is found not to have violated the conditions, the owner may reclaim the dog under conditions set by the Animal Control Authority.

**E. Confiscation of Dog.**

Law Enforcement or the Animal Control Authority shall immediately seize any Dangerous Dog or Potentially Dangerous Dog if:

1. The dog is not validly registered with the Nicollet County Sheriff's Office within fourteen (14) calendar days of a designation that the dog is dangerous or potentially dangerous by Law Enforcement, the Animal Control Authority, or a Hearing Officer.

2. The owner does not secure and provide proof of the proper liability insurance or surety coverage as required in Section 6.D.2 within fourteen (14) calendar days of a final determination by Law Enforcement, the Animal Control Authority, or a Hearing Officer that the dog is a Dangerous Dog or Potentially Dangerous Dog;

3. The dog is not maintained in a Proper Enclosure as required in Section 6.D.3 of this Ordinance;

4. The dog is outside the Proper Enclosure and not under physical restraint of a responsible person as required under Section 6.E.1 of this Ordinance; or

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5. The dog is not sterilized within thirty (30) calendar days, pursuant to Section 6.E.4 of this Ordinance.

F. If an owner of a dog is convicted of a crime for which the dog was originally seized, the District Court may order that the dog be confiscated and destroyed in a proper and humane manner, and that the owner pay the costs incurred in confiscating, confining, and destroying the dog.

G. Reclamation of Seized Dog.

A Dangerous Dog or Potentially Dangerous Dog seized under Section 7.E above may be reclaimed by the owner of the dog upon payment of impounding and boarding fees, and presenting proof to the appropriate Animal Control Authority that the requirements of this Ordinance are and will be met. A dog not reclaimed under this Section within seven (7) calendar days may be disposed of in a manner permitted by law, and the owner is liable to the Animal Control Authority for costs incurred in confining and disposing of the dog.

H. Subsequent Violations

If a person has been convicted of a misdemeanor for violating a provision of Minnesota Statutes Sections 347.51, 347.515, or 347.52, and the person is charged with a subsequent violation relating to the same dog, the dog must be seized by the Animal Control Authority having jurisdiction. If the owner is convicted of the crime for which the dog was seized, the Court shall order that the dog be destroyed in a proper and humane manner and the owner pay the cost of confining and destroying the dog. If the owner is not convicted and the dog is not reclaimed by the owner within seven (7) calendar days after the owner has been notified that the dog may be reclaimed, the dog may be disposed of in a manner permitted by law.

**91.11 SECTION 8: EXEMPTIONS.**

A. A dog may not be declared dangerous if the threat, injury, or damage was sustained by a person who:

1. Was committing, at the time, a willful trespass or other tort upon the premises occupied by the owner of the dog;
2. Was provoking, tormenting, abusing, or assaulting the dog, or who can be shown to have repeatedly in the past, provoked, tormented, abused, or assaulted the dog; or
3. Was committing or attempting to commit a crime.

B. Law Enforcement Exemption. Dangerous Dog or Potentially Dangerous Dog designations shall not apply to a Law Enforcement canine used by Law Enforcement officials for police work.

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**91.11 SECTION 9: DESTRUCTION OF DOGS IN CERTAIN CIRCUMSTANCES.**

Suffering Beyond Cure. Notwithstanding any other provision of this Ordinance, any dog taken into custody may be immediately disposed of when the dog is suffering and is believed to be beyond cure, as determined in writing by a licensed doctor of veterinary medicine, through reasonable care and treatment.

**91.11 SECTION 10: PENALTIES.**

A. Any person found to have violated the conditions for maintaining, harboring, or keeping a Potentially Dangerous or Dangerous Dog as required under this Ordinance, is guilty of a misdemeanor, punishable by up to a \$1,000 fine and/or 90 days in jail.

B. Any person who willfully fails to comply with the Order of a Hearing Officer, the County Board or District Court, is guilty of a misdemeanor, punishable by up to a \$1,000 fine and/or 90 days in jail.

C. A person who violates a provision of Minnesota Statutes Sections 347.51, 347.515, or 347.52 is guilty of a misdemeanor, punishable by up to a \$1,000 fine and/or 90 days in jail.

D. A person who removes a microchip from a Dangerous Dog or Potentially Dangerous Dog, fails to renew the registration of a Dangerous Dog, fails to account for a Dangerous Dog's death or change of location where the dog will reside, signs a false affidavit with respect to a Dangerous Dog's death or change of location where the dog will reside, or fails to disclose ownership of a Dangerous Dog to a property owner from whom the person rents property is guilty of a misdemeanor, punishable by up to a \$1,000 fine and/or 90 days in jail.

E. A person who is convicted of a second or subsequent violation of Minnesota Statutes Section 347.55 (a) or (b) is guilty of a gross misdemeanor, which is punishable by a fine of \$3,000 and/or 365 days in jail.

F. An owner who violates Minnesota Statutes Section 347.542, subdivision 1, is guilty of a gross misdemeanor, which is punishable by a fine of \$3,000 and/or 365 days in jail.

**91.11 SECTION 11: EFFECTIVE DATE.**

This ordinance shall be in full force and effect from and the date of its passage and publication according to law, whichever occurs first.

**CITY OF LAFAYETTE  
ORDINANCE NUMBER  
132**

ADOPTED by the City Council of the City of Lafayette, Minnesota this 12th day of October, 2020.

AYES: Peterson, Polich, Portner, Reed

NAYS: none

PRESENT-NOT VOTING: none

ABSENT: Sandberg

\_\_\_\_\_  
Dave Reed Acting Mayor

ATTEST:

\_\_\_\_\_  
Sandy Burger City Clerk

First Reading: 9/14/2020

Second Reading/Adoption: 10/12/2020

Publication: 10/22/2020



**CITY OF LAFAYETTE  
RESOLUTION NO. 2020-14**

**A RESOLUTION AUTHORIZING TITLE AND SUMMARY PUBLICATION  
OF ORDINANCE 132**

**WHEREAS**, the City of Lafayette has enacted Ordinance 132 entitled: AN ORDINANCE RELATING TO THE DESIGNATION AND REGISTRATION OF POTENTIALLY DANGEROUS DOGS AND DANGEROUS DOGS; and

**WHEREAS**, Minnesota Statutes 412.191 subd. 4 requires new ordinances to be published once in the official newspaper of the city; and

**WHEREAS**, Ordinance 132 is 16 pages long, and thereby too lengthy for full publication; and

**WHEREAS**, Minnesota Statutes 412.191 subd. 4 allows for publication of the title and a summary of an ordinance that is too lengthy for full publication;

**THEREFORE, BE IT RESOLVED**, by the Council of the City of Lafayette:

1. The title and a summary of Ordinance 132 shall be published, conforming to Minnesota Statute section 331A.01, subdivision 10, with notice that a printed copy of the ordinance is available for inspection by any person during regular office hours at the office of the city clerk and via electronic mail.
2. A copy of the entire text of Ordinance 132 shall be posted by the City Council.
3. The council hereby approves the following text for publication of the title and summary, and hereby determines that it clearly informs the public of the intent and effect of the ordinance:

TO WHOM IT MAY CONCERN:

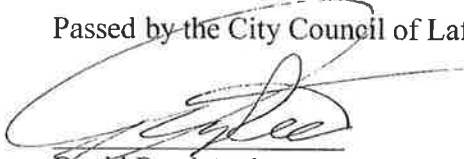
THE CITY OF LAFAYETTE HAS ENACTED ORDINANCE #132: AN ORDINANCE RELATING TO THE DESIGNATION AND REGISTRATION OF POTENTIALLY DANGEROUS DOGS AND DANGEROUS DOGS.

Minnesota Statutes 412.191 subd. 4 allows for publication of the title and a summary of an ordinance that is too lengthy for full publication. The City Council of the City of Lafayette has determined that summary publication of the title and a summary of an ordinance would clearly inform the public of the intent and effect of the ordinance. A printed copy of the ordinance is available for inspection by any person during regular office hours at the office of the city clerk and via electronic mail.

The following is a summary of Ordinance 132:

1. 91.11 SECTION 1: TITLE AND JURISDICTION; provides the names of the ordinance and the fact that it will be applicable within the City.
2. 91.11 SECTION 2: PURPOSE AND INTENT; states that the intent of the City to protect the health and safety of the public against the risks that dangerous and potentially dangerous dogs.
3. 91.11 SECTION 3: DEFINITIONS; provides definitions for the terms used in the ordinance.
4. 91.11 SECTION 4: PROHIBITIONS; describes and makes certain behaviors with regard to dogs unlawful.
5. 91.11 SECTION 5: POTENTIALLY DANGEROUS DOG DESIGNATION; describes the process and requirements for potentially dangerous dogs.
6. 91.11 SECTION 6: DANGEROUS DOG DESIGNATION; describes the process and requirements for dangerous dogs.
7. 91.11 SECTION 7: APPEALS, REVIEWS, AND COMPLIANCE; provides the requirements for appeals of designations, review of designations, and compliance with designations.
8. 91.11 SECTION 8: EXEMPTIONS; provides for exemptions of designations as potentially dangerous or dangerous dogs.
9. 91.11 SECTION 9: DESTRUCTION OF DOGS IN CERTAIN CIRCUMSTANCES; provides for destruction of dogs in certain circumstances.
10. 91.11 SECTION 10: PENALTIES; provides for penalties for violations of the ordinance.

Passed by the City Council of Lafayette Minnesota this 12th day of October, 2020.



David Reed Acting Mayor

Attested:



Sandy Burger City Clerk

**RESOLUTION 2020-11**  
**MEMORANDUM OF UNDERSTANDING**  
**BETWEEN CITY OF LAFAYETTE AND**  
**NICOLLET COUNTY**

WHEREAS, Nicollet County has adopted “An Ordinance Relating to Dangerous and Potentially Dangerous Dogs and the Process and Procedure Governing the Designation and Registration of Said Dogs” (hereinafter “Nicollet County Dangerous Dog Ordinance”).

WHEREAS, the Nicollet County Dangerous Dog Ordinance appoints the Nicollet County Sheriff’s Office as the Animal Control Authority for unincorporated areas of Nicollet County, Minnesota, and not within any town, city, or municipality.

WHEREAS, City of Lafayette does not have its own designated law enforcement services and relies upon the Nicollet County Sheriff’s Office to perform its enforcement services.

WHEREAS, City of Lafayette does not have an animal control authority.

WHEREAS, City of Lafayette desires to contract with the Nicollet County Sheriff’s Office for enforcement services as defined and prescribed in the Nicollet County Dangerous Dog Ordinance.

WHEREAS, the Nicollet County Sheriff’s Office is willing and capable of performing said services for City of Lafayette.

WHEREAS, Minn. Stat. § 347.51, Subd. 9, authorizes City of Lafayette to contract with Nicollet County, acting as the Animal Control Authority, for enforcement services as provided for in Minn. Stat. §§ 347.50 to 347.565.

NOW, THEREFORE, BE IT RESOLVED, Nicollet County and City of Lafayette hereby agree as follows:

1. The Nicollet County Sheriff’s Office will serve as the Animal Control Authority for City of Lafayette for purposes of enforcing Minn. Stat. §§ 347.50 to 347.565.
2. The Nicollet County Dangerous Dog Ordinance adopted by the Nicollet County Board of Commissioners, on June 23, 2020, and as amended from time to time, shall serve as the controlling ordinance for enforcement.
3. City of Lafayette shall be responsible for all out of pocket costs associated with the housing and treatment of any dog held under Minn. Stat. §§ 347.50 to 347.565 and/or the Nicollet County Dangerous Dog Ordinance, as well as any hearing officer expenses.
4. All fees collected under Minn. Stat. §§ 347.50 to 347.565 and the Nicollet County Dangerous Dog Ordinance shall be paid to the Nicollet County Sheriff’s Office.

5. The Nicollet County Sheriff's Office shall issue all certificates of registration required under the Nicollet County Dangerous Dog Ordinance or Minn. Stat. §§ 347.50 to 347.565.

**THE PARTIES HEREIN, HAVING APPROVED AND SIGNED THIS AGREEMENT,  
AGREE TO BE BOUND TO THE PROVISIONS SET FORTH IN THIS AGREEMENT.**

\_\_\_\_\_  
Nicollet County Sheriff's Office

\_\_\_\_\_  
Date

NICOLLET COUNTY BOARD OF COMMISSIONERS

By: \_\_\_\_\_  
Chairperson

ATTEST:

\_\_\_\_\_  
Ryan Krosch  
County Administrator/Clerk to the Board

\_\_\_\_\_  
City of Lafayette

\_\_\_\_\_  
Date

10/12/2020

\_\_\_\_\_  
City of Lafayette,  
Nicollet County

By: \_\_\_\_\_  
Acting Mayor Dave Reed

ATTEST:

\_\_\_\_\_  
Sandy Burger  
Clerk Sandy Burger

Nicollet County Board of Commissioners  
Board Meeting Agenda Item



<b>Agenda Item:</b>		
City of Nicollet MOU relating Nicollet County Dangerous Dog Ordinance		
Primary Originating Division/Dept.: Sheriff's Office  Contact: Dave Lange                      Title: Sheriff  Amount of Time Requested                      minutes		Meeting Date: 10-27-20  Item Type: Consent Agenda <small>(Select One)</small>
Presenter: David Lange                      Title: Sheriff		Attachments: <input checked="" type="radio"/> Yes <input type="radio"/> No
County Strategy: <small>(Select One)</small> Programs and Services - deliver value-added quality services		
<b>BACKGROUND/JUSTIFICATION:</b>  <p>The county has adopted a Dangerous Dog Ordinance and the City of Nicollet has adopted our ordinance as well to have the Sheriff's Office handle any cases within their city. This Memorandum of Understanding defines the Sheriff's Office to act as the cities Animal Control Authority.</p>		
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		
<b>ACTION REQUESTED:</b> County board approval of MOU and Signatures by the Chair and County Administrator.		
<b>FISCAL IMPACT:</b> No fiscal impact <small>(Select One)</small>  If "Other", specify		<b>FUNDING</b> County Dollars =  Grant <small>(Select One)</small>  Total
<b>FTE IMPACT:</b> No FTE change <small>(Select One)</small> If "Increase or "Decrease" specify:  Related Financial/FTE Comments:		

**MEMORANDUM OF UNDERSTANDING  
BETWEEN CITY OF NICOLLET AND NICOLLET COUNTY**

WHEREAS, Nicollet County has adopted "An Ordinance Relating to Dangerous and Potentially Dangerous Dogs and the Process and Procedure Governing the Designation and Registration of Said Dogs" (hereinafter "Nicollet County Dangerous Dog Ordinance").

WHEREAS, the Nicollet County Dangerous Dog Ordinance appoints the Nicollet County Sheriff's Office as the Animal Control Authority for unincorporated areas of Nicollet County, Minnesota, and not within any town, city, or municipality.

WHEREAS, NICOLLET does not have its own designated law enforcement services and relies upon the Nicollet County Sheriff's Office to perform its enforcement services.

WHEREAS, NICOLLET does not have an animal control authority.

WHEREAS, NICOLLET desires to contract with the Nicollet County Sheriff's Office for enforcement services as defined and prescribed in the Nicollet County Dangerous Dog Ordinance.

WHEREAS, the Nicollet County Sheriff's Office is willing and capable of performing said services for NICOLLET.

WHEREAS, Minn. Stat. § 347.51, Subd. 9, authorizes NICOLLET to contract with Nicollet County, acting as the Animal Control Authority, for enforcement services as provided for in Minn. Stat. §§ 347.50 to 347.565.

NOW, THEREFORE, BE IT RESOLVED, Nicollet County and NICOLLET hereby agree as follows:

1. The Nicollet County Sheriff's Office will serve as the Animal Control Authority for NICOLLET for purposes of enforcing Minn. Stat. §§ 347.50 to 347.565.
2. The Nicollet County Dangerous Dog Ordinance, adopted by the Nicollet County Board of Commissioners, on \_\_\_\_\_, 2020, and as amended from time to time, shall serve as the controlling ordinance for enforcement.
3. NICOLLET shall be responsible for all out of pocket costs associated with the housing and treatment of any dog held under Minn. Stat. §§ 347.50 to 347.565 and/or the Nicollet County Dangerous Dog Ordinance, as well as any hearing officer expenses.
4. All fees collected under Minn. Stat. §§ 347.50 to 347.565 and the Nicollet County Dangerous Dog Ordinance shall be paid to the Nicollet County Sheriff's Office.
5. The Nicollet County Sheriff's Office shall issue all certificates of registration required under the Nicollet County Dangerous Dog Ordinance or Minn. Stat. §§ 347.50 to 347.565.

**THE PARTIES HEREIN, HAVING APPROVED AND SIGNED THIS AGREEMENT,  
AGREE TO BE BOUND TO THE PROVISIONS SET FORTH IN THIS AGREEMENT.**

\_\_\_\_\_  
Nicollet County Sheriff's Office

\_\_\_\_\_  
Date

NICOLLET COUNTY BOARD OF COMMISSIONERS

By: \_\_\_\_\_  
Chairperson

ATTEST:

\_\_\_\_\_  
Ryan Krosch  
County Administrator/Clerk to the Board

V. Anusaidree  
City of Nicollet

9/14/20  
Date

City of Nicollet

By: Mary Wells  
Chairperson

ATTEST:

V. Anusaidree  
Clerk to the Board

Mayor Fred Froehlich called the Public Hearing of the Nicollet City Council to order at 6:00 p.m., in the city maintenance garage on September 14, 2020.

In addition to Mayor Froehlich; Councilmembers: Mary Wels, Matthew Anthony, Tom Rieke and Jim Anderson were present. Others in attendance included Vanessa Drill, Darin Drill, Joe Duncan and Jane Kansier(*Bolton and Menk*) and Karen Fluegge(*Ledger*).

Members and guests sited the words to the Pledge of Allegiance.

The purpose of the public hearing was to consider a preliminary plat to be known as South Side Commercial, consisting of 1.88 acres to be subdivided into one lot for commercial use and the right-of-way for the extension of 9<sup>th</sup> Street. The property is located on the west side of TH 111 (461st Ave.) south of 8th Avenue and north of Highway 14.

Jane Kansier with Bolton and Menk stated the existing conditions and proposed development. In conclusion, the developer will be responsible for the installation of all roads and public utilities. There are some conditions that will be addressed prior to final approval of the plat: 1) MNDOT comments must be addressed, 2) the developer must enter into a development agreement and 3) changes to the final plat.

*With no further discussion the preliminary plat will be tabled until MNDOT has made comments and the developer agreement is signed which was approved on a motion by M. Wels, which was seconded by J. Anderson, and which carried with all voting in favor.*

*The public hearing was adjourned at 6:12 pm and the regular meeting was called to order which was approved on a motion made by J. Anderson, which was seconded by M. Anthony and which carried with all voting favor.*

*The regular meeting agenda was approved on a motion which was made J. Anderson, which was seconded by M. Anthony, and which carried with all voting in favor.*

*The minutes of the regular August 10, 2020 meeting were approved on a motion which was made by M. Anthony, which was seconded by J. Anderson, and which carried with all voting in favor.*

*The bills totaling \$119,592.73 were approved on a motion which was, made by M. Wels, which was seconded by T. Rieke and which carried with all voting in favor.*

Joe Duncan with Bolton and Menk discussed the proposed development agreement with Ratcliff Development and stated that he has been in contact with the city attorney.

The Clerk:

- 1) Stated at the August 10 meeting, the DMI payment request presented should've been number 6 instead of number 5
- 2) The city received \$85,888 in CARES act money that is to be spent on items that weren't budgeted for due to the coronavirus. The dollars are to be spent by November 15 and the remaining amount will be sent to the county. Clerk reported that monthly reports are to be sent to the state of Minnesota on the dollars spent.
- 3) Requested a \$2.00 increase for election judges for 2020 elections
- 4) Requested a special meeting on the 2021 Prelim Levy and Budget

Council discussed the CARES Act money. The clerk requested face shields for council and election judges, extra pens and sanitizing items, stantion posts for elections in order to maintain social distancing. Also requested an expense for an option for the clerk to remote into her computer to work from home, requested 2 new monitors for maintenance with a camera and speaker in order to be involved in Zoom meetings. Maintenance requested a cellular monitoring system to have the water treatment plant and lift stations setup in



order to read daily numbers. Mayor Froehlich suggested a new vehicle in order for the maintenance personnel to be separate every day when completing daily duties. After a discussion council authorized the clerk's request and stated to maintenance to get quotes on a vehicle and the cellular monitoring system and bring to the next council meeting.

*Increasing the election judge wage from \$10 to \$12/per hour retroactive to the primary election in August was approved on a motion which was made by J. Anderson, which was seconded by M. Wels, and which carried with all voting in favor.*

A special meeting was set for the 2021 prelim levy and budget for Monday, September 28, 2020 at 5:00 pm.

*A snow pusher in the amount of \$3,950 was approved on a motion which was made by M. Wels, which was seconded by J. Anderson, and which carried with all voting in favor.*

Mayor Froehlich shared his report from his attendance at the Nicollet Rural City Fire Association Joint Powers Board.

Councilmember Wels received a concern from a resident along Hwy 111 about a manhole that was part of the TH111 project.

*Adopting the Nicollet County Ordinance relating to the designation and registration of potentially dangerous dogs and dangerous dogs was approved on a motion which was made by F. Froehlich, which was seconded by J. Anderson, and which carried with all voting in favor.*

*Memorandum of Understanding between City of Nicollet and Nicollet County relating to dangerous and potentially dangerous dogs and the process and procedure governing the designation and registration of dogs county ordinance was approved on a motion which was made by F. Froehlich, which was seconded by J. Anderson and which carried with all voting in favor.*

*Membership to the Coalition of Greater MN Cities for 2021 was approved on a motion which was made by J. Anderson, which was seconded by M. Wels and which carried with all voting in favor.*

*Nicollet Fire Relief Association benefit level to remain at \$2,600 per year of service with \$0.00 required from the city with a deferred interest rate of 2% on retirement benefits was approved on a motion which was made by M. Wels, which was seconded by T. Rieke, and which carried with all voting favor.*

*The following building and zoning permits were approved on a motion which was made by M. Anthony, which was seconded by M. Wels, and which carried with all voting in favor:*

*Building and Zoning Permits:*

- 1) Habitat for Humanity, 716 Elwood Ct., New Construction, \$150,000*
- 2) Terry Otto, 803 3<sup>rd</sup> St., Re-roof, \$8,000*

*Zoning Permit:*

- 1) Habitat for Humanity, 716 Elwood Ct., New Construction, \$150,000*

Reminders of the upcoming, meetings were noted:

- 1) September 28, 2020, 5:00 pm, Special Meeting, 2021 Prelim and Budget, Monday*
- 2) October 12, 2020, 6:00 pm, Regular Meeting, Monday*

*With no further business, the meeting was adjourned at 7:13 p.m., which was approved on a motion made by J. Anderson, which was seconded by M Wels, and which carried with all voting in favor.*

---

Vanessa Drill, City Clerk/Treasurer

Nicollet County Board of Commissioners  
Board Meeting Agenda Item



<b>Agenda Item:</b>		
Revised 2020 MFIP/DWP Notice of Funds Available		
Primary Originating Division/Dept.: Health and Human Services  Contact: Cassandra Sassenberg    Title: HHS Director  Amount of Time Requested                      minutes  Presenter:    Title:	Meeting Date: 10/27/2020  Item Type: <input checked="" type="radio"/> Consent Agenda (Select One)	
		Attachments: <input checked="" type="radio"/> Yes <input type="radio"/> No
County Strategy: <input type="radio"/> Financial Security - prudent use of taxpayer resources (Select One)		
<b>BACKGROUND/JUSTIFICATION:</b>  Attached please find a modification to the Nicollet County agreement with Minnesota Valley Action Council that reflects a shift of Diversionary Work Program funds to the Minnesota Family Investment Program. This modification shifts \$29,915.99 in Diversionary Work Program-Direct Program funds to the Minnesota Family Investment Program Direct Program funds; and \$4,080.64 in Diversionary Work Program-Support Services funds to the Minnesota Family Investment Program-Support Services funds (see page 2 of attached). These adjustments are being made related to a reduction in use of the Diversionary Work Program as it relates to COVID-19.		
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)    Annual Review (11/19)		
Approved by County Attorney's Office: <input type="radio"/> Yes <input type="radio"/> No <input checked="" type="radio"/> N/A		
<b>ACTION REQUESTED:</b> Approval of the revised Notice of Funds Available/Funding Summary for MFIP/DWP		
<b>FISCAL IMPACT:</b> Included in current budget (Select One)  If "Other", specify	<b>FUNDING</b> County Dollars =  Other                      Combined State/Federal (Select One)	
<b>FTE IMPACT:</b> No FTE change (Select One) If "Increase or "Decrease" specify:  Related Financial/FTE Comments:	<b>Total</b>	

## NOTICE OF FUNDS AVAILABLE 2020 - #2

### COUNTY:

Nicollet County Human Services  
622 South Front Street  
St. Peter, MN 56082-2106

**Grant Agreement:** CY 2020 Nicollet County

**PROVIDER:** Minnesota Valley Action Council, Inc.  
706 N. Victory Drive  
Mankato, MN 56001

### Funding Summary

Title	Terms of Funds	CFDA #	Attachment(s)	Prior Level	Change	New Level
MFIP/DWP	01/01/20 - 12/31/20	93.558	Budget	\$344,348	\$0	\$344,348
<b>TOTAL</b>				<b>\$344,348</b>	<b>\$0</b>	<b>\$344,348</b>

\*This modification reflects a shift of funds between budget categories only

\_\_\_\_\_  
Signature for the COUNTY BOARD

DATED: \_\_\_\_\_

\_\_\_\_\_  
Signature for the COUNTY Human Service Director

DATED: \_\_\_\_\_

  
\_\_\_\_\_  
Signature for the PROVIDER -MN Valley Action Council

DATED: 10/9/2020

  
\_\_\_\_\_  
Signature for the South Central WorkForce Council

DATED: 10/8/2020

**MFIP/DWP BUDGET –Modification #1**  
**Grant Agreement #: CY 2020 Nicollet County**

**PROVIDER:** MN Valley Action Council

**PERIOD FUNDS AVAILABLE:** January 1, 2020 to December 31, 2020

**TOTAL FUNDS AVAILABLE:** \$ 344,348

**Total MFIP/DWP Administration: \$ 28,411**

\$ 2,841 South Central WorkForce Council

\$11,365 Minnesota Valley Action Council –Fiscal and MIS Services

\$14,205 Minnesota Valley Action Council –Employment Services

**Total MFIP/DWP Program: \$ 315,937**

\$ 285,837.63 Total MFIP Program Budget

**\$247,756.99 Direct Program:**

The direct costs of providing counseling, job search, job placement, job retention, program overview, interpreter costs and any other direct expenses including wages, benefits, staff travel, office, telephone, durable and non-durable supplies. Direct Program Client Services also includes supplies, materials, field trips, and other MFIP/DWP direct program client service supplies.

**\$ 38,080.64 Client Support Services:**

Includes costs of employment-related expenses such as work tools, uniforms, safety shoes, trade licenses, interview clothing; transportation expenses including bus passes, cab fares, mileage, bus tickets, allocated expenses of a van pool or bus, auto purchase or lease, insurance and repairs; client education, housing, child care and other work related expenses, including work experience.

\$ 30,099.37 Total DWP Program Budget

**\$ 28,180.01 Direct Program:**

The direct costs of providing counseling, job search, job placement, job retention, program overview, interpreter costs and any other direct expenses including wages, benefits, staff travel, office, telephone, durable and non-durable supplies. Direct Program Client Services also includes supplies, materials, field trips, and other MFIP/DWP direct program client service supplies.

**\$ 1,919.36 Client Support Services:**

Includes costs of employment-related expenses such as work tools, uniforms, safety shoes, trade licenses, interview clothing; transportation expenses including bus passes, cab fares, mileage, bus tickets, allocated expenses of a van pool or bus, auto purchase or lease, insurance and repairs; client education, housing, child care and other work related expenses, including work experience.

Within the budgets above, \$39,515 has been identified for enhanced program services. These funds will be used for enhanced program services including: interpreter services and collaboration with the MN Council of Churches, Area Adult Learning Cooperative (ABE) and local transportation partners to address client needs and remove barriers to employment. Any enhanced program service outside of this scope will be approved by the County.

**NICOLLET**  
**COUNTY** EST. 1853

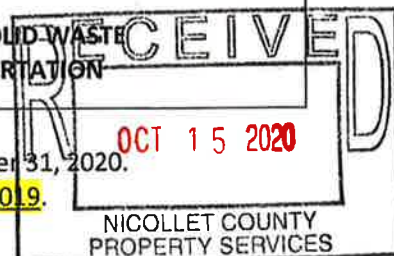
<b>Agenda Item:</b>					
2020 Solid Waste Collection and Transportation License Applicant					
Primary Originating Division/Dept.: PPSD - Property Services				Meeting Date: 10/27/2020	
Contact: Amy Clyde	Title: Environmental		Item Type: (Select One) Consent Agenda		
Amount of Time Requested	minutes				
Presenter:	Title:		Attachments: <input checked="" type="radio"/> Yes <input type="radio"/> No		
County Strategy: Programs and Services - deliver value-added quality services (Select One)					
<b>BACKGROUND/JUSTIFICATION:</b>					
Consideration for approval of the 2020 Nicollet County License Application for Solid Waste Collection and Transportation for the following company that wish to offer services in Nicollet County. The application, fee, and required documentation have been received from the following:					
<ul style="list-style-type: none"> <li>Dem-Con Companies LLC - 13020 Dem-Con Drive, Shakopee, MN 55379</li> </ul>					
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					
<b>ACTION REQUESTED:</b>					
Approval of the applicant to offer solid waste collection and transportation services within Nicollet County in 2020.					
<b>FISCAL IMPACT:</b> Included in current budget (Select One)			<b>FUNDING</b>		
If "Other", specify			County Dollars = 0		
			Other		
			(Select One)		
<b>FTE IMPACT:</b> No FTE change (Select One)			<b>Total</b>		
If "Increase or "Decrease" specify:					
Related Financial/FTE Comments:					



# NICOLLET COUNTY

## PROPERTY SERVICES DEPARTMENT

LICENSE APPLICATION FOR SOLID WASTE  
COLLECTION AND TRANSPORTATION



This Application is for licensing year January 1, 2020 through December 31, 2020.

Applications must be postmarked no later than December 1, 2019.

### Review and Approval Process

Please print in ink or type all sections of the application. Enclose all requested attachments and return completed applications to Nicollet County, Property Services Department, 501 S. Minnesota Ave., St. Peter, MN 56082. This license application will be forwarded to the County Solid Waste Enforcement Coordinator in the Property Services Department for review. Once reviewed by the Solid Waste Enforcement Coordinator, applications will be placed on the December County Commissioner's Board Agenda for approval or denial. Upon County Board approval, a license will be prepared for the business listed on the application.

### SECTION I. LICENSEE INFORMATION

Business Name: Dem-Con Companies LLC

Contact Person: Erik Schuck

Business Address: 13020 Dem-Con Drive Shakopee, MN 55379  
(City, State) (Zip)

Other Contact Information: 952-445-5755 erikschuck@dem-con.com  
(telephone) (FAX) (email)

Minnesota Tax I.D.#: 5446645 Federal Tax I.D.#: 41-2008497

Vehicle & Container Storage Locations: 13020 Dem-Con Drive, Shakopee, MN 55379

### SECTION II. COLLECTION AND TRANSPORTATION

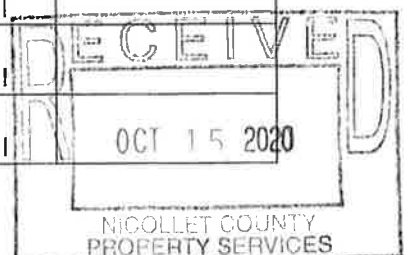
1. Please list all vehicles that will be used to haul solid waste. *(Additional sheets may be used):*

Vehicle Make & Model	Rated Capacity	License Plate Number	Body Type
Mack GU813	73,280	YBR 4582	Roll Off
Mack GU813	73280	YBU 5153	Roll Off
Mack GR104BR	69,000	YBZ1039	Roll Off

2. List the municipalities and townships which will be served and indicate materials collected:

Location	MSW	C/D/I <sup>1</sup>	Recycling	Other (list)
Belgrade			<input type="checkbox"/> Residential <input type="checkbox"/> Commercial	
Bernadotte (Twp)			<input type="checkbox"/> Residential <input type="checkbox"/> Commercial	
Brighton			<input type="checkbox"/> Residential <input type="checkbox"/> Commercial	
Courtland (Twp)			<input type="checkbox"/> Residential <input type="checkbox"/> Commercial	
Granby			<input type="checkbox"/> Residential <input type="checkbox"/> Commercial	
Lafayette (Twp)			<input type="checkbox"/> Residential <input type="checkbox"/> Commercial	
Lake Prairie			<input type="checkbox"/> Residential <input type="checkbox"/> Commercial	
New Sweden			<input type="checkbox"/> Residential <input type="checkbox"/> Commercial	
Nicollet (Twp)			<input type="checkbox"/> Residential <input type="checkbox"/> Commercial	
Oshawa			<input type="checkbox"/> Residential <input type="checkbox"/> Commercial	
Ridgely			<input type="checkbox"/> Residential <input type="checkbox"/> Commercial	
Traverse			<input type="checkbox"/> Residential <input type="checkbox"/> Commercial	
West Newton			<input type="checkbox"/> Residential <input type="checkbox"/> Commercial	
Bernadotte			<input type="checkbox"/> Residential <input type="checkbox"/> Commercial	
Courtland			<input type="checkbox"/> Residential <input type="checkbox"/> Commercial	
Klossner			<input type="checkbox"/> Residential <input type="checkbox"/> Commercial	
Lafayette			<input type="checkbox"/> Residential <input type="checkbox"/> Commercial	
Nicollet	X	X	<input type="checkbox"/> Residential <input checked="" type="checkbox"/> Commercial	
Norseland			<input type="checkbox"/> Residential <input type="checkbox"/> Commercial	
North Mankato	X	X	<input type="checkbox"/> Residential <input checked="" type="checkbox"/> Commercial	
St. George			<input type="checkbox"/> Residential <input type="checkbox"/> Commercial	
St. Peter	X	X	<input type="checkbox"/> Residential <input checked="" type="checkbox"/> Commercial	

<sup>1</sup>Construction/Demolition/Industrial



If recycling services are offered, please indicate the materials accepted:

<input type="checkbox"/> Aluminum Cans	<input type="checkbox"/> Steel/Tin Cans	<input type="checkbox"/> Other Metal
<input type="checkbox"/> Clear Glass	<input type="checkbox"/> Brown Glass	<input type="checkbox"/> Green Glass
<input type="checkbox"/> Newsprint Paper	<input type="checkbox"/> Magazine/Catalog Paper	<input type="checkbox"/> Office Paper
<input type="checkbox"/> PET = #1 Plastic	<input type="checkbox"/> HDPE = #2 Plastic	<input type="checkbox"/> #3 - #7 Plastic
<input type="checkbox"/> Cardboard	<input type="checkbox"/> Paperboard	<input type="checkbox"/> Coated Paperboard

3. County Solid Waste Management Plan

Tri-County Solid Waste prepared a Solid Waste Management Plan for Nicollet County pursuant to Minnesota Statutes to protect the health and economic welfare of the residents and environment. All licensed haulers will be provided a copy of the plan upon request. The County urges all solid waste haulers and generators to assist the County in achieving the goals of the Plan.

4. Haulers shall provide the following information to the MPCA, which is then shared with the County:

- (a) Annual reports verifying the actual MSW disposed and the facilities where it was disposed of.
- (b) Annual reports verifying the tonnage of recyclable materials collected and the processing facilities where recyclables were delivered.

**SECTION III. VOLUME OR WEIGHT BASED PRICING**

Minnesota Statute 115A.93 requires that licensees must have volume or weight based pricing for the collection of MSW. This means that the price of collection increases with the volume or weight of the waste collected.

**SECTION IV. WASTE DEPOSIT DISCLOSURE**

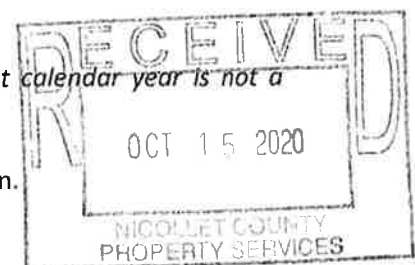
1. Minn. Stat. 115A.9302 (1995) requires that each year between January 1 and March 31, a person who collects construction debris, industrial waste, or MSW for transportation to a waste facility, must disclose to each waste generator from whom waste is collected the name and location of the disposal or processing facilities used, the type of permit held by the facility and the permit number, and the approximate waste deposited at each of the two primary facilities used. The disclosure must be made in writing at least once a year. **All written disclosures must contain the following statement:**

*"You may be responsible for any liability that results from contamination at a facility where your waste has been deposited. Minnesota believes that its waste management system provides substantially more financial and environmental protection than depositing waste in landfills in other states. Managing your waste in Minnesota may minimize your potential liability."*

If the primary facilities identified by the hauler are not located in Minnesota then the disclosure must state:

*"The landfill to which your waste may be sent during the current calendar year is not a Minnesota landfill."*

2. Please enclose a copy of your Waste Deposit Disclosure with your application.





## SECTION V. CERTIFICATE OF COMPLIANCE, MINNESOTA WORKERS' COMPENSATION LAW

Minnesota Statute, Section 176.182 requires every state and local licensing agency to withhold the issuance or renewal of a license or permit to operate a business or engage in an activity in Minnesota until the applicant presents acceptable evidence of compliance with the workers' compensation insurance coverage requirement of MSS Chapter 176. The information required is: the name of the insurance company, the policy number, and dates of coverage or the permit of self-insure. This information will be collected by the licensing agency and retained in their files.

This information is required by law, and licenses and permits to operate a business may not be issued or renewed if it is not provided and/or is falsely reported. Furthermore, if this information is not provided or falsely stated, it may result in a \$1,000 penalty assessed against the applicant by the Commissioner of the Department of Labor and Industry.

Insurance Company Name (NOT the insurance agent): Builders & Contractors WC Fund

Policy Number: ACCT220376

Dates of Coverage: 7/1/2020 to 7/1/2021

**OR**

Applicant is not required to have workers compensation liability coverage because:

- ☐ Applicant has no employees
- ☐ Applicant is self-insured (include permit to self-insure)
- ☐ Applicant has no employees who are covered by the workers compensation law (these include: Spouse, Parents, Children and certain farm employees)

The above information provided above is accurate and complete and a valid workers compensation policy will be kept in effect at all times as required by law for the following company.

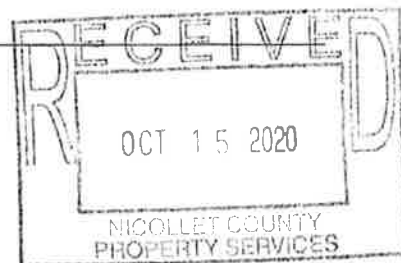
Name (Last, First, M.I.): \_\_\_\_\_

Doing Business As (if different than your name): \_\_\_\_\_

Business Address: \_\_\_\_\_

City, State, Zip: \_\_\_\_\_

Business Phone: \_\_\_\_\_



## SECTION VI. INSURANCE

Please provide Nicollet County with a Certificate of Insurance for liability for current general and automotive liability policies in compliance with the County's requirements, as outlined in Nicollet County Solid Waste Ordinance Sec. 2 Subd. 6.

1. Name of Insurance Carrier: Continental Western Insurance Company
2. A current certificate of general liability insurance for a minimum of \$100,000/\$300,000.
3. A current certificate of automotive liability insurance for a minimum of \$50,000/\$100,000.

Please check one: ☒ Certificate of Insurance included with application  
☐ Current Certificate of Insurance on file with Nicollet County

## SECTION VII. BOND

Pursuant to Sec. 5 Subd. 5(c), of the Nicollet County Solid waste Ordinance, a \$3,000 performance bond shall be required prior to the issuance of any licenses to engage in collection and transportation of solid waste. The bond must name Nicollet County as the obligee.

Please check one: ☒ Bond included with application  
☐ Current Bond on file with Nicollet County

## SECTION VIII. FEE

Please enclose a check for \$100.00 for the license fee made payable to Nicollet County.

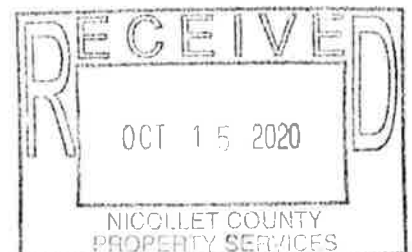
## SECTION IX. CERTIFICATION AND SIGNATURE

I certify that the information provided in this application is accurate and complete and I understand that any false statements or omissions of a material fact will result in the license being withheld or denied; and

I also certify that I have complied with the requirements of the Waste Deposit Disclosure Requirements (Minn. Stat. 115A.9302 (1995) for this calendar year.

  
\_\_\_\_\_  
Signature of applicant/licensee

Dated this 12<sup>th</sup> day of October, 2020



## COMPLETION CHECKLIST

- ✓ Completed Application – with signature and date
- ✓ Fee
- ✓ Waste Deposit Disclosure Statement
- ✓ Certification of Compliance Workers' Compensation Coverage
- ✓ Certificate of Liability Insurance (either enclosed or on-file)
- ✓ \$3,000 Performance Bond (either enclosed or on-file)

Send completed application, documentation, and payment **no later than December 1, 2019** to:

Amy Clyde, Environmental Specialist  
Property Services Department  
Nicollet County Government Center  
501 S. Minnesota Avenue  
St. Peter, MN 56082  
Phone: 507-934-7072  
FAX Number: 507-934-0259  
E-Mail: [amy.clyde@co.nicollet.mn.us](mailto:amy.clyde@co.nicollet.mn.us)

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## FOR OFFICE USE ONLY

Application received on date: October 15, 2020

License name: Dem-Con Companies LLC License number: NICOSW 2020-09

Date of issuance: October 27, 2020

The foregoing application is hereby approved this \_\_\_\_ day of \_\_\_\_\_, year of \_\_\_\_\_. Chairman of the County Board of Commissioners hereby directs the Department of Property Services to issue the license in accordance herewith.

ATTEST:

\_\_\_\_\_  
Chair, Nicollet County Board of Commissioners



Nicollet County Board of Commissioners  
Board Meeting Agenda Item



<b>Agenda Item:</b>		
End of Probations		
Primary Originating Division/Dept.: Human Resources		Meeting Date: 10/27/2020
Contact: Jamie Haefner	Title: Human Res. Dir.	Item Type: Consent Agenda (Select One)
Amount of Time Requested	minutes	
Presenter: Jamie Haefner	Title: Human Res. Dir.	Attachments: <input checked="" type="radio"/> Yes <input type="radio"/> No
County Strategy: Facilities and Space - preserve, maintain and build our assets (Select One)		
<b>BACKGROUND/JUSTIFICATION:</b> Health and Human Services Director Cassie Sassenberg has requested the end of probation for Jennifer Scholl, Case Aide, effective October 14, 2020 and Lisa Walter, HCBS Case Manager, effective November 1, 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		
<b>ACTION REQUESTED:</b>		
Grant end of probationary status		
<b>FISCAL IMPACT:</b> Other (Select One) If "Other", specify		<b>FUNDING</b> County Dollars = Grant (Select One)
<b>FTE IMPACT:</b> No FTE change (Select One) If "Increase or "Decrease" specify: Related Financial/FTE Comments:		<b>Total</b>

# Nicollet County Board of Commissioners

## Board Meeting Agenda Item



Serving Citizens Since 1853

# Nicollet County

MINNESOTA

### Agenda Item:

Set Public Hearing Date for Comprehensive Plan Adoption

Primary Originating Division/Dept.: PPSP - Property Services

Contact: Mandy Landkamer

Title: PPSP Director

Amount of Time Requested 5

minutes

Presenter: Mandy Landkamer

Title: PPSP Director

Meeting Date: 10/27/2020

Item Type:  
(Select One) Regular Agenda

Attachments: ☐ Yes ☒ No

County Strategy:  
(Select One) Programs and Services - deliver value-added quality services

### BACKGROUND/JUSTIFICATION:

Consideration of November 24, 2020, at 10:00 am for the public hearing concerning the adoption of the Comprehensive Plan.

Supporting Documents: ☐ Attached ☐ In Signature Folder ☒ None

Prior Board Action Taken on this Agenda 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:

Approval of November 24, 2020 at 10:00 am for the public hearing.

**FISCAL IMPACT:** No fiscal impact  
(Select One)

If "Other", specify

**FUNDING**  
County Dollars =

Other  
(Select One)

**FTE IMPACT:** No FTE change  
(Select One)

If "Increase or "Decrease" specify:

Related Financial/FTE Comments:

**Total**

Nicollet County Board of Commissioners  
Board Meeting Agenda Item



<b>Agenda Item:</b>		
October 19, 2020 Planning & Zoning Advisory Commission Meeting		
Primary Originating Division/Dept.: PPSD - Property Services	Meeting Date: 10/27/2020	
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)		
<b>BACKGROUND/JUSTIFICATION:</b>		
<p>1.) M.R. Paving &amp; Excavating, Inc. / Doris Guemmer - Three-year review of a mineral extraction permit to mine, crush, stockpile, and process gravel, clay, and shale. No public comment or testimony.</p> <p>2.) M.R. Paving &amp; Excavating, Inc. / Tim Kohn - Three-year review of a mineral extraction permit to mine, crush, and stockpile gravel. No public comment or testimony.</p> <p>3.) Valley Asphalt Products, Inc. / New Ulm Quartzite Quarries - Three-year review of an asphalt hot mix plant. No public comment or testimony.</p> <p>4.) Geldner Brothers Sand &amp; Gravel, LLC. - Three-year review of a mineral extraction permit to mine, crush, and stockpile gravel, with 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 checked="" type="radio"/> Yes <input type="radio"/> No		
If "yes", when? (provide year; mm/dd/yy if known) 2017		
Approved by County Attorney's Office: <input type="radio"/> Yes <input type="radio"/> No <input checked="" type="radio"/> N/A		
<b>ACTION REQUESTED:</b>		
Approval of conditional use permits and attached findings of facts.		
<b>FISCAL IMPACT:</b> No fiscal impact (Select One)	<b>FUNDING</b>	0
If "Other", specify	County Dollars =	
	Other	
	(Select One)	
<b>FTE IMPACT:</b> No FTE change (Select One)	<b>Total</b>	
If "Increase or "Decrease" specify:		
Related Financial/FTE Comments:		



## Planning & Zoning Advisory Commission

MINUTES

OCTOBER 19, 2020

7:30 PM

NICOLLET COUNTY  
BOARD ROOM

<b>BOARD MEMBERS</b>	Jason Enter <input type="checkbox"/>	David Hermanson <input checked="" type="checkbox"/>	Marie Dranttel <input checked="" type="checkbox"/> <b>Commissioner</b>
	<b>Chair</b>	<b>Vice Chair</b>	Terry Morrow <input type="checkbox"/> <b>Commissioner, Alternate</b>
	David Wendinger <input checked="" type="checkbox"/>	Justin Laven <input checked="" type="checkbox"/>	Ron Regenscheid <input checked="" type="checkbox"/> Vacant <input type="checkbox"/>
<b>ABSENT EXCUSED</b>	Jason Enter <input checked="" type="checkbox"/>	David Hermanson <input type="checkbox"/>	Marie Dranttel <input type="checkbox"/> <b>Commissioner</b>
	<b>Chair</b>	<b>Vice Chair</b>	Terry Morrow <input type="checkbox"/> <b>Commissioner, Alternate</b>
	David Wendinger <input type="checkbox"/>	Justin Laven <input type="checkbox"/>	Ron Regenscheid <input type="checkbox"/> Vacant <input type="checkbox"/>
<b>ABSENT</b>	Jason Enter <input type="checkbox"/>	David Hermanson <input type="checkbox"/>	Marie Dranttel <input type="checkbox"/> <b>Commissioner</b>
	<b>Chair</b>	<b>Vice Chair</b>	Terry Morrow <input type="checkbox"/> <b>Commissioner, Alternate</b>
	David Wendinger <input type="checkbox"/>	Justin Laven <input type="checkbox"/>	Ron Regenscheid <input type="checkbox"/> Vacant <input type="checkbox"/>
<b>STAFF PRESENT</b>	Property and Public Services Director Mandy Landkamer <input checked="" type="checkbox"/>		
	Deputy Zoning Administrator/Planner Jon Hammel <input checked="" type="checkbox"/>		
	Assistant County Attorney Megan E. Gaudette Coryell <input checked="" type="checkbox"/>		
<b>REVIEW OF CANCELLATIONS &amp; ADDITIONS</b> None.			
<b>MOTION TO APPROVE MINUTES OF SEPTEMBER 21, 2020</b>			
	APPROVE <input checked="" type="checkbox"/>		APPROVE WITH REVISIONS <input type="checkbox"/>
<b>1<sup>ST</sup></b>	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"/>
<b>2<sup>ND</sup></b>	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 checked="" type="checkbox"/>	David Wendinger <input type="checkbox"/>	Vacant <input type="checkbox"/>
<b>VOTE TO APPROVE MINUTES</b>			
	PASS <input checked="" type="checkbox"/>	FAIL <input type="checkbox"/>	VOTE 5-0
<b>PUBLIC APPEARANCES</b> None.			

### Public Hearings

M.R. PAVING & EXCAVATING,  
INC / DORIS GUEMMER

PLN20-27

THREE-YEAR REVIEW OF A MINERAL EXTRACTION PERMIT TO MINE,  
CRUSH, STOCKPILE, AND PROCESS GRAVEL, CLAY, AND SHALE

**APPLICANT COMMENT**

Jeff Carlson was present representing the applicant. He had no comment.

**PUBLIC COMMENT**

None.

**PUBLIC TESTIMONY**

None.

**COMMISSIONER**

None.

**DISCUSSION****MOTION**APPROVE WITH ATTACHED CONDITIONS ☒DENY ☐

1 <sup>ST</sup>	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 <sup>ND</sup>	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"/>	

**VOTE**PASS ☒FAIL ☐

VOTE 5-0

**MOTION TO ADOPT FINDINGS**

1 <sup>ST</sup>	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 <sup>ND</sup>	Marie Dranttel <input checked="" 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 type="checkbox"/>	Vacant <input type="checkbox"/>	

**VOTE TO ADOPT FINDINGS**PASS ☒FAIL ☐

VOTE 5-0

**M.R. PAVING & EXCAVATING,  
INC / TIM KOHN**

PLN20-28

**THREE-YEAR REVIEW OF A MINERAL EXTRACTION PERMIT TO MINE,  
CRUSH, AND STOCKPILE GRAVEL****APPLICANT COMMENT**

Jeff Carlson was present representing the applicant. He had no comment.

**PUBLIC COMMENT**

None.

**PUBLIC TESTIMONY**

None.

**COMMISSIONER  
DISCUSSION**

None.

**MOTION**APPROVE WITH ATTACHED CONDITIONS ☒DENY ☐

1 <sup>ST</sup>	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 <sup>ND</sup>	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"/>	

**VOTE**PASS ☒FAIL ☐

VOTE 5-0

**MOTION TO ADOPT FINDINGS**

1 <sup>ST</sup>	Marie Dranttel <input checked="" 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 type="checkbox"/>	Vacant <input type="checkbox"/>	
2 <sup>ND</sup>	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 TO ADOPT FINDINGS**PASS ☒FAIL ☐

VOTE 5-0



**VALLEY ASPHALT PRODUCTS, INC /  
NEW ULM QUARTZITE QUARRIES**

**PLN 20-29**

**THREE-YEAR REVIEW OF AN ASPHALT HOT MIX PLANT**

**APPLICANT COMMENT** Jeff Carlson was present representing the applicant. He had no comment.

**PUBLIC COMMENT** None.

**PUBLIC TESTIMONY** None.

**COMMISSIONER DISCUSSION** None.

**MOTION** APPROVE WITH ATTACHED CONDITIONS ☒ DENY ☐

<b>1<sup>ST</sup></b>	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"/>	
<b>2<sup>ND</sup></b>	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 checked="" type="checkbox"/>	David Wendinger <input type="checkbox"/>	Vacant <input type="checkbox"/>	

**VOTE** PASS ☒ FAIL ☐ VOTE 5-0

**MOTION TO ADOPT FINDINGS**

<b>1<sup>ST</sup></b>	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 checked="" type="checkbox"/>	David Wendinger <input type="checkbox"/>	Vacant <input type="checkbox"/>	
<b>2<sup>ND</sup></b>	Marie Dranttel <input checked="" 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 type="checkbox"/>	Vacant <input type="checkbox"/>	

**VOTE TO ADOPT FINDINGS** PASS ☒ FAIL ☐ VOTE 5-0

**GELDNER BROTHERS SAND &  
GRAVEL, LLC**

**PLN 20-32**

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

**APPLICANT COMMENT** Brett Geldner was present representing the applicant. He had no comment.

**PUBLIC COMMENT** None.

**PUBLIC TESTIMONY** None.

**COMMISSIONER DISCUSSION** Commissioner Dranttel recused herself from the hearing.

**MOTION** APPROVE WITH ATTACHED CONDITIONS ☒ DENY ☐

<b>1<sup>ST</sup></b>	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"/>	
<b>2<sup>ND</sup></b>	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"/>	

**VOTE** PASS ☒ FAIL ☐ VOTE 4-0

**MOTION TO ADOPT FINDINGS**

<b>1<sup>ST</sup></b>	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"/>	
	Marie Dranttel <input type="checkbox"/>			
2 <sup>nd</sup>	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"/>	
<b>VOTE TO ADOPT FINDINGS</b>		PASS <input checked="" type="checkbox"/>	FAIL <input type="checkbox"/>	VOTE 4-0

<b>OLD BUSINESS</b>	Director Landkamer provided an update concerning the Comprehensive Plan Update. The County is moving forward with public hearings for the plan in November.
<b>OTHER BUSINESS</b>	Director Landkamer provided an update concerning the recent mobile collections and the new data collection program.
<b>REVIEW OF PERMITS</b>	The permits for September were reviewed.
<b>COMMUNICATIONS</b>	None.
<b>MOTION TO ADJOURN</b>	8:25 PM

	Marie Dranttel <input type="checkbox"/>			
1 <sup>st</sup>	Terry Morrow, Alt. <input type="checkbox"/>	Jason Enter <input type="checkbox"/>	David Hermanson <input checked="" 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 <sup>nd</sup>	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"/>	
<b>VOTE TO ADJOURN</b>		PASS <input checked="" type="checkbox"/>	FAIL <input type="checkbox"/>	VOTE 5-0

**DAVID HERMANSON**  
**VICE CHAIR**

**DATE**

**JON HAMMEL**  
**PLANNER/DEPUTY ZONING ADMINISTRATOR**

**DATE**

## Nicollet County Planning and Zoning Advisory Commission



### October 19, 2020

**The meeting will begin following the adjournment of the  
Nicollet County Board of Adjustment and Appeals Meeting**

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 Board of Adjustment and Appeals meetings will be conducted under Minnesota Statute 13D.021 – Meetings by Telephone or Other Electronic Means. Some members may 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.**

A copy of the meeting agenda and packet are available at

[www.co.nicollet.mn.us/AgendaCenter/Search/?term=&CIDs=2.&startDate=&endDate=&dateRange=&dateSelector](http://www.co.nicollet.mn.us/AgendaCenter/Search/?term=&CIDs=2.&startDate=&endDate=&dateRange=&dateSelector).

Questions or comments regarding the agenda items and viewing or listening to the meeting can be directed to Mandy Landkamer, Property Services Director, 507-934-7074,  
[mandy.landkamer@co.nicollet.mn.us](mailto:mandy.landkamer@co.nicollet.mn.us).

1. Call to Order
2. Roll Call
3. Review of Cancellations and Additions
4. Approval of Minutes: *September 21, 2020*
5. Public Appearances

6. **PUBLIC HEARING PLN20-27**

***Applicant:*** M.R. Paving & Excavating, Inc., 2020 North Spring Street, New Ulm MN 56073

***Property Owner:*** Doris Helen Guemmer, 912 35th Avenue North, New Ulm MN 56073

***Request:*** Three-year review of a mineral extraction permit to mine, crush, stockpile, and process gravel, clay, and shale

***Location:*** Western 1/2 of the Northwest 1/4 of Section 1-109-30 in Courtland Township

***Parcel Number:*** 04.201.0100

Page 1 of 2

#### 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.*

7. **PUBLIC HEARING PLN20-28**

***Applicant:*** M.R. Paving & Excavating, Inc., 2020 North Spring Street, New Ulm MN 56073

***Property Owner:*** Tim Kohn, 46266 547th Lane, Courtland MN 56021

***Request:*** Three-year review of a mineral extraction permit to mine, crush, and stockpile gravel

***Location:*** Part of the Southern 1/2 of the Northwest 1/4 and Part of the Northern 1/2 of the Southwest 1/4 of Section 6-109-29 in Courtland Township

***Parcel Number:*** 04.306.0600

8. **PUBLIC HEARING PLN20-29**

***Applicant:*** Valley Asphalt Products, Inc., 2020 North Spring Street, New Ulm MN 56073

***Property Owner:*** New Ulm Quartzite Quarries, 45755 571st Avenue, New Ulm MN 56073

***Request:*** Three-year review of an asphalt hot mix plant

***Location:*** Northwest 1/4 of the Southwest 1/4 of Section 35-110-30 in Courtland Township

***Parcel Number:*** 04.035.1705

9. **PUBLIC HEARING PLN20-32**

***Applicant/Property Owner:*** Geldner Brothers Sand & Gravel, LLC, 28808 W Lake Drive, Madison Lake MN 56063

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

***Location:*** Part of the Southwest 1/4 of Southwest 1/4 of Section 33-111-26 in Lake Prairie Township

***Parcel Number:*** 07.133.0300

10. Old Business – *Scott Anderson Training Monday October 5, 2020*

11. Other Business

12. Review of Permits

13. Communications: *County Board meets Tuesday October 27, 2020*

14. Adjourn



## Planning & Zoning Advisory Commission

MINUTES

SEPTEMBER 21, 2020

7:00 PM

NICOLLET COUNTY  
BOARD ROOM

<b>BOARD MEMBERS</b>	Jason Enter <input type="checkbox"/> <i>Chair</i>	David Hermanson <input checked="" type="checkbox"/> <i>Vice Chair</i>	Marie Dranttel <input type="checkbox"/> <b>Commissioner</b>
			Terry Morrow <input checked="" type="checkbox"/> <b>Commissioner, Alternate</b>
	David Wendinger <input checked="" type="checkbox"/>	Justin Laven <input checked="" type="checkbox"/>	Ron Regenscheid <input checked="" type="checkbox"/> Vacant <input type="checkbox"/>
<b>ABSENT EXCUSED</b>	Jason Enter <input type="checkbox"/> <i>Chair</i>	David Hermanson <input type="checkbox"/> <i>Vice Chair</i>	Marie Dranttel <input checked="" type="checkbox"/> <b>Commissioner</b>
			Terry Morrow <input type="checkbox"/> <b>Commissioner, Alternate</b>
	David Wendinger <input type="checkbox"/>	Justin Laven <input type="checkbox"/>	Ron Regenscheid <input type="checkbox"/> Vacant <input type="checkbox"/>
<b>ABSENT</b>	Jason Enter <input type="checkbox"/> <i>Chair</i>	David Hermanson <input type="checkbox"/> <i>Vice Chair</i>	Marie Dranttel <input type="checkbox"/> <b>Commissioner</b>
			Terry Morrow <input type="checkbox"/> <b>Commissioner, Alternate</b>
	David Wendinger <input type="checkbox"/>	Justin Laven <input type="checkbox"/>	Ron Regenscheid <input type="checkbox"/> Vacant <input type="checkbox"/>
<b>STAFF PRESENT</b>	Property and Public Services Director Mandy Landkamer <input checked="" type="checkbox"/>		
	Deputy Zoning Administrator/Planner Jon Hammel <input type="checkbox"/>		
	Assistant County Attorney Megan E. Gaudette Coryell <input checked="" type="checkbox"/>		

<b>REVIEW OF CANCELLATIONS &amp; ADDITIONS</b>		None.	
<b>MOTION TO APPROVE MINUTES OF JULY 20, 2020</b>		APPROVE <input checked="" type="checkbox"/>	APPROVE WITH REVISIONS <input type="checkbox"/>
<b>1<sup>ST</sup></b>	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"/>
<b>2<sup>ND</sup></b>	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"/>
<b>VOTE TO APPROVE MINUTES</b>		PASS <input checked="" type="checkbox"/>	FAIL <input type="checkbox"/> VOTE 5-0
<b>PUBLIC APPEARANCES</b>		None.	

### Public Hearings

<b>MOTION</b>	CONTINUE PLN20-04,-06		DENY <input type="checkbox"/>
	TO AFTER PLN20-23 AND PLN20-24 <input checked="" type="checkbox"/>		
<b>1<sup>ST</sup></b>	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 <sup>nd</sup>	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"/>	
<b>VOTE</b>		PASS <input checked="" type="checkbox"/>	FAIL <input type="checkbox"/>	VOTE 5-0

<b>MOTION</b>		CONTINUE PLN20-05 TO AFTER PLN20-23 AND PLN20-24 <input checked="" type="checkbox"/>		DENY <input type="checkbox"/>
1 <sup>st</sup>	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"/>	
2 <sup>nd</sup>	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"/>	
<b>VOTE</b>		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**

<b>APPLICANT COMMENT</b>	Andrew Lorentz was present to represent the applicant.			
<b>PUBLIC COMMENT</b>	None.			
<b>PUBLIC TESTIMONY</b>	None.			
<b>COMMISSIONER DISCUSSION</b>	None.			
<b>MOTION</b>		APPROVE WITH ATTACHED CONDITIONS <input checked="" type="checkbox"/>		DENY <input type="checkbox"/>
1 <sup>st</sup>	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 <sup>nd</sup>	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 checked="" type="checkbox"/>	David Wendinger <input type="checkbox"/>	Vacant <input type="checkbox"/>	
<b>VOTE</b>		PASS <input checked="" type="checkbox"/>	FAIL <input type="checkbox"/>	VOTE 5-0

<b>MOTION TO ADOPT FINDINGS</b>				
1 <sup>st</sup>	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 <sup>nd</sup>	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"/>	
<b>VOTE TO ADOPT FINDINGS</b>		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**

<b>APPLICANT COMMENT</b>	Andrew Lorentz was present to represent the applicant.
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<b>PUBLIC COMMENT</b>	None.			
<b>PUBLIC TESTIMONY</b>	None.			
<b>COMMISSIONER DISCUSSION</b>	None.			
<b>MOTION</b>	APPROVE WITH ATTACHED CONDITIONS <input checked="" type="checkbox"/>			DENY <input type="checkbox"/>
1 <sup>ST</sup>	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 <sup>ND</sup>	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"/>	
<b>VOTE</b>	PASS <input checked="" type="checkbox"/>		FAIL <input type="checkbox"/>	VOTE 5-0
<b>MOTION TO ADOPT FINDINGS</b>				
1 <sup>ST</sup>	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 <sup>ND</sup>	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"/>	
<b>VOTE TO ADOPT FINDINGS</b>	PASS <input checked="" type="checkbox"/>		FAIL <input type="checkbox"/>	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**

<b>APPLICANT COMMENT</b>	Mitch Froehlich was present via telephone representing the applicant.			
<b>PUBLIC COMMENT</b>	None.			
<b>PUBLIC TESTIMONY</b>	None.			
<b>COMMISSIONER DISCUSSION</b>	None.			
<b>MOTION</b>	APPROVE WITH ATTACHED CONDITIONS <input checked="" type="checkbox"/>			DENY <input type="checkbox"/>
1 <sup>ST</sup>	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 <sup>ND</sup>	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"/>	
<b>VOTE</b>	PASS <input checked="" type="checkbox"/>		FAIL <input type="checkbox"/>	VOTE 5-0
<b>MOTION TO ADOPT FINDINGS</b>				
1 <sup>ST</sup>	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 <sup>nd</sup>	Marie Dranttel <input type="checkbox"/>	Jason Enter <input type="checkbox"/>	David Hermanson <input type="checkbox"/>
	Terry Morrow, Alt. <input type="checkbox"/>		Justin Laven <input type="checkbox"/>
	Ron Regenscheid <input checked="" type="checkbox"/>	David Wendinger <input type="checkbox"/>	Vacant <input type="checkbox"/>
<b>VOTE TO ADOPT FINDINGS</b>		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

<b>APPLICANT COMMENT</b>	Mitch Froehlich was present via telephone representing the applicant.		
<b>PUBLIC COMMENT</b>	None.		
<b>PUBLIC TESTIMONY</b>	None.		
<b>COMMISSIONER DISCUSSION</b>	None.		
<b>MOTION</b>	APPROVE WITH ATTACHED CONDITIONS <input checked="" type="checkbox"/>		DENY <input type="checkbox"/>
1 <sup>st</sup>	Marie Dranttel <input type="checkbox"/>	Jason Enter <input type="checkbox"/>	David Hermanson <input type="checkbox"/>
	Terry Morrow, Alt. <input type="checkbox"/>		Justin Laven <input type="checkbox"/>
	Ron Regenscheid <input type="checkbox"/>	David Wendinger <input checked="" type="checkbox"/>	Vacant <input type="checkbox"/>
2 <sup>nd</sup>	Marie Dranttel <input type="checkbox"/>	Jason Enter <input type="checkbox"/>	David Hermanson <input type="checkbox"/>
	Terry Morrow, Alt. <input type="checkbox"/>		Justin Laven <input checked="" type="checkbox"/>
	Ron Regenscheid <input type="checkbox"/>	David Wendinger <input type="checkbox"/>	Vacant <input type="checkbox"/>
<b>VOTE</b>	PASS <input checked="" type="checkbox"/>	FAIL <input type="checkbox"/>	VOTE 5-0
<b>MOTION TO ADOPT FINDINGS</b>			
1 <sup>st</sup>	Marie Dranttel <input type="checkbox"/>	Jason Enter <input type="checkbox"/>	David Hermanson <input type="checkbox"/>
	Terry Morrow, Alt. <input type="checkbox"/>		Justin Laven <input checked="" type="checkbox"/>
	Ron Regenscheid <input type="checkbox"/>	David Wendinger <input type="checkbox"/>	Vacant <input type="checkbox"/>
2 <sup>nd</sup>	Marie Dranttel <input type="checkbox"/>	Jason Enter <input type="checkbox"/>	David Hermanson <input type="checkbox"/>
	Terry Morrow, Alt. <input type="checkbox"/>		Justin Laven <input type="checkbox"/>
	Ron Regenscheid <input type="checkbox"/>	David Wendinger <input checked="" type="checkbox"/>	Vacant <input type="checkbox"/>
<b>VOTE TO ADOPT FINDINGS</b>	PASS <input checked="" type="checkbox"/>	FAIL <input type="checkbox"/>	VOTE 5-0

<b>OLD BUSINESS</b>	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.		
<b>OTHER BUSINESS</b>	None.		
<b>REVIEW OF PERMITS</b>	The permits for August were reviewed.		
<b>COMMUNICATIONS</b>	None.		
<b>MOTION TO ADJOURN</b>	8:00 PM		
1 <sup>st</sup>	Marie Dranttel <input type="checkbox"/>	Jason Enter <input type="checkbox"/>	David Hermanson <input type="checkbox"/>
	Terry Morrow, Alt. <input type="checkbox"/>		Justin Laven <input checked="" type="checkbox"/>
	Ron Regenscheid <input type="checkbox"/>	David Wendinger <input type="checkbox"/>	Vacant <input type="checkbox"/>
2 <sup>nd</sup>	Marie Dranttel <input type="checkbox"/>	Jason Enter <input type="checkbox"/>	David Hermanson <input type="checkbox"/>
	Terry Morrow, Alt. <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

*David Hermanson*

DATE *10-19-2020*

MANDY LANDKAMER  
PROPERTY & PUBLIC SERVICES DIRECTOR

*Mandy Landkamer*

DATE *10-21-2020*



## **CONDITIONAL USE PERMIT**

### **THREE-YEAR REVIEW OF MINERAL EXTRACTION PERMIT**

**M.R. PAVING & EXCAVATING, INC. /  
DORIS GUEMMER**

**PLN20-27**

**NICOLLET COUNTY  
PLANNING & ZONING ADVISORY COMMISSION**

<b>SUBJECT:</b>	PLN20-27, Conditional Use Permit
<b>APPLICANT:</b>	M.R. Paving & Excavating, Inc.
<b>LANDOWNER:</b>	Doris Guemmer
<b>LOCATION:</b>	Western 1/2 of the Northwest 1/4 of Section 1-109-30 in Courtland Township
<b>PARCEL NO:</b>	04.201.0100
<b>EXISTING ZONING:</b>	Conservancy
<b>HEARING DATE:</b>	October 19, 2020

**REQUEST**

The applicant has submitted a request for a three-year review of a conditional use permit to mine, crush, stockpile, and process gravel, clay, and shale.

**EXISTING LAND USE**

The property consists of 79.56 acres. The property contains the mining area, a demolition debris landfill, cropland, and part of the Guemmer building site. The mining area occupies roughly the southern half of the property.

**SURROUNDING LAND USE**

The property is surrounded by a mix of natural environment and agricultural land. The site is approximately two miles east of the City of New Ulm. The Minnesota River is located southwest of the property. The area to the south lies within the Minnesota River floodplain and bluff. Directly to the east is the Kohn gravel pit. U.S. Highway 14 runs north of the property. Minnesota Valley Lutheran High School is located approximately 3,000 feet to the north. New Ulm Quartzite Quarries is located northwest of the property.

**PROJECT DESCRIPTION**

***Background:***

The mine was originally permitted in 1987. M.R. Paving and Excavating, Inc. has leased the site for approximately 26 years and currently operates an open pit gravel mine onsite. Mining occurs seasonally, from spring to fall. Production varies depending on product demand. Equipment employed in the operation includes loaders, haul trucks, bulldozers, and excavators. As needed, a crusher is brought onsite to crush material. Although permitted for gravel, clay, and shale, the majority of material mined and processed onsite is gravel.

***Current Request:***

The current request is for a three-year review of the conditional use permit to mine, crush, stockpile, and process gravel, clay, and shale. 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, 18 acres are actively being mined and five acres have not yet been reclaimed. There are 30 acres that have already been reclaimed and zero acres remaining in the mining area that have not been mined. The mining facility involves a total of 53 acres of the entire 79.56 acre property. A total of 84,770 tons of material have been removed from the site over the past 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 access to U.S. Highway 14 via 561st Avenue.

***Appearance:***

At this time, the mining area is generally not visible from the Minnesota River or U.S. Highway 14. A portion of the operation's material stockpiles and part of the adjacent demolition landfill are visible from U.S. Highway 14.

***Blasting:***

No blasting occurs at the site.

***Bond:***

Per Section 724.2(4) of the Nicollet County Zoning Ordinance, a bond must be submitted to the Property Services Division in the amount of at least \$2,500 per actively mined and not yet reclaimed acres. The bond 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 United Fire and Casualty Company which expires in 2021.

***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:***

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:***

A reclamation plan is on file for the mine. The applicant stated the intention is to utilize the mined out portions of the gravel pit as part of the landfill in a phased transition.

***Water:***

Stormwater from the mine and the demolition landfill drains to a holding pond, where the water is allowed to naturally filter into the ground. The mine and landfill are permitted by the Minnesota Pollution Control Agency.

***Waste Disposal:***

All hazardous substances, such as engine oil, hydraulic oil, anti-freeze, and other maintenance fluids, are enclosed within a shed. The mine utilizes portable toilets and human waste is disposed of by a sanitation company. All garbage is removed on a daily basis.

**MINNESOTA POLLUTION CONTROL AGENCY STANDARDS**

The applicant is required to maintain a National Pollutant Discharge Elimination System (NPDES) permit from the Minnesota Pollution Control Agency. The NPDES permit also includes the demolition landfill.

**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 Sections 505, 603, 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. U.S. Highway 14 is a ten-ton road.

- 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 three other mines within one mile of 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 operation appears to be typical for mines within the county.
- Within one mile of the site there are three other mines.

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

- 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.

- 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 three other gravel mines within one mile 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 mining operations.
- The operation appears to be typical for 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 ten conditional use permit criteria. The granting of a conditional use permit from Sections 603 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. The conditional use permit to mine, crush, stockpile, and process gravel, clay, and shale shall be reviewed in October 2023.
5. The bond shall be amended as needed to cover the amount of actively mined or not yet reclaimed acres. The bond must be kept in force no less than one year following expiration of this conditional use permit.
6. A continuation certificate of the bond shall be sent to the Property Services with no lapse in time during the course of this conditional use permit.

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 Property Services.

Parcel No: 04.201.0100

Map No: 1501100001



**Applicant: M.R. Paving & Excavating, Inc.**  
**Landowner: Doris Guemmer**

**PLN20-27**

- 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    Map A – Existing Conditions (1987)
- F.3    Map B – Proposed Operations (1987)
- F.4    Map C – Reclamation/End Use (1987)
- F.5    Map C – Reclamation/End Use (2015)



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

---

PLANNING & ZONING ADVISORY COMMISSION  
APPLICATION

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Total Fees: \$446.00

Map#: 1501100001  
Parcel#: 042010100  
Permit#: PLN20-00027  
Date: September 16, 2020

Applicant: JEFF CARLSON, M.R. PAVING & EXCAVATING, INC., 2020 NORTH SPRING STREET, NEW  
ULM MN 56073  
Phone: 354-4171  
Owner: GUEMMER DORIS HELEN, 912 35TH AVE N, NEW ULM MN 56073  
Property Address: 55921 US HIGHWAY 14, COURTLAND MN 56021  
Abbreviated Legal Description: W 1/2 OF NW 1/4 ACRES 79.56  
Township: Courtland Township

Record Type: Conditional Use

Category: Mineral Extraction

Project Description: Three-year review of a mineral extraction permit to mine, crush, stockpile, and process gravel, clay, and shale.  
Ref: Zoning Ordinance Sec. 505, 603.3, and 724.

Planning Commission Hearing Date: 10/19/2020

Board of Commissioners Date: 10/27/2020

See Mining Checklist  
APPLICANT SIGNATURE

9-16-20  
DATE

ATTACHMENT A  
Application



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

**Name of Applicant:** M.R. Paving & Excavating, Inc.  
**Property Owner:** Doris Guemmer  
**Use Requested:** Three-year review of a mineral extraction permit to mine, crush, stockpile, and process gravel, clay, and shale

**Date:** October 19, 2020  
**File:** PLN20-27

## **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.

Marie Dranttel	<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:** Proposal is typical for mining operations in the county. Operation meets MPCA standards. It's an existing gravel pit, just renewing permit. Meets sections 505, 603 and 724 of Zoning Ord.

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

Marie Dranttel	<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:** Size and function of facility is not unreasonable for location. Has access to US Highway 14. The existing infrastructure is suited for mining. Access is on to a ten ton road.

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

Marie Dranttel	<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:** Mine is in a predominantly ag and natural environment area. Other mines within one mile of area.

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

Marie Dranttel	<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:** Within one mile of the site there are three other mines. It's a typical mine for the county.

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

Marie Dranttel	<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: Meets standards of Sections 603 and 724 of Zoning Ord. for mining operations.

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

Marie Dranttel	<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: Applicant has a reclamation plan in place. Plan states mineral extraction is important to Courtland Township.

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

Marie Dranttel	<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: No blasting takes place onsite. Apply dust control.

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

Marie Dranttel	<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: There are three other mines within one mile of the site. Other mines in the area.

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

Marie Dranttel	<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: Site maintains an NPDES permit from the MPCA. Meets applicable county and state standards.

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:

Marie Dranttel	<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: meets co. standards  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

**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: 10-19-20

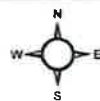
Chair: Dave Hermanson





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.

1:24,000 1 inch = 2,000 feet



0 1,000 2,000 Feet

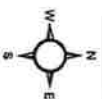
## ATTACHMENT C Location Map





**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

BRENDA & JAMES GULDAN  
LIVING TRUST  
46194 561ST AVE  
NEW ULM MN 56073

DENNIS GULDAN  
1226 S GERMAN ST  
NEW ULM MN 56073

TIMOTHY & BROOKE GULDAN  
46198 561ST AVE  
NEW ULM MN 56073

HAZEL HEIM IRREVOCABLE TRUST  
55712 US HIGHWAY 14 W  
COURTLAND MN 56021

GARY & TIMOTHY KOHN  
54650 US HIGHWAY 14  
COURTLAND MN 56021

MARK & MICHELE KOHN  
46091 551ST AVE  
COURTLAND MN 56021

TIMOTHY KOHN  
46266 547TH LN  
COURTLAND MN 56021

MICHALETZ PROPERTIES LLC  
150 ST ANDREWS CT STE 210  
MANKATO MN 56001

MN VALLEY LUTH HIGH SCHOOL & ASSN  
45638 561ST AVE  
NEW ULM MN 56073

NEW ULM QUARTZITE QUARRIES INC  
PO BOX 55038  
LEXINGTON KY 40555

JOAD JAMES & LONI OSTERMANN  
55572 US HIGHWAY 14  
COURTLAND MN 56021

BRIAN & JUDY RAHE  
45691 561ST AVE  
NEW ULM MN 56073-9132

JOLEEN SCHUGEL LIFE ESTATE &  
SCHUGEL FAMILY TRUST  
55299 456TH LN  
COURTLAND MN 56021-4229

COURTLAND TOWNSHIP CLERK  
43370 541ST AVE  
COURTLAND MN 56021

CITY OF COURTLAND  
300 RAILROAD STREET  
COURTLAND MN 56021

**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:**

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

**TONNAGE OF MATERIAL REMOVED:**

84,770 Tons 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: Richard Guemmes Estate

Owner's Address: \_\_\_\_\_

Contractor working the site: M.R. Paving & Excavating

Contractor's address: 2020 North Spring PO Box 787 New Ulm MN.

Contractor's phone number: 507-354-4171

Date: 9-2-20

Applicant (Landowner or Contractor) Signature: [Signature] For M.R. Paving & Exc.

Parcel No. 04-201-0100 Map No. 15-01-100-001

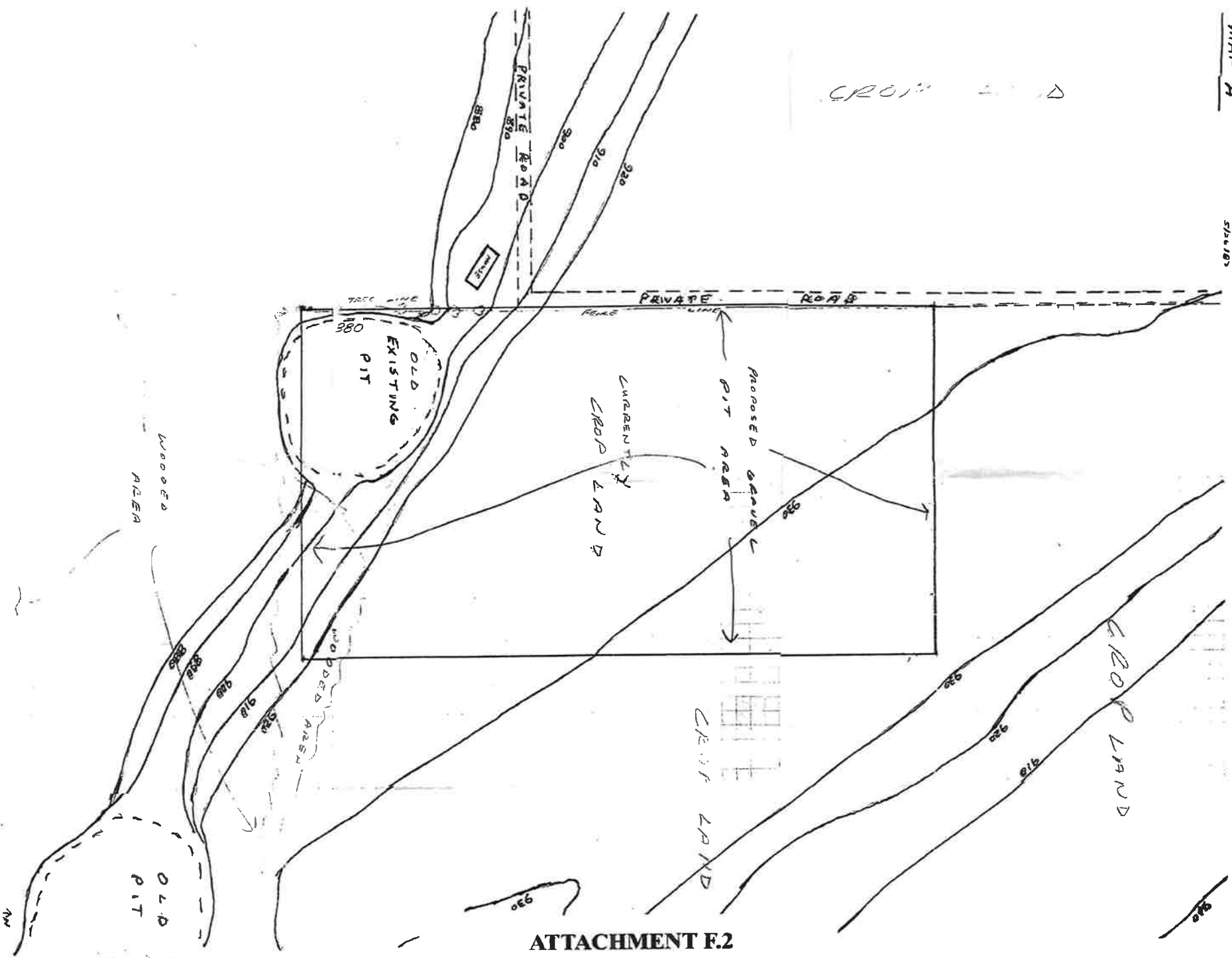
Revised 11-29-18 JH

**ATTACHMENT F.1**  
**Mineral Extraction Checklist**



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.

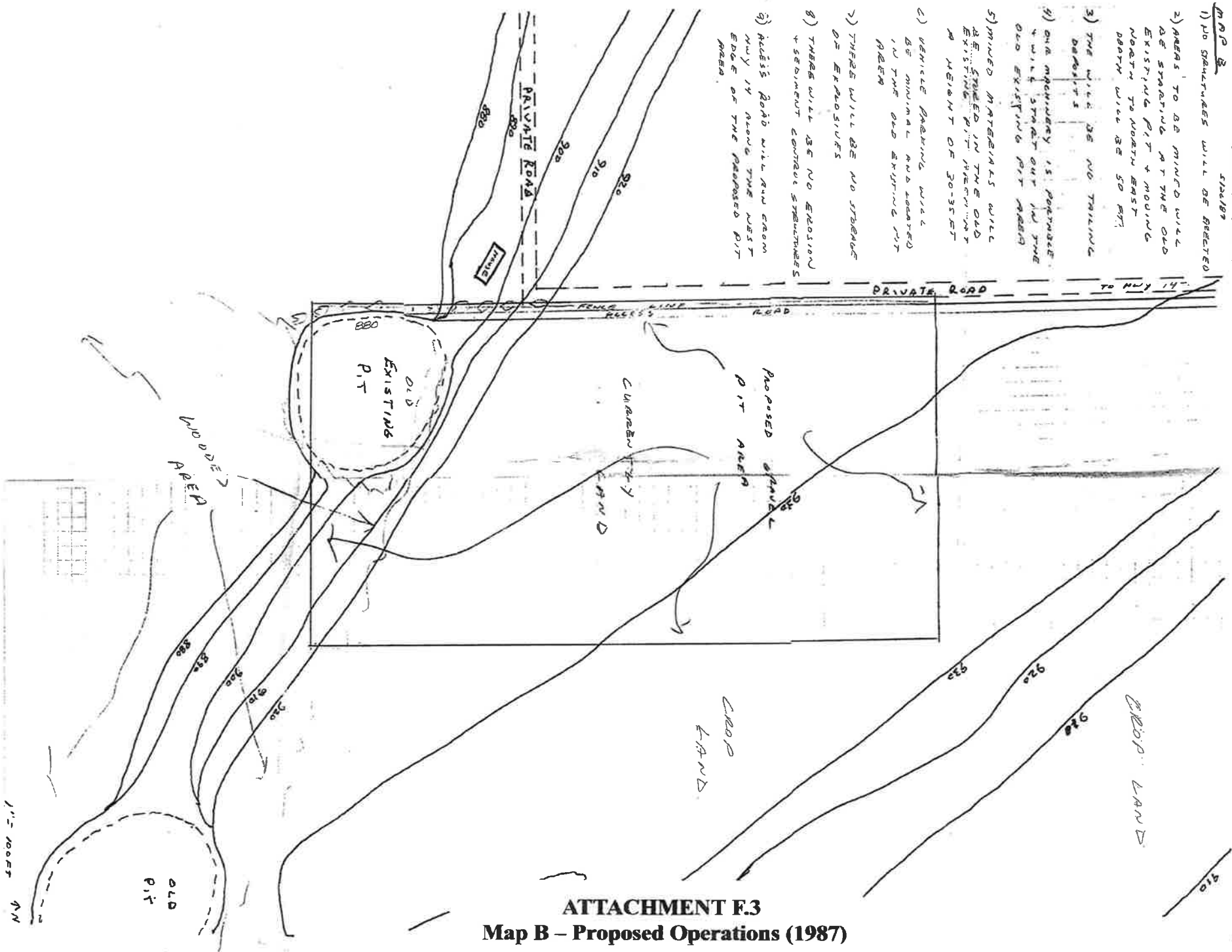


ATTACHMENT F.2  
Map A - Existing Conditions (1987)

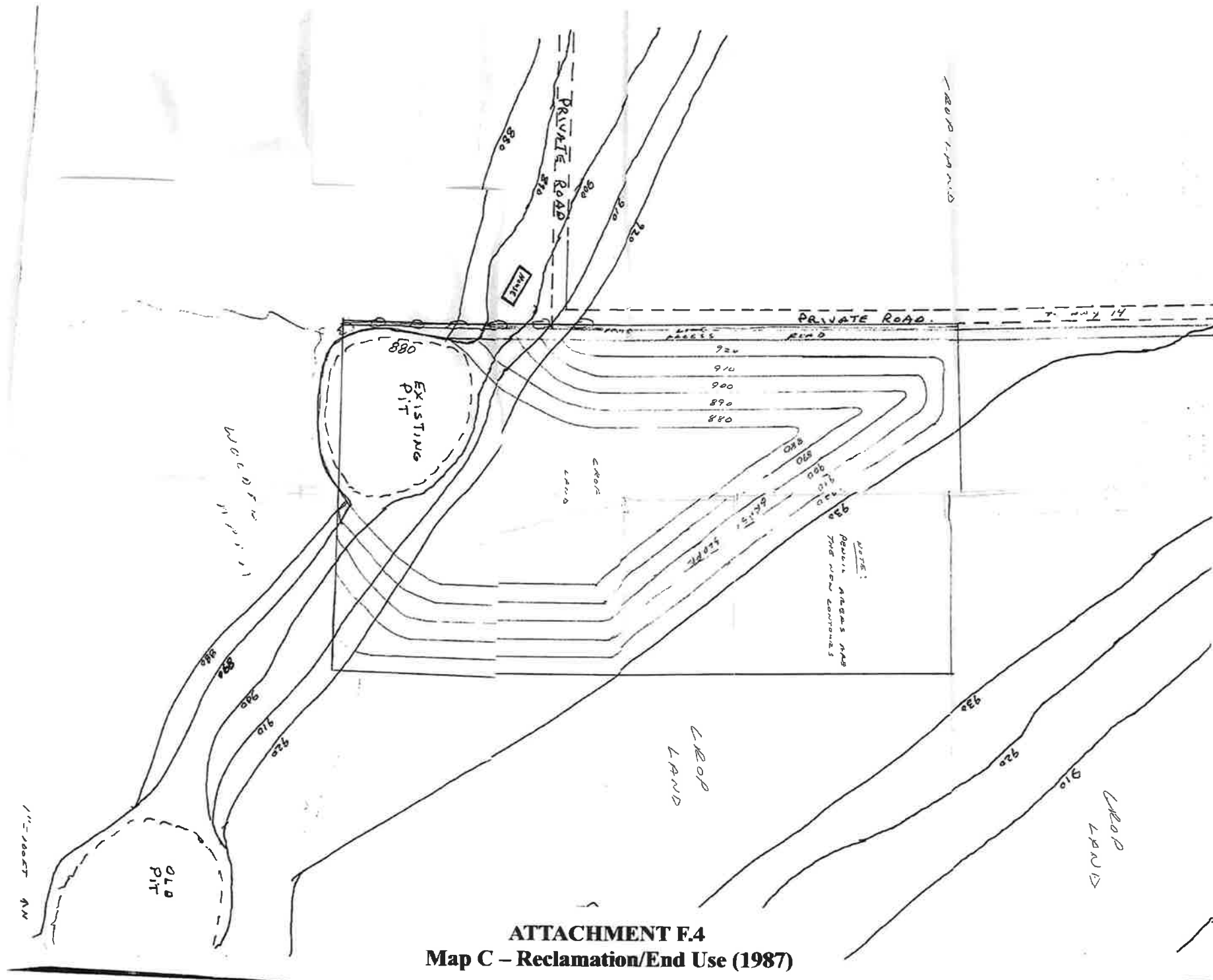
PROP 3

WATERE CUNST  
STAB 87

- 1) NO STRUCTURES WILL BE REJECTED
- 2) AREAS TO BE MINED WILL BE STARTING AT THE OLD EXISTING PIT + MOVING NORTH TO NORTH EAST NORTH WILL BE 50 FT.
- 3) THE WILL BE NO TRAILING DEPOSIT
- 4) ONE MACHINE IS PROPOSED + WILL START OUT IN THE OLD EXISTING PIT AREA
- 5) MINED MATERIALS WILL BE STORED IN THE OLD EXISTING PIT AREA AT A HEIGHT OF 30-35 FT
- 6) VEHICLE PARKING WILL BE MINIMAL AND LOCATED IN THE OLD EXISTING PIT AREA
- 7) THERE WILL BE NO STREAMS OR EROSIONS
- 8) THERE WILL BE NO EROSION + SEDIMENT CONTROL STRUCTURES
- 9) RICE'S ROAD WILL RUN FROM N 1/4 ABOVE THE WEST END OF THE PROPOSED PIT AREA



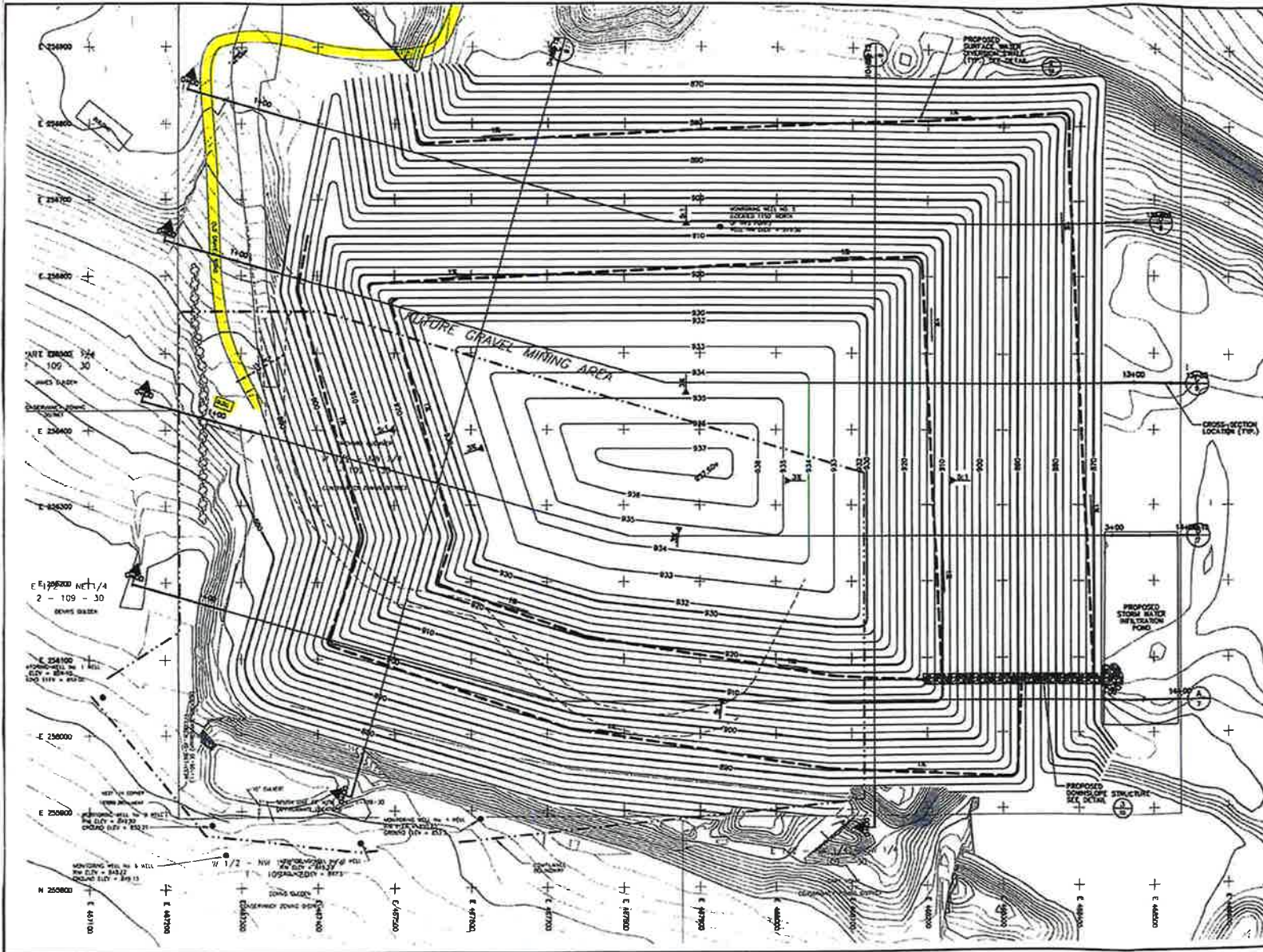
**ATTACHMENT F.3**  
**Map B - Proposed Operations (1987)**



**ATTACHMENT F.4**  
**Map C – Reclamation/End Use (1987)**



Map C - Reclamation/End Use (2015)  
ATTACHMENT F.5



REV	DESCRIPTION	DATE	BY	CHK
1	ISSUED FOR CLIENT REVIEW ONE	1/5	1/5	1/5
2	ISSUED FOR CLIENT REVIEW TWO	1/5	1/5	1/5
3	ISSUED FOR CLIENT REVIEW THREE	1/5	1/5	1/5
4	ISSUED FOR CLIENT REVIEW FOUR	1/5	1/5	1/5
5	ISSUED FOR CLIENT REVIEW FIVE	1/5	1/5	1/5
6	ISSUED FOR CLIENT REVIEW SIX	1/5	1/5	1/5
7	ISSUED FOR CLIENT REVIEW SEVEN	1/5	1/5	1/5
8	ISSUED FOR CLIENT REVIEW EIGHT	1/5	1/5	1/5
9	ISSUED FOR CLIENT REVIEW NINE	1/5	1/5	1/5
10	ISSUED FOR CLIENT REVIEW TEN	1/5	1/5	1/5

VALLEY DEMOLITION & RECYCLING  
LANDFILL  
SECTION 1, T 109N, R 30 W  
NICOLLET COUNTY, MINNESOTA



FOR COORDINATOR  
*Guemmer Pit*

DATE: 1/5/14  
BY: [Signature]  
CHECKED: [Signature]  
DATE: 1/5/14

PROJECT FILE: DRAWINGS FOR  
APPLICATION FOR PERMIT RENEWAL

SHEET TITLE: FUTURE FINAL  
COVER GRADING PLAN

NO.	DATE	BY	CHK	DATE	CHK
1	1/5/14	1/5	1/5	1/5	1/5
2	1/5/14	1/5	1/5	1/5	1/5
3	1/5/14	1/5	1/5	1/5	1/5
4	1/5/14	1/5	1/5	1/5	1/5
5	1/5/14	1/5	1/5	1/5	1/5
6	1/5/14	1/5	1/5	1/5	1/5
7	1/5/14	1/5	1/5	1/5	1/5
8	1/5/14	1/5	1/5	1/5	1/5
9	1/5/14	1/5	1/5	1/5	1/5
10	1/5/14	1/5	1/5	1/5	1/5



## **CONDITIONAL USE PERMIT**

### **THREE-YEAR REVIEW OF MINERAL EXTRACTION PERMIT**

**M.R. PAVING & EXCAVATING, INC. /  
TIM KOHN**

**PLN20-28**

**NICOLLET COUNTY  
PLANNING & ZONING ADVISORY COMMISSION**

<b>SUBJECT:</b>	PLN20-28, Conditional Use Permit
<b>APPLICANT:</b>	M.R. Paving & Excavating, Inc.
<b>LANDOWNER:</b>	Tim Kohn
<b>LOCATION:</b>	Part of the Southern 1/2 of the Northwest 1/4 and Part of the Northern 1/2 of the Southwest 1/4 of Section 6-109-29 in Courtland Township
<b>PARCEL NO:</b>	04.306.0600
<b>EXISTING ZONING:</b>	Conservancy, Agricultural Preservation
<b>HEARING DATE:</b>	October 19, 2020

**REQUEST**

The applicant has submitted a request for a three-year review of a mineral extraction permit to mine, crush, and stockpile gravel. The site is presently known as the Kohn East Pit.

**EXISTING LAND USE**

The site is located on the south side of U.S. Highway 14, west of the City of Courtland. The eastern lot line directly abuts the Courtland municipal boundary.

There are four swine barns and an accessory pole shed located on the western side of the property. These structures are part of the Kohn's feedlot operation. The Kohn's dwelling and farm site are located on a separate property, across 547th Lane to the west.

The majority of the property is crop land. The mine is located in the northeast portion of the property. The mine has been idle for some time.

Presently, the mine is surrounded with wooded/brush land. The majority of the property is zoned Agricultural Preservation. There are two small areas along the western edge of the property which are zoned Conservancy.

**SURROUNDING LAND USE**

The surrounding land use is predominately agricultural, natural environment, and municipal. The property is bound by U.S. Highway 14 to the north, 547th Lane to the west, and Courtland city limits to the east. There is bluffland to the southwest of the site. The portion of the City of Courtland nearest the site appears to be zoned for commercial/industrial use.

## **PROJECT DESCRIPTION**

### ***Background:***

The gravel mine was originally permitted as a temporary pit in 1971. In 1977, a conditional use permit was issued for the mine. It has not been determined when the mine went idle. In September of 2014, applicant M.R. Paving and Excavating, LLC applied for a conditional use permit to renew the mineral extraction permit for the site. The request was approved by the County Board on September 23, 2014. The site has remained idle for the last six years.

### ***Current Request:***

The applicant has submitted a request for a three-year renewal of a mineral extraction permit to mine, crush, and stockpile gravel. Renewal would extend the permit until October of 2023.

The proposed operation will be an open pit gravel mine, which will provide Class 5 material to state, county, and city projects in the area. According to the applicant, a total of 6.7 acres are to be actively mined in two separate locations on the property. Two additional acres will be used as a staging area for the operation.

The first actively mined location is situated approximately in the center of the previously mined area and will consist of 2.1 acres. The second location lies between the Kohn's feedlot facility and the previously mined area. This location consists of 4.6 acres and is presently crop land.

The pit has not been mined within the last three years and no material has been removed during this period.

*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 547th Lane. MnDOT denied approval of direct access onto Highway 14.

### ***Appearance:***

The mined area is generally visible from U.S. Highway 14 at this time. The area is partially obscured by the existing brush and wooded vegetation which covers the previously mined area. Additional screening may be required.

### ***Blasting:***

No blasting will occur at the site.



***Bond:***

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 has indicated there will be a total of 6.7 actively mined acres that will need to be bonded. Two acres will be used for a staging area. The remaining acreage is not part of the mine.

***Dust, Noise, and Odor Control:***

Dust on haul roads will be minimal. When necessary, roads will be treated with water or zinc chloride to control dust.

***Hours of Operation:***

The operation will adhere 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 and may require amendment of the conditional use permit.

***Reclamation Plan:***

A reclamation plan has been submitted. The proposed end use is wildlife habitat. The existing pond will be enlarged and the mined areas will be allowed to fill with water. The surrounding area will be brush/wooded land. Vegetation will be established through natural regrowth.

***Water:***

Stormwater will collect in the bottom of the mine and will be allowed to filter naturally into the ground.

***Waste Disposal:***

No hazardous substances, such as engine oil, hydraulic oil, anti-freeze, or other maintenance fluids, will be stored onsite. Garbage will be removed on a daily basis. Portable toilets will be rented and available for use.

**MINNESOTA POLLUTION CONTROL AGENCY STANDARDS**

The applicant will be required to maintain a National Pollutant Discharge Elimination System (NPDES) permit from the Minnesota Pollution Control Agency. Verification the applicant has a valid NPDES permit will be submitted to Property Services.

**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 Sections 505, 602, 603, and 724 of the Zoning Ordinance for mines in the Agricultural Preservation and Conservancy zoning districts.
- 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 proposal appears to be typical of mining operations within the County.
- The size and function of the facility is not unreasonable for the location.
- U.S. Highway 14 is a ten-ton road.

- 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 two miles of the site.
- The mine is within a predominantly agricultural area and is directly adjacent to a commercial/industrial area of the City of Courtland.

- 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 five other mines.
- The mine is adjacent to a commercial/industrial area of the City of Courtland
- The operation appears to be typical for mines within the county.

- 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 for mining operations in the Agricultural Preservation and Conservancy zoning districts.

**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 plan states that mineral extraction is important to Courtland Township.

**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 or zinc chloride when necessary to control dust.

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

*True*, because:

- There are five other mines within two miles of the site.
- The mine is directly adjacent to a commercial/industrial area of the City of Courtland and is within a predominantly agricultural area.

**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 the mining standards, with no apparent adverse effects to the public health, safety, and welfare.

## **RECOMMENDATIONS**

It appears the request meets all ten conditional use permit criteria. The granting of a conditional use permit from Sections 602, 603, 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 shall 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, and stockpile gravel shall be reviewed in October 2023.
5. The bond shall be submitted and amended as needed to cover the amount of actively mined acres and not yet reclaimed acres. The bond must be kept in force during the time of operation.
6. A continuation certificate of the bond shall be sent to Property Services with no lapse in time during the course of this permit.
7. The contractor shall take the appropriate action to minimize the dust on the road from hauling.
8. The applicant shall obtain a National Pollutant Discharge Elimination System permit from the Minnesota Pollution Control Agency.
9. The applicant shall adhere to all applicable Wetland Conservation Act requirements. Any impacts to wetland areas shall be mitigated in compliance with W.C.A. standards.
10. The operation shall only access the site from 547th Lane.

Parcel No: 04.306.0600  
Map No: 1606300013

**Applicant: M.R. Paving & Excavating, Inc.**  
**Landowner: Tim Kohn**

**PLN20-28**

- 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    Map A – Existing Conditions (2014)
- F.3    Map B – Proposed Operations (2014)
- F.4    Map C – Reclamation/End Use (2014)



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

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PLANNING & ZONING ADVISORY COMMISSION  
APPLICATION

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Total Fees: \$446.00

Map#: 1606300013  
Parcel#: 043060600  
Permit#: PLN20-00028  
Date: September 16, 2020

Applicant: JEFF CARLSON, M.R. PAVING & EXCAVATING, INC., 2020 NORTH SPRING STREET, NEW  
ULM MN 56073

Phone: 354-4171

Owner: KOHN TIMOTHY L, 46266 547TH LN, COURTLAND MN 56021

Property Address: 46314 547TH LN, COURTLAND MN 56021

Abbreviated Legal Description: PT OF SW1/4 OF NW 1/4 ACRES 6.93; PT OF N 1/2 OF SW 1/4 ACRES 59.71; PT OF  
SE 1/4 OF NW 1/4 ACRES 1.70; PT OF SE 1/4 OF SW 1/4 ACRES 3.62

Township: Courtland Township

Record Type: Conditional Use

Category: Mineral Extraction

Project Description: Three-year review of a mineral extraction permit to mine, crush, and stockpile gravel. Ref: Zoning Ordinance  
505, 602.3, and 724.

Planning Commission Hearing Date: 10/19/2020

Board of Commissioners Date: 10/27/2020

See Mining Checklist  
APPLICANT SIGNATURE

9-16-20  
DATE

ATTACHMENT A  
Application



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

**Name of Applicant:** M.R. Paving & Excavating, Inc.  
**Property Owner:** Tim Kohn  
**Use Requested:** Three-year review of a mineral extraction permit to mine, crush, and stockpile gravel

**Date:** October 19, 2020  
**File:** PLN20-28

## 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.

Marie Dranttel	<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:** Operation meets applicable  
MPCA standards for mines.  
Meets the county standards in  
the zoning ordinance.

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

Marie Dranttel	<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:** The size and function of the  
facility is not unreasonable for the  
location. Site has access to Hwy 14.  
The site is in a suitable location.  
Hwy 14 is a ten-ton road.

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

Marie Dranttel	<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:** There are five other mines within  
two miles of the site. Other mines  
in the area/neighborhood.

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

Marie Dranttel	<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 for mines within the  
county.

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

Marie Dranttel	<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: Meets standards of Sections 602  
603 and 724 of zoning ord. for  
mining operations in Nicollet Co.

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

Marie Dranttel	<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: Plan states mineral extraction is  
important to Courtland Township.  
Plan states mineral extraction is  
a justifiable industrial use.

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

Marie Dranttel	<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: The mine is not visible from  
the MN River. Will apply dust  
control rather water on zinc  
chloride.

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

Marie Dranttel	<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: There are five other mines within  
two miles of the site. Area is  
predominantly ag.

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

Marie Dranttel	<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: Meets applicable county and  
state standards for mining  
operations. Have an NPDES  
permit in place. Is typical for  
mines in the area / county.



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.

Marie Dranttel	<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: meets all mining standards  
no apparent public health  
standards effects

**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:

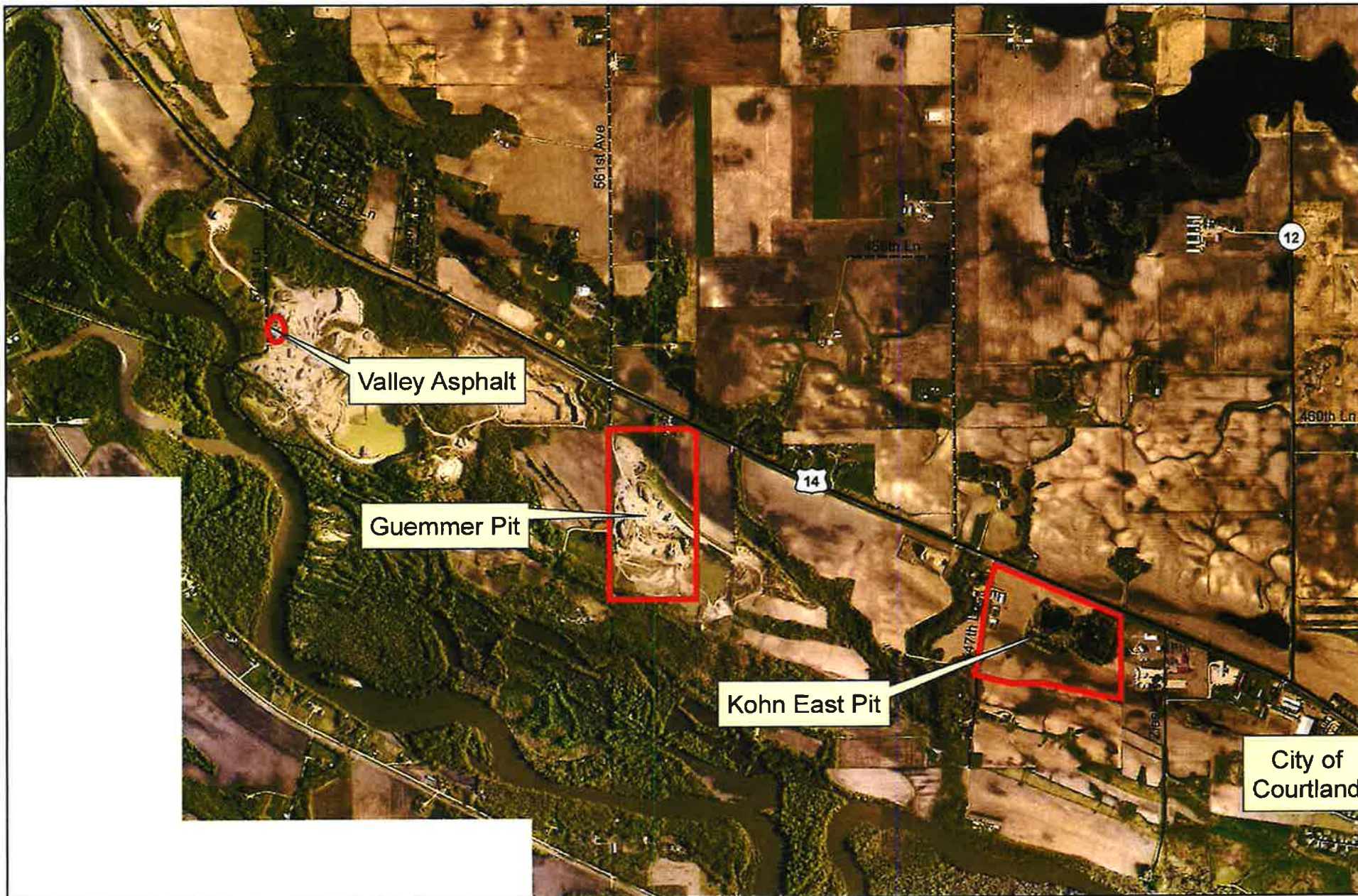
X application        viewed by        members of Commission:  
X staff report        pictures  
       information received at public hearing

Dranttel	<u>      </u>	Regenscheid	<u>      </u>
Enter	<u>      </u>	Wendinger	<u>      </u>
Hermanson	<u>      </u>		<u>      </u>
Laven	<u>      </u>		<u>      </u>

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

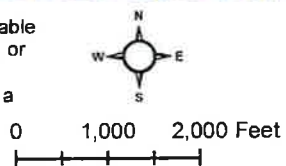
Date: 10-19-20

Chair: Dave Hermanson



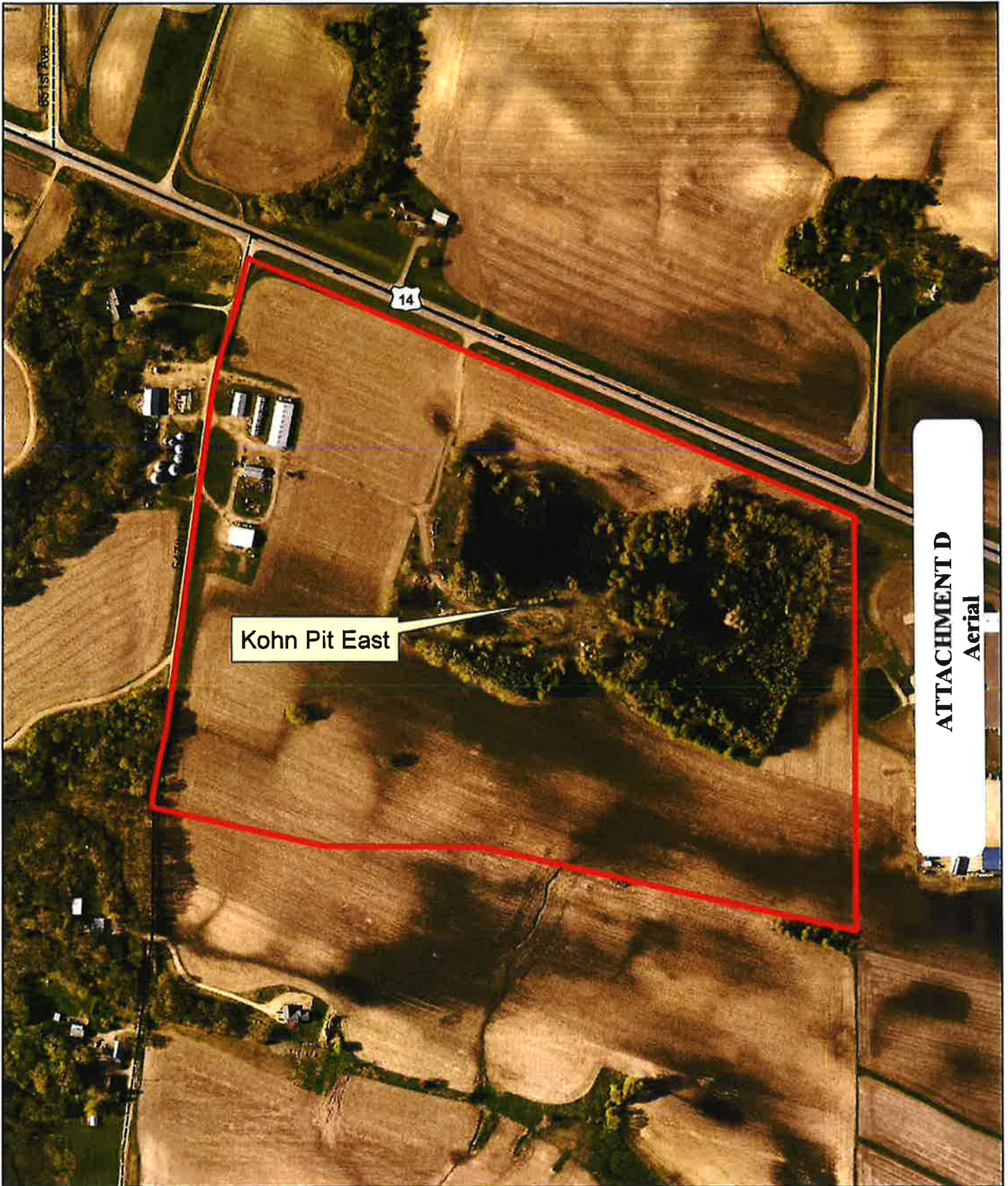
Disclaimer: The information herein is intended to be a true representation of available records. However, there is no guarantee to the user as to the accuracy, suitability, or reliability of this data for any purpose. The Property Services Division of Nicollet County assumes no responsibility for actual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

1:24,000 1 inch = 2,000 feet



## ATTACHMENT C Location Map

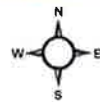




Disclaimer: The information herein is intended to be a true representation of available records. However, there is no guarantee to the user as to the accuracy, suitability, or reliability of this data for any purpose. The Property Services Division of Nicollet County assumes no responsibility for actual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

1:4,800

1 inch = 400 feet



0 200 400 Feet

BG ENTERPRISES LLC  
112 S RIVERFRONT DR STE 122  
MANKATO MN 56001

TIMOTHY BRITZ &  
DOREEN HILLESHEIM BRITZ  
307 ZIESKE RD  
COURTLAND MN 56021

WADE & VELEDA CORDES  
46882 547TH LN  
COURTLAND MN 56021

KOHN BRANDON  
46775 547TH LN  
COURTLAND MN 56021

GARY, KAREN & TIM KOHN  
54650 US HWY 14 - PO BOX 14  
COURTLAND MN 56021

MARK & MICHELE KOHN  
46091 551ST AVE  
COURTLAND MN 56021

TIMOTHY KOHN  
46266 547TH LN  
COURTLAND MN 56021

MARK BARRY & ASSOCIATES LLC  
148 ZIESKE RD PO BOX 997  
NEW ULM MN 56073

MICHALETZ PROPERTIES LLC  
150 ST ANDREWS CT STE 210  
MANKATO MN 56001

MEGAN RODEWALD  
724 SUMMIT AVE  
NEW ULM MN 56073

SMK HOLDINGS LLC  
133 ZIESKE RD  
COURTLAND MN 56021

DAVID & GRACE STOERING TRUST  
430 ZIESKE RD  
COURTLAND MN 56021

GARY & ROXANNE ZIMANSKI  
46772 547TH LN  
COURTLAND MN 56021

COURTLAND TOWNSHIP CLERK  
43370 541ST AVE  
COURTLAND MN 56021

CITY OF COURTLAND  
300 RAILROAD STREET  
COURTLAND MN 56021

**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:**

8.7 Acres being mined or used for mining purposes (stockpiles, equipment storage, haul roads, etc).  
(n) Have not opened up pit yet!  
 \_\_\_\_\_ Acres permitted and remaining to be mined in future phases.  
 \_\_\_\_\_ Acres where land reclamation has occurred.  
 \_\_\_\_\_ 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 to be sent to the Property Services Office on years when the permit is not scheduled for renewal.

**PLEASE PRINT:**

Property Owner: Tim Kohn  
 Owner's Address: 46266 547<sup>th</sup> Lane Coon Lake MN.  
 Contractor working the site: M.R. Pacing & Excavating, Inc.  
 Contractor's address: 2070 North Spring PO Box 787 New Ulm, MN  
 Contractor's phone number: 507-354-4171  
 Date: 9-2-20  
 Applicant (Landowner or Contractor) Signature: [Signature] For M.R. Pacing & Exc.  
 Parcel No. #04.306.0600 Map No. \_\_\_\_\_ Revised 11-29-18 JH

**ATTACHMENT F.1**  
**Mineral Extraction Checklist**



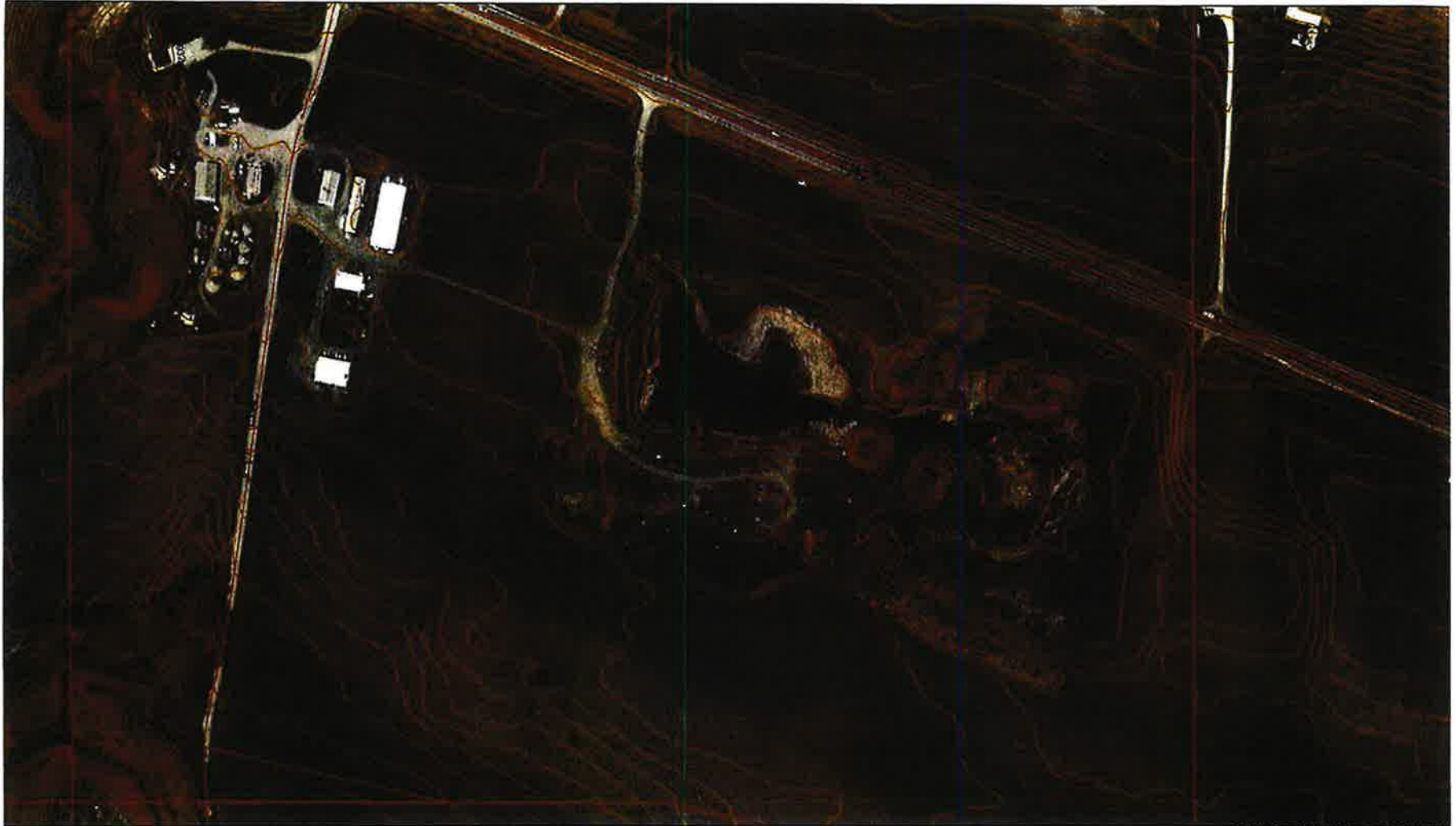
**Leadership. Efficiency.**  
**Accountability. Innovation.**  
**Integrity.**

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

Sec. 6-109-29

Tim Kohn = Parcel #04.3060600

Map A= Existing



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 Environmental Services Department 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



lot lines  
2' contours



## ATTACHMENT F.2 Map A – Existing Conditions (2014)

Sec. 6-109-29

Parcel #04.306.0600

Map B = Proposed  
Mine Areas



$400 \times 500 = 200,000 \text{ sq. ft.}$   
or  
4.6 acres

$150 \times 600 = 90,000 \text{ sq. ft.}$   
or  
2.1 acres

Total Acres  
to Mine  
= 6.7 acres

Stockpile  
Area  
= 2 Acres



Google earth

feet  
meters

2000

700

ATTACHMENT F.3  
Map B – Proposed Operations (2014)



Sec 6-10-1-21

Tim Kory, P.Eng. #04.86661

Map C = End Use Conditions



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 Environmental Services Department of Nicolet 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



lot lines  
2' contours

\* Areas to be mined out 12 feet deep; the end result will be to leave them filled up with water for wildlife!

#### ATTACHMENT F.4 Map C – Reclamation/End Use (2014)





## **CONDITIONAL USE PERMIT**

### **THREE-YEAR REVIEW OF MINERAL EXTRACTION PERMIT**

**VALLEY ASPHALT PRODUCTS, INC. /  
NEW ULM QUARTZITE QUARRIES**

**PLN20-29**

**NICOLLET COUNTY  
PLANNING & ZONING ADVISORY COMMISSION**

<b>SUBJECT:</b>	PLN20-29, Conditional Use Permit
<b>APPLICANT:</b>	Valley Asphalt Products, Inc.
<b>LANDOWNER:</b>	New Ulm Quartzite Quarries
<b>LOCATION:</b>	Northwest 1/4 of the Southwest 1/4 of Section 35-110-30 in Courtland Township
<b>PARCEL NO:</b>	04.035.1705
<b>EXISTING ZONING:</b>	Limited Industry
<b>HEARING DATE:</b>	October 19, 2020

**REQUEST**

The applicant has submitted a request for a three-year review of an asphalt hot mix plant.

**EXISTING LAND USE**

The existing asphalt hot mix plant is located on the New Ulm Quartzite Quarries property approximately one mile east of New Ulm, between U.S. Highway 14 and the Minnesota River. In addition to the asphalt plant, the property contains quartzite mining, storage, and processing facilities. The asphalt plant sits on a portion of the quarry site zoned Limited Industry.

**SURROUNDING LAND USE**

The Minnesota River runs west of the site, with one occupied residence between the river and quarry. The area south of the site lies within the Minnesota River floodplain and is a mix of natural and agricultural land. The Guemmer and Kohn gravel pits are located east of the site. The Guemmer property also contains a demolition debris landfill. Two residential subdivisions are located north of the site – Shady Brook Acres and Fleck's Subdivision. Also located north of the site is Minnesota Valley Lutheran High School.

**PROJECT DESCRIPTION**

***Background:***

The asphalt plant was originally owned and operated by New Ulm Quartzite Quarry (NUQQ) from approximately 1976 to 1988. In 1988, the plant facility was sold, but the Quarry retained ownership of the land on which the plant was located. From 1988 to 1994, Wallner Construction owned and operated the plant. Valley Asphalt Products has owned and operated the plant for the last 23 years. The land on which the plant is located is leased from NUQQ. Relative to the industry, the plant is considered to be a permanent small facility. The plant operates seasonally

from April to November, weather permitting. On average, the plant produces 80,000 to 90,000 tons of asphalt products per year. By comparison, a large plant produces 500,000 to 1,000,000 tons annually. Production at the plant varies throughout the work season according to product demand. Daily production varies considerably, with a range of zero tons to 1,000-2,000 tons of material produced each day.

The plant consists of feed bins, a dryer, a mixer, storage silos, a bag house, several oil tanks, a control house, and a storage trailer. Ingredient materials are stored onsite in several stockpiles. Depending on the product desired, different ingredient materials are transferred by loader from the stockpiles into the feed bins. From the feed bins, materials are transferred by conveyor system to the dryer. From the dryer, materials are fed into the mixer along with oil from the tanks to produce the desired product. Product is then stored in the silos until being loaded onto haul trucks. The trucks then deliver the product to the client. The bag house filters dirt out of the production process. Filtered materials that are recyclable are fed back into the mixer to be reused. The process is controlled from the control house. The storage trailer is used to store spare parts and other maintenance related materials. Equipment used onsite includes the loader and haul trucks. The plant produces asphalt materials for state and county highways, city streets, driveways, parking lots, patch repairs, and cold mix applications. The plant uses recycled asphalt products in new asphalt to minimize cost and reduce waste.

***Current Request:***

The current request is for a three-year renewal of an asphalt hot mix plant. Section 724.2 of the Nicollet County Zoning Ordinance requires that conditional use permits for mineral extraction (including asphalt hot mix plants) be renewed every three years. A total of 205,000 tons of bituminous has been produced by the facility over the past three years.

*NOTE: The operation 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 access to U.S. Highway 14 via 571st Avenue.

***Appearance:***

At this time, the mining area is generally not visible from the Minnesota River, or from U.S. Highway 14.

***Bond:***

Per Section 724.2 of the Nicollet County Zoning Ordinance, a bond must be submitted to the Property Services Division in the amount of at least \$2,500 per acre. The bond shall be valid for a period of not less than one year beyond the expiration date of the permit. The operation has a bond in place with United Fire and Casualty Company which expires in 2021.

***Dust, Noise, and Odor Control:***

When operational, the plant produces an odor typical of asphalt production. The odor is affected by wind direction and humidity. The operation has an Air Quality Permit from the Minnesota Pollution Control Agency. The applicant has noted that, if necessary, an additive could be blended into the asphalt mix to help mask the odor. Dust on haul roads is minimal. At this time, dust control is handled by New Ulm Quartzite Quarries, who utilizes water and chemical treatments as necessary.

***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:***

A decommissioning plan is on file for the property.

***Water:***

The facility maintains a National Pollutant Discharge Elimination System permit from the Minnesota Pollution Control Agency. Stormwater is directed away from the stockpiles and into New Ulm Quartzite Quarries' stormwater system, which discharges to settling basins before final discharge to the Minnesota River.

***Waste Disposal:***

All hazardous substances, such as oil and other maintenance fluids, are enclosed within the storage trailer. The facility utilizes portable toilets and human waste is disposed of by a sanitation company. All garbage is 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:*

- There exist no extraordinary circumstances regarding the facility.

- The operation meets Sections 505, 608, and 724 of the Zoning Ordinance for hot mix plants in the Limited Industrial zoning district.
- The facility meets the applicable Minnesota Pollution Control Agency standards for air quality.

**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 hot mix plant operations.
- The size and function of the facility is not unreasonable for the location.
- The facility utilizes U.S. Highway 14, which is a ten-ton road.

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

*True, because:*

- The surrounding land use is predominantly agricultural, industrial, residential, and natural environment.
- The facility is located within an industrial zoned area.

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

*True, because:*

- The facility is generally not visible from U.S. Highway 14 at this time.
- The operation appears to be typical for hot mix plants within the county.

**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 608 and 724 of the Zoning Ordinance for hot mix plants in the Limited Industry zoning district.

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

*True, because:*

- A reclamation plan is on file for the property. The site falls under the overall reclamation plan for New Ulm Quartzite Quarries.

**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 facility has an Air Quality Permit from the Minnesota Pollution Control Agency.
- Water and chemical treatments are used to control dust.

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

*True*, because:

- The facility is located within the Limited Industry zoning district.
- There are other industrial uses in the area (e.g. mining operations).

**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 hot mix plants.
- The operation appears to be typical for hot mix plants within the county.
- The site maintains an Air Quality 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 ten conditional use permit criteria. The granting of a conditional use permit from Sections 505, 608, 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. The applicant shall conduct asphalt production operations between 7AM and 7PM, except in the event of an emergency.
5. The applicant shall comply with Minnesota Rules 7030, as amended, governing noise.
6. The applicant shall be required to maintain a National Pollutant Discharge Elimination System permit and an Air Emission Permit from the Minnesota Pollution Control Agency.
7. Any change involving enlargement, intensification of use, or similar change not specifically permitted by this conditional use permit shall require an amended conditional use permit.
8. The applicant shall use dust reducing techniques along 571st Lane during times of heavy traffic and dry conditions. This may include the watering of sections of the road in which trucks will travel or some other method that will minimize the dust generated from the increased truck traffic.
9. The applicant shall submit a decommissioning plan for the asphalt hot mix plant.
10. The applicant shall obtain a bond for the area actively connected with the asphalt hot mix plant. Any increase in the amount of acres actively connected with the asphalt hot mix plant requires an additional/amended bond covering the additional acreage be submitted to Nicollet County Property Services.
11. The conditional use permit for the asphalt hot mix plant must be reviewed on a three (3) year basis (renewal required in October 2023).

Parcel No: 04.035.1705  
Map No: 1035400029

**Applicant: Valley Asphalt Products, Inc.**  
**Landowner: New Ulm Quartzite Quarries**

**PLN20-29**

- ATTACHMENT A    Application**
- ATTACHMENT B    Criteria for Conditional Use Permit**
- ATTACHMENT C    Location Map**
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- ATTACHMENT E    Neighbor Notification List**
- ATTACHMENT F    NUQQ Reclamation Plan**
- ATTACHMENT G    Documents Submitted by Applicant**
  - G.1    Mineral Extraction Checklist**





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

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PLANNING & ZONING ADVISORY COMMISSION  
APPLICATION

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Total Fees: \$446.00

Map#: 1035400029  
Parcel#: 040351705  
Permit#: PLN20-00029  
Date: September 16, 2020

Applicant: JEFF CARLSON, VALLEY ASPHALT PRODUCTS, INC., 2020 NORTH SPRING STREET, NEW ULM MN 56073

Phone: 354-4171

Owner: NEW ULM QUARTZITE QUARRIES INC, PO BOX 55038, LEXINGTON KY 40555

Property Address: 0 Highway 14, New Ulm MN 56073

Abbreviated Legal Description: COMB LOTS 1-12 BLK 13; LOTS 1-9 BLK 14; LOTS 1-30 BLK 15; & LOTS 1-18 BLK 16 LACHAPELLE MYRICK & MAGNERS ADD; 12.47CR 10.34PL ACRES & THAT PART OF SW1/4 IN SEC 35 LYG S OF US 14 ROW. ACRES 146.80CR & PT SE1/4 SEC 35 LYG S OF US 14 ROW "E

Township: Courtland Township

Record Type: Conditional Use

Category: Mineral Extraction

Project Description: Three-year review of an asphalt hot mix plant. Ref Zoning Ordinance 505, 608.3, and 724.

Planning Commission Hearing Date: 10/19/2020

Board of Commissioners Date: 10/27/2020

See Mining Checklist  
APPLICANT SIGNATURE

9-16-20  
DATE

ATTACHMENT A  
Application



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

**Name of Applicant:** Valley Asphalt Products, Inc.  
**Property Owner:** New Ulm Quartzite Quarries  
**Use Requested:** Three-year review of an asphalt hot mix plant

**Date:** October 19, 2020  
**File:** PLN20-29

## 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.

Marie Dranttel	<input checked="" type="checkbox"/> YES	<input type="checkbox"/> NO	<b>WHY:</b> <u>There are no extraordinary circumstances regarding the facility. Meets applicable MPCA standards for air quality.</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	

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

Marie Dranttel	<input checked="" type="checkbox"/> YES	<input type="checkbox"/> NO	<b>WHY:</b> <u>The size and function of facility not unreasonable for its location. Has access to Hwy 14. Has minimal burden on infrastructure.</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	

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

Marie Dranttel	<input checked="" type="checkbox"/> YES	<input type="checkbox"/> NO	<b>WHY:</b> <u>Facility located in an industrially zoned 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	

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

Marie Dranttel	<input checked="" type="checkbox"/> YES	<input type="checkbox"/> NO	<b>WHY:</b> <u>Facility is not visible from US Hwy 14. Facility is surrounded by trees.</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	

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

Marie Dranttel	<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: Meets the standards of Sections 721 and 608 of the Zoning Ord.  
Meets standards for hot mix plants. Located in Limited Ind. Zoning district.

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

Marie Dranttel	<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: Has a reclamation plan on file with NDAQ and county.

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

Marie Dranttel	<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: Treatments used to control dust. Facility has air quality permit from MPCA.

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

Marie Dranttel	<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: There are other industrial uses in the area. Located in a limited industrial zone.

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

Marie Dranttel	<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: Site maintains air quality permit from MPCA. Typical for hot mix plant in the county. Meets the applicable county and state standards.

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:

Marie Dranttel	<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: meets all county standards

**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: 10-19-20

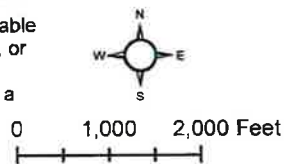
Chair: Dave Hennrich





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.

1:24,000 1 inch = 2,000 feet



## ATTACHMENT C Location Map



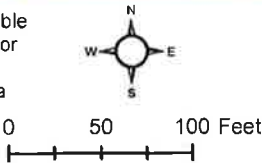


**ATTACHMENT D**  
**Aerial**

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.

1:1,200

1 inch = 100 feet



GLEN & LAUREN ALBRECHT  
56929 HILLCREST LN  
NEW ULM MN 56073

JOSE AREVALO  
45323 KOHN DR  
NEW ULM MN 56073

JUAN & SAN JUANA AREVALO  
56963 HILLCREST LN  
NEW ULM MN 56073

JAMIE & GINA BERG  
45304 KOHN DR  
NEW ULM MN 56073

JEFFREY ERNEST & WENDY BERTRANG  
45493 JEREMY DR  
NEW ULM MN 56073

HOWARD BLUME  
45458 561ST AVE  
NEW ULM MN 56073

MARCELLA BODE  
45479 561ST AVE  
NEW ULM MN 56073

RONALD & SANDRA BORTH  
45184 EDGEWOOD DR  
NEW ULM MN 56073

SHANE & KERI BRADLEY  
45233 SUNRISE DR  
NEW ULM MN 56073

GARY & SHIRLEY BRUNS  
57012 HILLCREST LN  
NEW ULM MN 56073

LARRY DERKSEN & JOLENE BENNING  
45228 SUNRISE DR  
NEW ULM MN 56073

DAVID & PATRICE DITTRICH  
45508 JEREMY DR  
NEW ULM MN 56073

JASON & JODY ENTER  
57108 422ND ST  
NEW ULM MN 56073-4321

DANIEL & SHEILA ESSER  
56932 HILLCREST LN  
NEW ULM MN 56073

STEVEN & JOAN FENSKE  
10732 W WHITE MOUNTAIN RD  
SUN CITY AZ 85351

CURTIS & KRISTIN FORBROOK  
45261 JEREMY DR  
NEW ULM MN 56073

NORMAN & LISA GRATHWOHL  
56998 HILLCREST LN  
NEW ULM MN 56073

JOHN & DIANE GREJTAK  
56923 HILLCREST LN  
NEW ULM MN 56073

DORIS HELEN GUEMMER  
912 35TH AVE N  
SAINT CLOUD MN 56303

DENNIS GULDAN  
1226 S GERMAN ST  
NEW ULM MN 56073

JOHN HEYMANN  
316 S STATE ST  
NEW ULM MN 56073

HIPSTER LLC  
1220 SOUTH VALLEY ST  
NEW ULM MN 56073

SCOTT & KATHY HULKE  
45274 SUNRISE DR  
NEW ULM MN 56073

JOSHUA KALK  
45205 JEREMY DR  
NEW ULM MN 56073

MARY LADE  
56933 BROOKVIEW LN  
NEW ULM MN 56073

LEGARE DENNIS LEGARE  
46126 571ST LN  
NEW ULM MN 56073

DELORES LESKEY  
45165 EDGEWOOD DR  
NEW ULM MN 56073

LEON & MARY LUDEWIG  
45196 SUNRISE DR  
NEW ULM MN 56073

DOUGLAS & KATHLEEN LUND  
45541 JEREMY DR  
NEW ULM MN 56073

PATRICK MEHLHOP  
45272 JEREMY DR  
NEW ULM MN 56073

**ATTACHMENT E**  
**Neighbor Notification List**

STEVEN & BETH NELSON  
45210 JEREMY DR  
NEW ULM MN 56073

DENNIS & SHARON NORDBY  
45201 SUNRISE DR  
NEW ULM MN 56073

RONALD & CARLOTTA OHM  
56947 HILLCREST LN  
NEW ULM MN 56073

BRIAN & JUDY RAHE  
45691 561ST AVE  
NEW ULM MN 56073-9132

DAVID & CHRISTENE ROLLOFF  
45452 JEREMY DR  
NEW ULM MN 56073

JASON & DINAH SPURGIN  
45318 JEREMY DR  
NEW ULM MN 56073

NICHOLAS STEVENSEN & CHELSEY BODE  
45402 JEREMY DR  
NEW ULM MN 56073

TIMOTHY WAIBEL  
45438 541ST AVE  
COURTLAND MN 56021

GARY & LINDA WATSON  
56944 HILLCREST LN  
NEW ULM MN 56073

AARON & LEAH WIDMARK  
45309 JEREMY DR  
NEW ULM MN 56073

COURTLAND TOWNSHIP CLERK  
43370 541ST AVE  
COURTLAND MN 56021

CITY OF COURTLAND  
300 RAILROAD STREET  
COURTLAND MN 56021





www.is-grp.com

Mankato, MN  
Faribault, MN  
Storm Lake, IA  
Algona, IA  
Sac City, IA  
La Crosse, WI

ARCHITECTS · ENGINEERS · PLANNERS · LAND SURVEYORS · SCIENTISTS

January 14, 2014

Jon Hammel  
Deputy Zoning Administrator/Planner  
501 South Minnesota Avenue  
St. Peter, MN 56082

Re: New Ulm Quartzite Quarry  
Reclamation Narrative

Mr. Hammel:

On behalf of New Ulm Quartzite Quarry, we are submitting the following narrative on reclamation activities for the mining activities at the quarry. This narrative is intended to supplement the existing Environmental Assessment Worksheet (EAW) that has previously been prepared.

Reclamation activities will consist of reclaiming the site to grassland and lakes. Reclamation will consist of grassland seeding for reclamation with final grade at a maximum of 3 to 1 contours on the sideslopes with final bottom elevation dependent upon the amount of material remaining. Topsoil will be restored to a depth sufficient for plants to become established, which is a minimum of approximately 2-6 inches. The grading will consist of restoring the site with remaining overburden and potentially clean topsoil from offsite if needed. Grading will be utilized to maintain the surface runoff from the site and allow stormwater to infiltrate and remain onsite. The undisturbed areas on the site (setback areas) will remain in the current vegetated state. Final reclamation will be dependent upon site conditions and the final depths of mining.

The reclamation plan for the Project will be reviewed during future phases as mining progresses. Changes may be made to the original reclamation plan through mutual consent of the Proposer and the County.

If you have any questions, please do not hesitate to contact us.

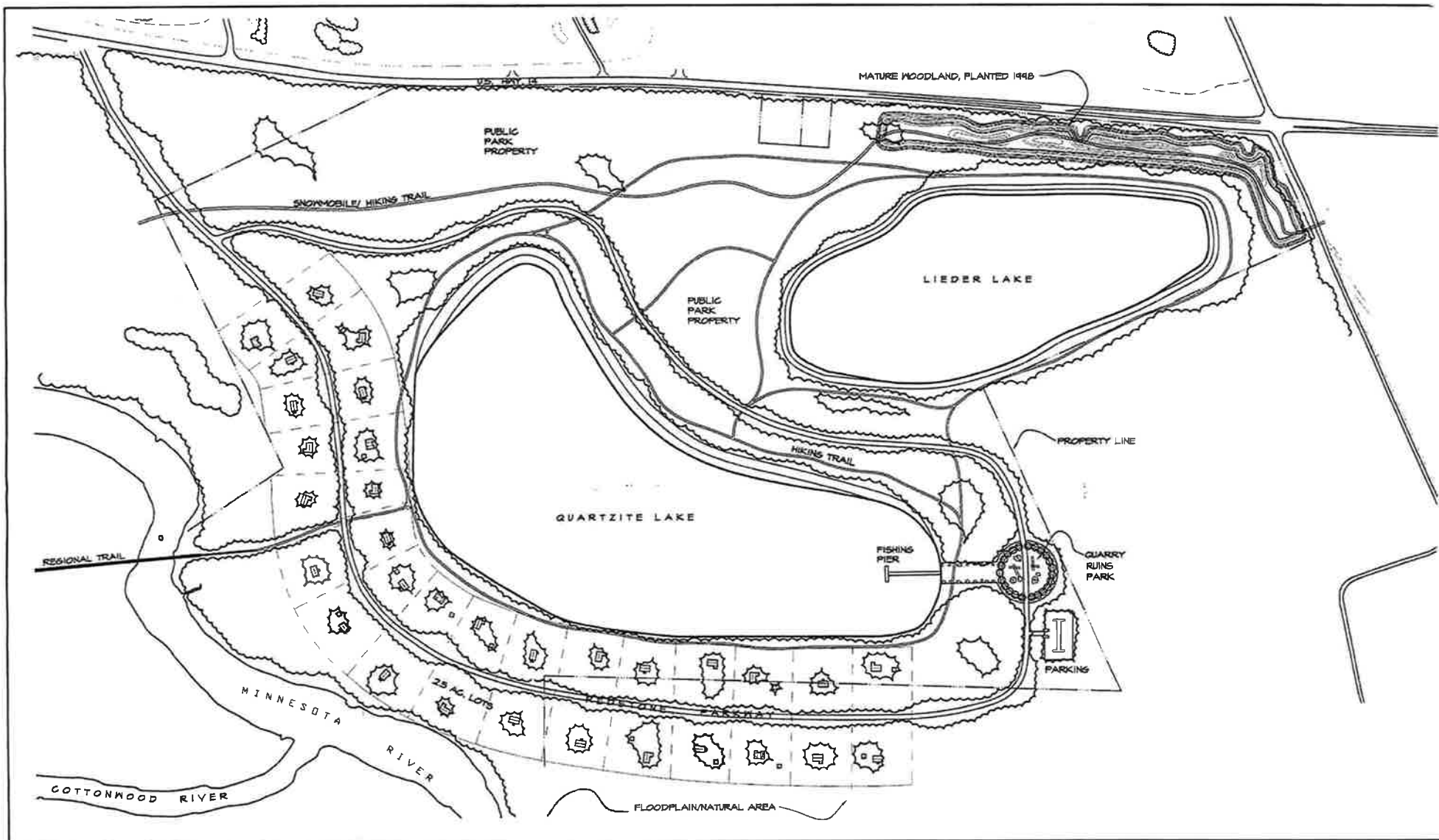
Sincerely,

Matt Brand, P.E.  
Civil Engineer

Cc: Terry Overn, OMG Midwest  
Andie, Gieske, New Ulm Quartzite Quarry



**ATTACHMENT F**  
**NUQQ Reclamation Plan**



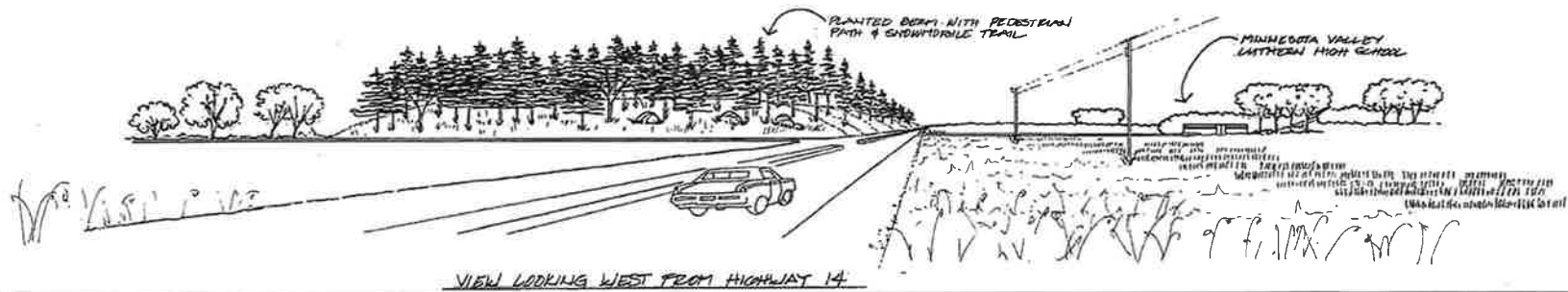
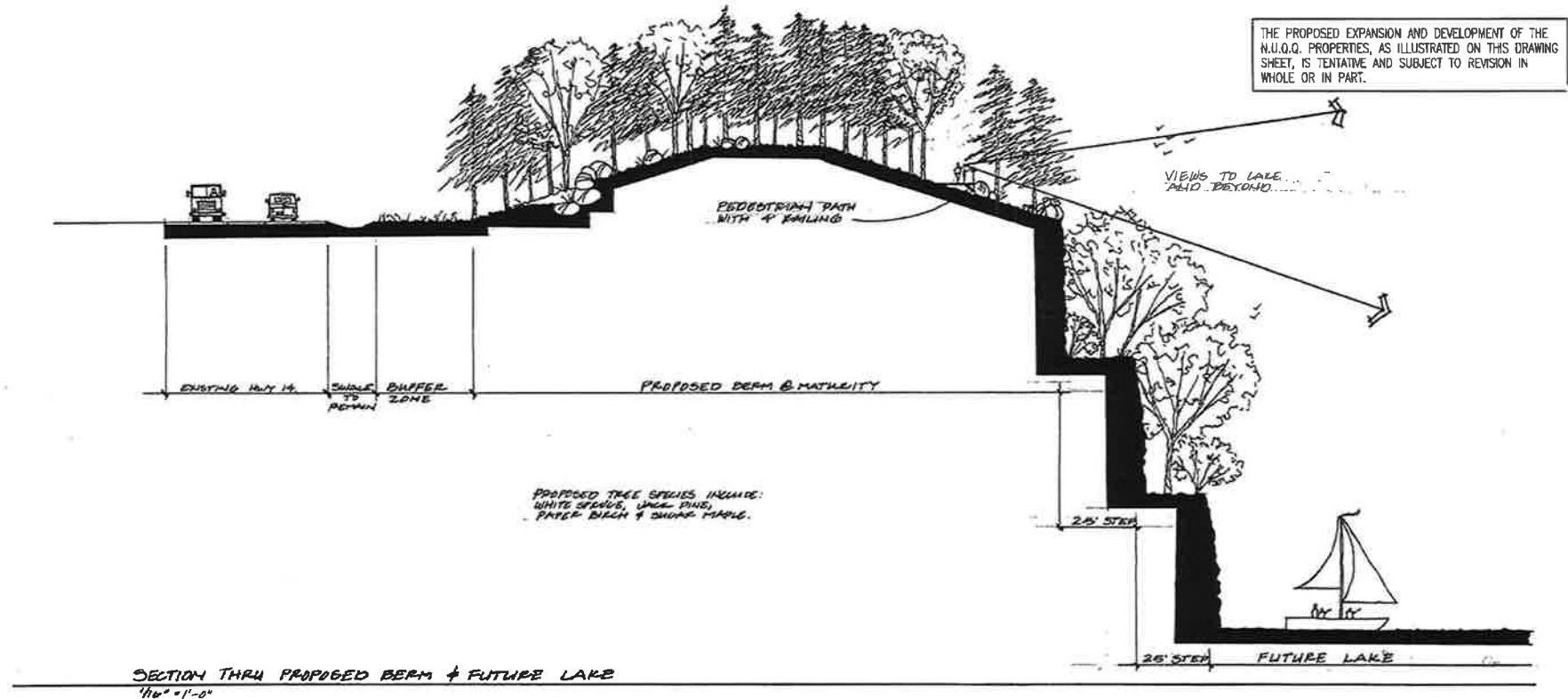
## NEW ULM QUARTZITE QUARRIES NEW ULM, MINNESOTA

### RECLAMATION PLAN PROPOSED BEYOND YEAR 2075

**landscape architecture**  
275 E 4TH ST.  
ST. PAUL, MN 55101  
PHONE: 612-222-5754  
FAX: 612-222-1017

The proposed expansion & development  
the N.U.Q.Q. properties, as illustrated  
on this drawing sheet, is tentative and  
subject to revision in whole or in part.





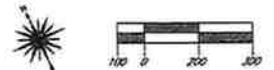
## NEW ULM QUARTZITE QUARRIES

NEW ULM, MINNESOTA

### SECTION AND PERSPECTIVE OF BERM

landscape architecture  
275 E 4TH ST.  
ST. PAUL, MN 55101  
PHONE: 612-222-5754  
FAX: 612-222-1017

The proposed expansion & development the N.U.Q.Q. properties, as illustrated on this drawing sheet, is tentative and subject to revision in whole or in part.





**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:**

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

**TONNAGE OF MATERIAL REMOVED:** *for Bituminous pavement*

205,000 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: MPM - Minnesota Paving & Materials, A CRH Company

Owner's Address: Sec 35 Twp 110 Range 030 Courtland Twp

Contractor working the site: Valley Asphalt Products

Contractor's address: 2020 North Spring PO Box 787 New Ulm MN 56073

Contractor's phone number: 507-354-4171

Date: 9-14-20

Applicant (Landowner or Contractor) Signature: [Signature] Valley Asphalt Products

Parcel No. 04.035.1705 Map No. 10-35-400-029 Revised 11-29-18 JH

**ATTACHMENT G.1**  
**Mineral Extraction Checklist**



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.



## **CONDITIONAL USE PERMIT**

### **THREE-YEAR REVIEW OF MINERAL EXTRACTION PERMIT**

**GELDNER BROTHERS  
SAND & GRAVEL, LLC**

**PLN20-32**

**NICOLLET COUNTY  
PLANNING & ZONING ADVISORY COMMISSION**

<b>SUBJECT:</b>	PLN20-32, Conditional Use Permit
<b>APPLICANT/LANDOWNER:</b>	Geldner Brothers Sand & Gravel, LLC
<b>LOCATION:</b>	Part of the Southwest 1/4 of Southwest 1/4 of Section 33-111-26 in Lake Prairie Township
<b>PARCEL NO:</b>	07.133.0300
<b>EXISTING ZONING:</b>	Conservancy
<b>HEARING DATE:</b>	October 19, 2020

**REQUEST**

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

**EXISTING LAND USE**

The site is located along the western side of U.S. Highway 169, approximately 1.5 miles north of the City of Saint Peter. The property consists of 11.67 acres. The property contains the existing mining area and wooded bluff land. The mining area is located on the western half of the site. The property is mostly zoned Conservancy. There is a small portion of the property in the Floodplain district.

**SURROUNDING LAND USE**

U.S. Highway 169 and the Minnesota River Valley lay east of the site. The surrounding land uses are a mix of natural environment and agricultural. The Kendall pit is located north of the site, the GP-75, LLC (formerly Brostrom-Pell) pit is located to the west, and the Woelpern pit is located to the south. Robart's Creek is also located south/southwest of the site.

**PROJECT DESCRIPTION**

***Background:***

The gravel pit was originally permitted in 1988. The operation is an open pit gravel mine. The original permit covered both the current Geldner Brothers pit and the adjacent pit to the north currently owned by Mark and Susan Kendall. During the 2011 renewal, the permit was amended to cover only the Geldner Brothers gravel pit. In addition to the mining, crushing, and stockpiling of gravel, a hot mix plant may also operate onsite after obtaining the appropriate County permits.

***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. Section 724.2 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 four acres actively being mined and not yet reclaimed, of the 11.67 acre property. 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.

***Appearance:***

The gravel pit 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 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 Continuation Certificate from International Fidelity Insurance Company on file, which expires in 2021.

***Dust, Noise, and Odor Control:***

Dust on haul roads is minimal. When necessary, roads are treated with water to control 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:***

There is a reclamation/end use plan on file for the facility. The proposed end use is wildlife habitat.

***Water:***

Stormwater 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. All garbage is removed on a daily basis.

**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 Sections 505, 603, 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. U.S. Highway 169 is a ten-ton road.

**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 three other mines within one mile of 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 generally not visible from U.S. Highway 169 at this time.
- The operation appears to be typical for mines within the county.
- Within one mile of the site there are three other mines.

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

- 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 when necessary 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 three other mines within one mile 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 mining operations.
- The operation appears to be typical for 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 ten conditional use permit criteria. The granting of a conditional use permit from Sections 603 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. The conditional use permit to mine, crush, and stockpile gravel is reviewed in April 2020.
5. The bond shall be amended as needed to cover the amount of actively mined and not yet reclaimed acres. The bond must be kept in force during the time of operation.
6. A continuation certificate of the bond shall be sent to Property Services with no lapse in time during the course of this permit.
7. Dust control measures shall be implemented if needed. Parcel No: 07.133.0300 / Map No: 0833300003

**Applicant/Landowner:  
Geldner Brothers Sand & Gravel, LLC**

**PLN20-32**

- 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    Map A – Existing Conditions
- F.3    Map B – Proposed Operations
- F.4    Map C – Reclamation/End Use



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

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PLANNING & ZONING ADVISORY COMMISSION  
APPLICATION

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Total Fees: \$446.00

Map#: 0833300003  
Parcel#: 071330300  
Permit#: PLN20-00032  
Date: September 28, 2020

Applicant: GELDNER BROTHERS SAND & GRAVEL LLC, , 28808 W LAKE DR, MADISON LAKE MN 56063  
Phone: 327-7205  
Owner: GELDNER BROTHERS SAND & GRAVEL LLC, 28808 W LAKE DR, MADISON LAKE MN 56063  
Property Address: 39962 US HIGHWAY 169, ST PETER MN 56082  
Abbreviated Legal Description: TRACT IN SW 1/4 OF SW 1/4 "EX .16 AC" ACRES 11.67  
Township: Lake Prairie Township

Record Type: Conditional Use

Category: Mineral Extraction

Project Description: Three-year review of a mineral extraction permit to mine, crush, and stockpile gravel, with a hot mix plant. Ref: Zoning Ordinance 505, 603.3, 724.

Planning Commission Hearing Date: 10/19/2020

Board of Commissioners Date: 10/27/2020

See Mining Checklist  
APPLICANT SIGNATURE

9-28-20  
DATE

ATTACHMENT A  
Application



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

**Name of Applicant:** Geldner Brothers Sand & Gravel, LLC  
**Property Owner:** Three-year review of a mineral extraction permit to  
**Use Requested:** mine, crush, and stockpile gravel, with a hot mix plant

**Date:** October 19, 2020  
**File:** PLN20-32

## 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.

Marie Dranttel	<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:** There are no extraordinary circumstances. Its a typical mining operation in the county. Meets MPCA standards.

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

Marie Dranttel	<input 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:** Burden on infrastructure is minimal. US Hwy 169 is a ten ten road. Access onto Hwy 169.

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

Marie Dranttel	<input 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:** Its in a ag and natural environment area. There are other mines in the area.

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

Marie Dranttel	<input type="checkbox"/> YES	<input type="checkbox"/> NO
Jason Enter	<input checked="" 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:** There are three other mines within one mile of site. The mine is not visible from Hwy 169.

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

Marie Dranttel	<input 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: Meets Sections 505, 603 and 724 of zoning ord. for mining operations in the conserancy zoning district.

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

Marie Dranttel	<input 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: Has a reclamation plan in place.

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

Marie Dranttel	<input 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: There is no blasting onsite.

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

Marie Dranttel	<input 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: There are three other mines within one mile of the site.

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

Marie Dranttel	<input 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: Its typical for mines in the county. They have a NPDES permit. Meets county and state standards for mining.

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:

Marie Dranttel	<input 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: meets county standards,  
no apparent adverse effects to  
public health and safety.

**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: 10-19-20

Chair: Dave Hermanson

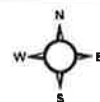




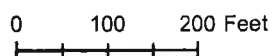




Disclaimer: The information herein is intended to be a true representation of available records. However, there is no guarantee to the user as to the accuracy, suitability, or reliability of this data for any purpose. The Property Services Division of Nicollet County assumes no responsibility for actual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



1:2,400 1 inch = 200 feet



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

GP-75 LLC  
PO BOX 30  
SAINT PETER MN 56082

JASTER LYLE  
38949 COUNTY ROAD 20  
SAINT PETER MN 56082

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

CITY OF SAINT PETER  
ATTN RUSS WILLE  
227 SOUTH FRONT STREET  
SAINT PETER MN 56082

LAKE PRAIRIE TOWNSHIP CLERK  
33952 348TH STREET  
LE SUEUR MN 56058

**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.  
0 Acres where land reclamation has occurred.  
7.67 Acres not permitted to be mined (non-mining related acres).  
11.67 Total acreage of property.



**TONNAGE OF MATERIAL REMOVED:**

\_\_\_\_\_ 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: Geldner Bros Sand & Gravel LLC Box 507 3277205  
 Owner's Address: 1263 South Front ST PETER MN 56082  
 Contractor working the site: NA  
 Contractor's address: NA  
 Contractor's phone number: NA  
 Date: \_\_\_\_\_  
 Applicant (Landowner or Contractor) Signature: [Signature]  
 Parcel No. 07.133.0300 Map No. 0833306003

Revised 11-29-18 JH

Mission Statement  
Providing efficient services  
with innovation and accountability.

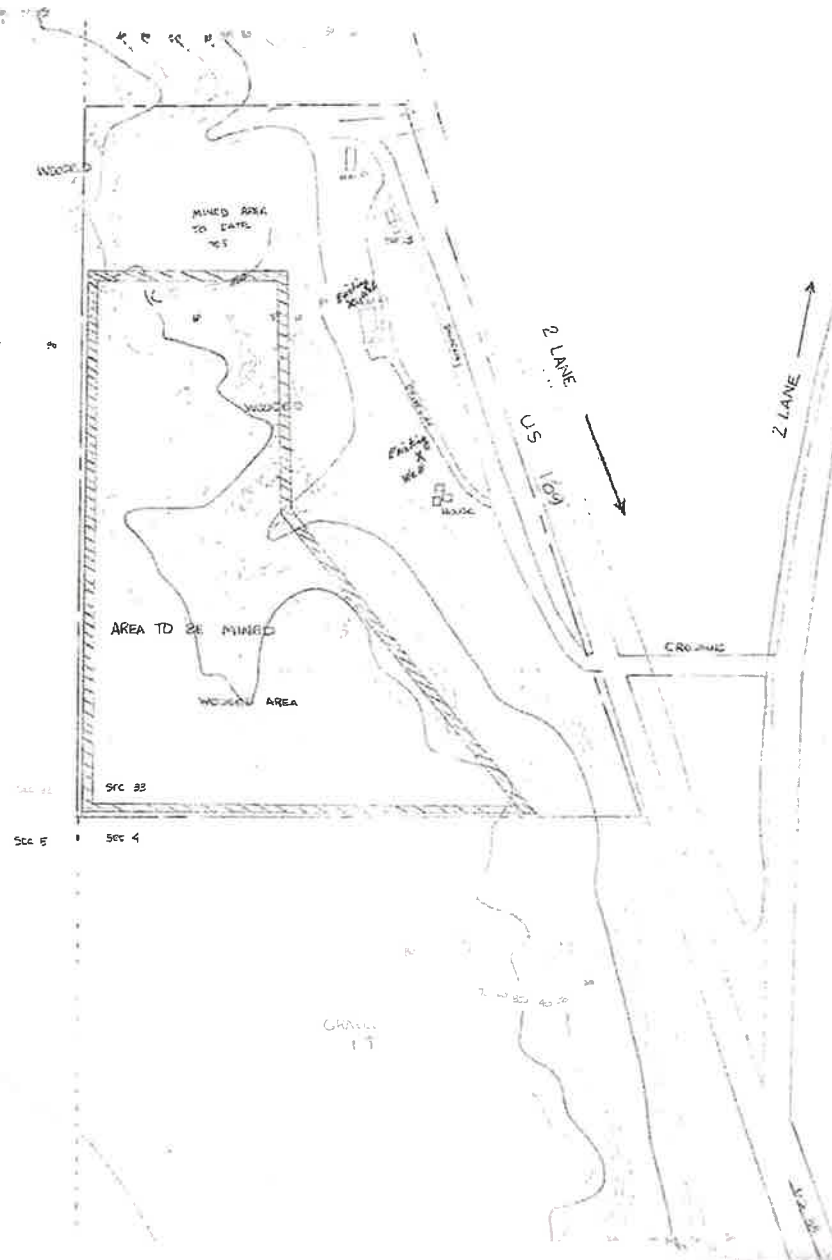
Leadership. Efficiency.  
Accountability. Innovation.  
Integrity.

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



GRAVEL  
PIT

GRASSY FIELD



SCALE 1"=100'

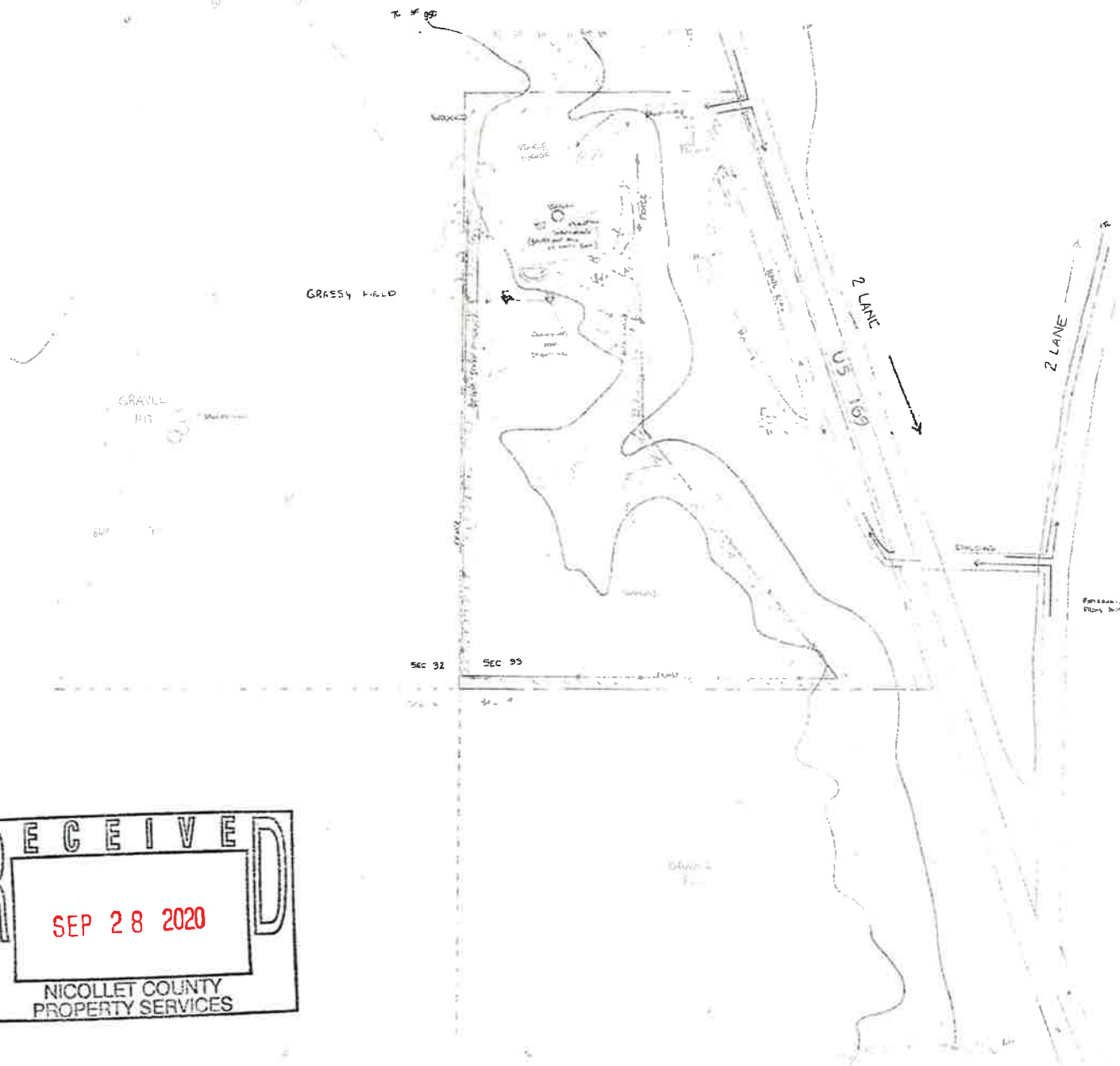
BOUNDARY LINE  
OF LEASED PROPERTY

NOTE: CONTOURS AND SECTION LINES HAVE BEEN  
INTERPOLATED FROM U.S.G. 15" QUADRANGLE

MAP A  
EXISTING CONDITIONS

NORTHERN CON-AGG, INC  
NICOLLET COUNTY, MN  
CONDITIONAL USE PERMIT MAP

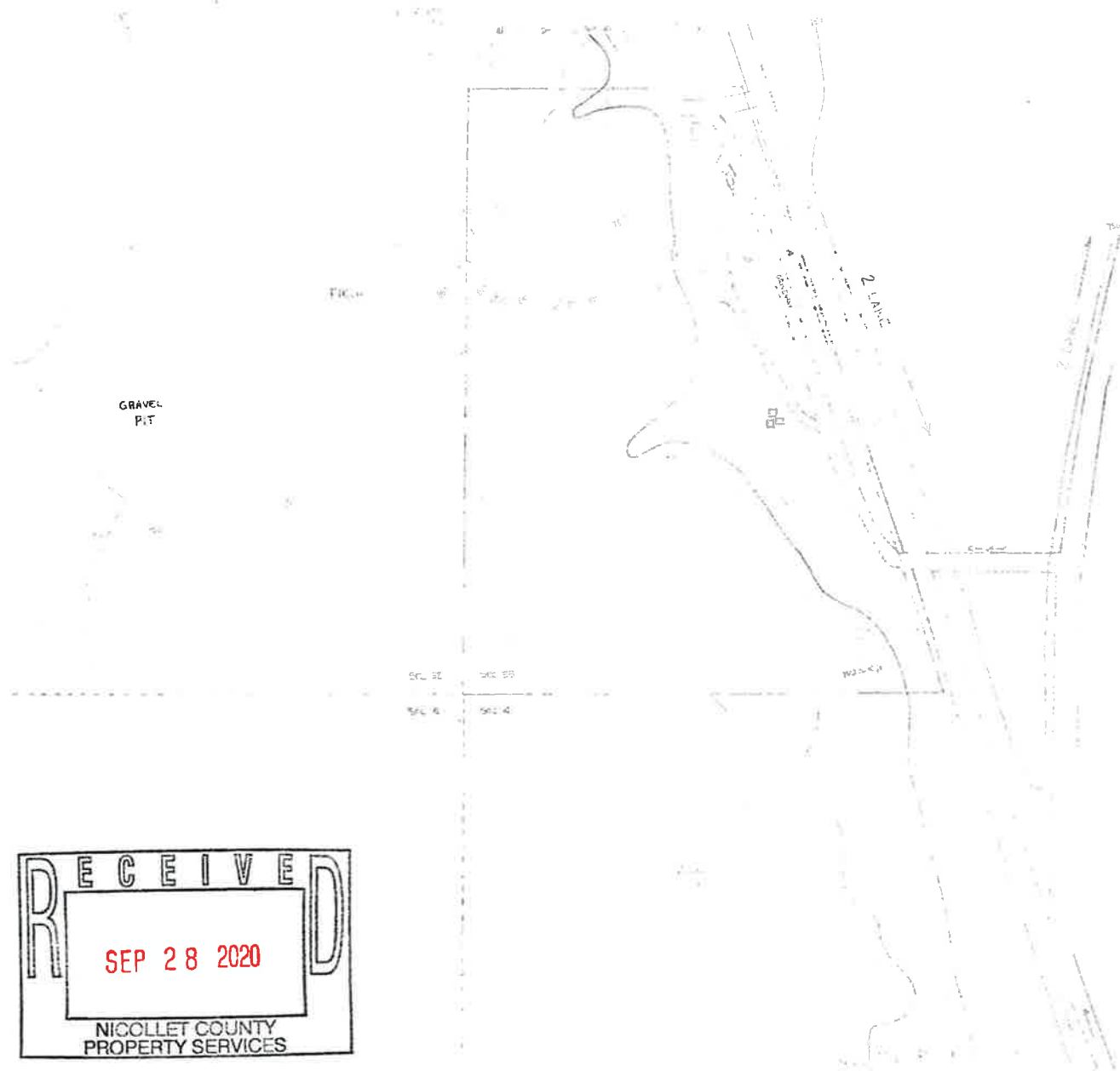
**ATTACHMENT F.2**  
**Map A - Existing Conditions**



N  
SCALE 1" = 100'

MAP B  
PROPOSED OPERATIONS

**ATTACHMENT F.3**  
**Map B - Proposed Operations**



**ATTACHMENT F.4**  
**Map C - Reclamation/End Use**





Permit Form

RECORD ID	RECORD TYPE	DESCRIPTION	ADDRESS	OWNER NAME
<a href="#">BLD20-00157</a>	SSTS Permit	Replacement septic system for a 4 bedroom house. New septic tank, New pump tank and new mound soil treatment area designed for this location	45318 551ST AVE COURTLAND, MN 56021	SCHROEDER JASON J & MICHELE A SCHROEDER
<a href="#">BLD20-00158</a>	Structure Permit	Construct a 60' x 120' (7,200 sq ft) machine shed.	64008 FORT RD NEW ULM, MN 56073	BASTIAN MICHAEL
<a href="#">BLD20-00159</a>	Structure Permit	Construct a 14' x 28' (392 sq ft) in-ground pool. #IR731136	18396 HONEYSUCKLE LN NORTH MANKATO, MN 56003	HOLM JENNIFER & PATRICK HOLM
<a href="#">BLD20-00160</a>	SSTS Compliance Inspection	Compliance inspection for property transfer	52894 VALLEYVIEW CIR N MANKATO, MN 56003	MADSON MARK D & SHARON D MADSON
<a href="#">BLD20-00161</a>	Structure Permit	Move in an 8' x 40' (320 sq ft) storage container for personal storage.	40271 591ST AVE NEW ULM, MN 56073	ZIESKE SANDRA
<a href="#">BLD20-00162</a>	SSTS Compliance Inspection	Compliance inspection from property transfer. House appears uninhabitable. System abandonment is an option	51497 430TH LN COURTLAND, MN 56021	HAYEMIER DAVID
<a href="#">BLD20-00163</a>	Structure Permit	Place a 10' x 16' (160 sq ft) utility shed on property.	44183 551ST AVE COURTLAND, MN 56021	SCHUGEL RONALD J & KAY A SCHUGEL
<a href="#">BLD20-00164</a>	Structure Permit	Construct a 110 AU swine nursery feedlot with total footprint of 9,458 sf. Main building will be 82' x 111'. Applicant will serve as general contractor. Owner permission letter submitted.	40754 441ST AVE NICOLLET, MN 56074	COMPART REVOCABLE TRUST RICHARD R
<a href="#">BLD20-00165</a>	SSTS Compliance Inspection	Compliance inspection for zoning construction permit. Testimony in lieu of actual inspection requiring the replacement of the system within 10 months.	48552 471ST AVE NICOLLET, MN 56074	KETTNER LYLE
<a href="#">BLD20-00166</a>	Structure Permit	Construct a new single family dwelling. Total footprint of 1,040 sf. (House is 1536 sf. Attached garage is 1141 sf. Covered porch is 161 sf. Covered patio is 202 sf.) 5 Bedroom. Finished basement. Constructing a 32' x 60' (1,920 sf) shed too. Contractor is R.Henry. BC180205. 611 address, sign, and mailbox support also.	0 COUNTY ROAD 13 N MANKATO, MN 56003	R HENRY INVESTMENTS LLC
<a href="#">BLD20-00167</a>	Structure Permit	Construct a 880 sf (20' x 44') in ground pool with a cement deck. Contractor is applicant. BC280601.	37960 VALLEYVIEW RD ST PETER, MN 56082	BOYUM HEIDI L TRUST
<a href="#">BLD20-00168</a>	Structure Permit	Construct a 24' x 24' or 576 sf pavilion. Contractor is Minnesota Homeworks, LLC. BC740901	30018 COUNTY ROAD 13 N MANKATO, MN 56003	GRAFFITH MEGAN P & TYLER J GRAFFITH
<a href="#">BLD20-00169</a>	Structure Permit	Convert three-season porch to four-season porch. Area is 9' x 20' (180 sf). Contractor is John Fritz. BC635833. Not expanding footprint. Not getting closer to the bluff.	18231 TIMBER LN ST PETER, MN 56082	CHRISTENSEN MARK A & DIANE E CHRISTENSEN
<a href="#">BLD20-00170</a>	SSTS Permit	Replacement septic system for a 4 bedroom house. New septic tank and new pump tank. New soil treatment area designed for this house.	38614 STATE HIGHWAY 21 ST PETER, MN 56082	HERBERG ROGER & HANNAH TRUST
<a href="#">BLD20-00171</a>	SSTS Permit	Replacement septic system for a 4 bedroom house. New septic tank and new pump tank and a soil treatment area installed by variance. Soil treatment area done in an area requiring a soil correction due the conditions of the site.	62208 COUNTY ROAD 21 NEW ULM, MN 56073	GIESEKE PATRICK E & SHANA E GIESEKE
<a href="#">BLD20-00172</a>	SSTS Permit	Replacement septic system for a 4 bedroom house. New septic tank and new pump tank. New soil treatment area designed for this house.	65141 FORT RD NEW ULM, MN 56073	MACQ CHAD D & ANGIE R MACQ
<a href="#">BLD20-00173</a>	SSTS Permit	Replacement septic system for a 4 bedroom house. New septic tank new Pump tank and new soil treatment area designed for this house	58268 350TH ST LAFAYETTE, MN 56054	MESSERLI STEVEN J & SAMANTHA JO MESSERLI
<a href="#">BLD20-00174</a>	SSTS Permit	Replacement septic system for a 4 bedroom house. New house addition. New combination septic tank/pump tank. New at-grade soil treatment area designed for this location	55438 COUNTY ROAD 21 COURTLAND, MN 56021	FISCHER BRIAN J & DONNA J FISCHER
<a href="#">BLD20-00175</a>	SSTS Permit	Replacement septic system for a 4 bedroom house with a basement ejector. New 2250 septic tank, new 750 pump tank. New pressure bed soil treatment area designed for this house.	45196 SUNRISE DR NEW ULM, MN 56073	LUDEWIG LEON M & MARY A LUDEWIG
<a href="#">BLD20-00176</a>	SSTS Permit		45696 600th ST Nicollet, MN 56074	WENDT CINDY K TRUST
<a href="#">BLD20-00177</a>	SSTS Permit	Replacement septic system for a 4 bedroom house. New 1500/2 septic tank, New 500 pump tank and new mound soil treatment area designed for this house	44862 460TH ST NICOLLET, MN 56074	WILKING CHARLES L & JOYCE WILKING
<a href="#">BLD20-00178</a>	Structure Permit	Construct a 15' x 55' (825 sf) five-bay compost building for an existing swine feedlot. Structure will have a 12' concrete apron. Contractor: Jerry Olsonson.	0	ENTER JASON P & JODY M ENTER
<a href="#">BLD20-00179</a>	Structure Permit	Construct a 20' x 26' (520 sf) export on north side of existing building. Contractor: Larry Baringer.	33952 348TH ST LUEUR, MN 56058	BRANCAMP JOHN B & KAREN L BRANCAMP III
<a href="#">BLD20-00180</a>	Structure Permit	Construct a 25' x 25' (625 sf) pool house, with an 16' x 25' (414 sf) attached garage, and a 7' x 43' (301 sf) covered porch. Total footprint of 1,340 sf. Contractor: WEBB Construction Co. BC280601. CONDITION: Pool house shall not be used as a dwelling.	57980 VALLEYVIEW RD ST PETER, MN 56082	BOYUM HEIDI L TRUST
<a href="#">BLD20-00181</a>	SSTS Permit	New Septic system for a new 4 bedroom house. New Septic tank, New Pump tank, new soil treatment area for a 4 bedroom house.	48955 506TH ST COURTLAND, MN 56021	BODE RACHEL M
<a href="#">BLD20-00182</a>	SSTS Permit	New holding tank for new pool house bathroom and bar area.	37980 VALLEYVIEW RD ST PETER, MN 56082	BOYUM HEIDI L TRUST
<a href="#">BLD20-00183</a>	SSTS Compliance Inspection	Compliance inspection for property transfer	43462 583RD LN NEW ULM, MN 56073	HUNTER THOMAS H & LISA E HUNTER
<a href="#">BLD20-00184</a>	SSTS Compliance Inspection	Compliance inspection for property transfer	41797 SUNSET LN NEW ULM, MN 56073	GIBSON ANN M
<a href="#">BLD20-00185</a>	SSTS Compliance Inspection	Compliance inspection for construction of new basement of existing house	37302 345TH LN ST PETER, MN 56082	NETTIS RODNEY W
<a href="#">BLD20-00186</a>	SSTS Compliance Inspection	Compliance inspection for property transfer	46114 506TH ST NICOLLET, MN 56074	SCHMIDT BENJAMIN R
<a href="#">BLD20-00187</a>	SSTS Compliance Inspection	Compliance inspection for property transfer	47223 391ST LN ST PETER, MN 56082	ENTER JOAN M REV TRUST
<a href="#">BLD20-00188</a>	SSTS Permit	Holding tank for shop bathroom	45952 493ST AVE NICOLLET, MN 56074	POEHLER RANDALL & BARBARA POEHLER
<a href="#">FDL20-00002</a>	Feedlot Construction	CBS Nursery Site NICO-CSF0461 Swine nursery 110 AU New site	40754 441ST AVE NICOLLET, MN 56074	COMPART REVOCABLE TRUST RICHARD R

Nicollet County Board of Commissioners  
Board Meeting Agenda Item



<b>Agenda Item:</b> Election Administration Update		
Primary Originating Division/Dept.: PPSD	Meeting Date: 10/27/2020	
Contact: _____ Title: _____	Item Type: Regular Agenda (Select One)	
Amount of Time Requested 15 minutes		
Presenter: Jaci Kopet Title: Public Services Mngr.	Attachments: <input type="radio"/> Yes <input checked="" type="radio"/> No	
County Strategy: Programs and Services - deliver value-added quality services (Select One)		
<b>BACKGROUND/JUSTIFICATION:</b> Public Services Manager Jaci Kopet will provide an update on the 2020 election administration.		
Supporting Documents: <input type="radio"/> Attached <input type="radio"/> In Signature Folder <input checked="" 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		
<b>ACTION REQUESTED:</b>		
<b>FISCAL IMPACT:</b> Other (Select One) If "Other", specify	<b>FUNDING</b> County Dollars = Federal (Select One)	
<b>FTE IMPACT:</b> No FTE change (Select One) If "Increase or "Decrease" specify: Related Financial/FTE Comments:	<b>Total</b>	

Nicollet County Board of Commissioners  
Board Meeting Agenda Item



<b>Agenda Item:</b> CARES Funding for Schools				
Primary Originating Division/Dept.: Administration		Meeting Date: 10/27/2020		
Contact: Ryan Krosch	Title: Administrator	Item Type: Regular Agenda (Select One)		
Amount of Time Requested 5	minutes			
Presenter:	Title:	Attachments: <input checked="" type="radio"/> Yes <input type="radio"/> No		
County Strategy: Financial Security - prudent use of taxpayer resources (Select One)				
<b>BACKGROUND/JUSTIFICATION:</b> I will be requesting approval of the Nicollet County CARES Act Safe and Healthy Schools Grant Program. The program offers funding for:  1. Necessary health, safety and distance learning expenditures incurred due to the public health emergency with respect to the Coronavirus Disease (COVID-19);  2. Expenses were not accounted for in the budget most recently approved as of March 27, 2020 (the date of enactment of the CARES Act);  3. Expenses were incurred during the period that begins on March 1, 2020, through the date of application submittal; and  4. No other source of federal, state, county or city funding was used to pay for the expenditures.				
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				
<b>ACTION REQUESTED:</b> Approve the Resolution Approving Nicollet County's CARES Act Safe and Healthy Schools Grant Program.				
<table style="width: 100%; border: none;"> <tr> <td style="width: 50%; vertical-align: top;"> <b>FISCAL IMPACT:</b> Other (Select One)             If "Other", specify    <b>FTE IMPACT:</b> No FTE change (Select One)            If "Increase or "Decrease" specify:             Related Financial/FTE Comments:         </td> <td style="width: 50%; vertical-align: top; border-left: 1px solid black; padding-left: 10px;"> <b>FUNDING</b>            County Dollars =             Federal \$300,000            (Select One)   <b>Total</b> \$300,000         </td> </tr> </table>			<b>FISCAL IMPACT:</b> Other (Select One)  If "Other", specify   <b>FTE IMPACT:</b> No FTE change (Select One) If "Increase or "Decrease" specify:  Related Financial/FTE Comments:	<b>FUNDING</b> County Dollars =  Federal \$300,000 (Select One)  <b>Total</b> \$300,000
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## **Nicollet County CARES Safe and Healthy Schools Grant Program Summary**

### **Purpose:**

To provide Nicollet County CARES funding to schools in the County so they can provide a safe and healthy learning environment during the COVID-19 pandemic.

### **Process:**

A completed application and required documentation should be submitted by email to Ryan Krosch [ryan.krosch@co.nicollet.mn.us](mailto:ryan.krosch@co.nicollet.mn.us) by November 10, 2020.

[The application is available here.](#)

[The Expense Reimbursement Form is available here.](#)

### **Eligible Applicants:**

Any public, private or charter K-12 grade school located in or with district boundaries in Nicollet County.

### **Expenses Eligible for Grant Funding:**

1. Necessary health, safety and distance learning expenditures incurred due to the public health emergency with respect to the Coronavirus Disease (COVID-19);
2. Expenses were not accounted for in the budget most recently approved as of March 27, 2020 (the date of enactment of the CARES Act);
3. Expenses were incurred during the period that begins on March 1, 2020, through the date of application submittal; and
4. No other source of federal, state, county or city funding was used to pay for the expenditures.

Health, safety and distance learning expenses include, but are not limited to, personal protective equipment, health screen equipment, modifications that allow for social distancing, cleaning and sanitizing expenses, water bottle fillers, and any technology costs associated with providing distance learning. The grant cannot be used to prepay for services incurred after the date of the application submittal.

### **Application Requirements:**

Individual purchases for eligible expenses that were \$1000 or less should be entered on the Reimbursable Expense Form provided. Receipts or invoices for these purchases do not need to be submitted with this application. Submit the Expense Form with the application.

Submit invoices or receipts for eligible expenses that were over \$1,000.

Provide the total number of students enrolled in your school that live in Nicollet County.

**Acknowledgement and/or certification that:**

1. Your organization's name, address and the amount of assistance you receive are considered public data under the Minnesota Data Practices Act.
2. Nicollet County retains final authority to determine if an applicant is eligible or not, whether to approve a grant or not and how much the grant amount should be.
3. Nicollet County has the right to verify any information contained in your proposal and to request additional information including invoices and receipts to substantiate expenses incurred. Failure to provide the information required may result in the denial of a proposal or repayment of the funds. The applicant agrees to provide Nicollet County any documentation needed to complete an audit of funds awarded.
4. Submitted expenditures meet the requirements for the Nicollet County CARES Safe and Healthy Schools Grant Program and no other source of federal, state, county or city funding was used to pay for the expenditures.

Questions please email [ryan.krosch@co.nicollet.mn.us](mailto:ryan.krosch@co.nicollet.mn.us) or call (507) 934-7204.





**RESOLUTION APPROVING NICOLLET COUNTY'S  
CARES ACT SAFE AND HEALTHY  
SCHOOLS GRANT PROGRAM**



**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**, said budget included \$300,000 of funding for school costs associated with the pandemic; and

**WHEREAS**, US Treasury Guidance dated September 2, 2020 states that CARES Act funds may be used for expenses to facilitate distance learning, including technological improvements, in connection with school closings to enable compliance with COVID-19 precautions and expenses for disinfection of public areas and other facilities; and

**WHEREAS**, US Treasury Coronavirus Relief Fund Frequently Asked Questions (FAQ) dated October 19, 2020 states Cares Act funds may be used for costs associated with providing distance learning (e.g., the cost of laptops to provide to students) or for in-person



learning (e.g., the cost of acquiring personal protective equipment for students attending schools in-person or other costs associated with meeting Centers for Disease Control guidelines); and

**WHEREAS**, the US Treasury Guidance FAQ further says acceptable use of CARES funds for school re-opening related to COVID-19 include:

- expanding broadband capacity;
- hiring new teachers;
- developing an online curriculum;
- acquiring computers and similar digital devices;
- acquiring and installing additional ventilation or other air filtering equipment;
- incurring additional transportation costs; or
- incurring additional costs of providing meals; and

**WHEREAS**, the US Treasury Guidance FAQ further says a county may transfer funds to a city, town, or school district within the county and a county or city may transfer funds to its state, provided that the transfer qualifies as a necessary expenditure incurred due to the public health emergency and meets the other criteria of section 601(d) of the Social Security Act outlined in the Guidance.

**NOW, THEREFORE, BE IT RESOLVED**, that the Nicollet County Board of Commissioners approves the attached Nicollet County CARES Act Safe and Healthy Schools Grant Program with a budget of \$300,000.

**BE IT FURTHER RESOLVED**, general administrative and policy changes may be made to this Program by the Nicollet County Finance Director or Nicollet County Administrator without Nicollet County Board approval as guidance, need and circumstances change.

**BE IT FURTHER RESOLVED**, the Nicollet County Administrator is authorized to approve the final list of grant award recipients for this Program.

**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).

**BE IT FURTHER RESOLVED**, the Nicollet 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 27th day of October, 2020.

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John Luepke, Nicollet County Board Chair

Attest:

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Ryan Krosch, County Administrator  
Clerk to the County Board

OFFICIAL PROCEEDINGS OF THE  
NICOLLET COUNTY DRAINAGE AUTHORITY  
October 13, 2020

The Nicollet County Drainage Authority met in regular session on Tuesday, October 13, 2020 at 10:10 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, Ditch Repair Reports 20-024 through 20-032 and Contract for Reestablishment of Records and Field Survey and Repair Report 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 10:10 a.m.

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JOHN LUEPKE, CHAIR  
BOARD OF COMMISSIONERS

ATTEST:

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RYAN KROSCH  
CLERK TO THE BOARD