

Board of Commissioners Agenda

March 12, 2024

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

Commissioners: Terry Morrow - Board Chair; Marie Dranttel - Vice Chair; Jack Kolars; Mark Dehen; Kurt Zins

9:00 a.m. Call Board of Commissioners Meeting to Order: Chair

1. Pledge of Allegiance
2. Silence Your Cell Phones
3. Approval of Agenda
4. Approval of Consent Agenda:
 - a. [February 27, 2024 Board Minutes](#)
 - b. [2024 St. Peter Library Contract](#)
 - c. [Minnesota State Law Library County Law Library Program Agreement](#)
 - d. Approval of Bills
5. Public Appearances

- #### 9:05 a.m.
6. Property Services
 - a. [February 26, 2024 Planning & Zoning Advisory Committee Meeting](#)
 - [PLN 24-04 – Mathiowetz Construction / Sheri Hulke](#)

- #### 9:10 a.m.
7. Public Works
 - a. [Annual Agricultural Inspector's Report](#)
 - b. [Consider Amendment #4 to MnDOT Agreement No. 1045974 and Resolution](#)

- #### 9:20 a.m.
8. County Attorney Update
 9. Chair's Report
 10. Commissioner Committee Reports, Meetings & Conferences
 11. Approve Per Diems and Expenses
 12. Adjourn Board of Commissioners Meeting

9:25 a.m. Call Drainage Authority Meeting to Order: Chair

1. Approval of Agenda
2. Approval of Consent Agenda
 - a. [February 27, 2024 Drainage Authority Minutes](#)
3. Public Appearances

- #### 9:30 a.m.
4. [County Ditch 86A Improvement Project](#)

- #### 9:35 a.m.
5. Adjourn Drainage Authority Meeting

Mission Statement

Providing efficient services with innovation and accountability.

Vision Statement

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

Core Values

Leadership. Integrity.
Accountability.
Efficiency. Innovation.

Board of Commissioners Agenda

March 12, 2024

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Commissioners: Terry Morrow - Board Chair; Marie Dranttel - Vice Chair; Jack Kolars; Mark Dehen; Kurt Zins

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. Questions or comments regarding Nicollet County meetings and requests to participate can be directed to Mandy Landkamer, Nicollet County Administrator, at 507-934-7074 or mandy.landkamer@co.nicollet.mn.us.

March 2024

Date	Time	Meeting	Location
March 6 – 8	** Nicollet County Government Center/License Center Closed for Remodeling **		
March 12	9:00 am	County Board of Commissioners Meeting	Gov. Center Board Room – St. Peter
March 12	*following Board adjournment	Drainage Authority Meeting	Gov. Center Board Room – St. Peter
March 18	7:00 pm	Planning & Zoning Commission (PZ) / Board of Adjustments & Appeals (BAA)	Gov. Center EOC – St. Peter
March 19	8:15 am	Individual Dept. Head Meeting - PPSD	Gov. Center Board Room – St. Peter
March 19	9:30 am	Board Workshop	Gov. Center Board Room – St. Peter
March 21	8:15 am	BNCH – Executive Board Meeting	1900 Franklin St. – New Ulm
March 25	1:00 – 3:00 p.m.	Personnel Committee Meeting (Closed)	Gov. Center – St. Peter Room
March 26	9:00 am	County Board of Commissioners Meeting	Gov. Center Board Room – St. Peter
March 26	*following Board adjournment	Drainage Authority Meeting	Gov. Center Board Room – St. Peter
March 27-29	All Day	AMC Leadership Summit	Grand View Lodge – Nisswa, MN

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FEBRUARY 27, 2024
OFFICIAL PROCEEDINGS OF THE
BOARD OF COUNTY COMMISSIONERS

The Nicollet County Board of Commissioners met in regular session on Tuesday, February 27, 2024 at 9:00 a.m. Present at the meeting were Commissioners Morrow, Dranttel, Kolars, Dehen and Zins. Also present were County Administrator Mandy Landkamer, County Attorney Michelle Zehnder Fischer and Recording Secretary Sarah Frahm.

Approval of Agenda

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

Consent Agenda

Motion by Commissioner Kolars and seconded by Commissioner Dehen to approve the consent agenda items as follows:

1. February 13, 2024 Board Meeting Minutes
2. Ducks Unlimited Lake Region Gambling Permit
3. Renewal of Consumption and Display Permit for Nicollet Conservation Club, Inc.
4. End of Probations
5. Approval of Bills
6. Acknowledgement of the Auditor's Warrants and approval of the Commissioner Warrants as presented for the following amounts:
 - a. General Revenue Fund - \$110,460.30;
 - b. Road & Bridge Fund - \$21,994.32;
 - c. Human Services Fund - \$140,017.93

Motion carried with all voting in favor.

Public Appearances:

There were no public appearances.

Health and Human Services

County Burial-Cremation Policy

Director Sassenberg came forward to request approval of the County Burial-Cremation Policy, which provides the County's framework for decision-making and procedures for handling funding requests when a resident passes away and are unable to pay for cremation or burial services. Motion by Commissioner Dranttel and seconded by Commissioner Kolars to approve the amended County Burial-Cremation Policy. Carried with all voting in favor.

Model Jail Services Grant

Director Sassenberg shared that a grant for \$130,000 was awarded from the Minnesota Department of Health to offer the Parenting Inside Out Program. The program will focus on providing optional evidence-based parenting skills training to mothers or fathers who are

currently incarcerated within the Nicollet County jail. HHS and Sheriff's Office staff would also assist in offering community-based services for parents discharged into the community.

Motion by Commissioner Kolars and seconded by Commissioner Dehen to authorize Director Sassenberg to accept and execute the Model Services grant and enter into a two-year agreement with the Minnesota Department of Health. Carried with all voting in favor.

Public Services

Resolution to Establish Absentee Ballot Board and County UOCAVA Ballot Board for the April 9, 2024 Special Election

The Minnesota Election Law directs the local governing body to establish a Ballot Board to review, accept, and/or reject absentee ballots submitted by voters. Election law directs the County Auditor to establish a County UOCAVA (Uniformed and Overseas Citizens Absentee Voting Act) Ballot Board to complete the work of reviewing, accepting, and rejecting absentee ballots that have been submitted by voters who live overseas or are in active military duty status.

Motion by Commissioner Dehen and seconded by Commissioner Kolars to approve the attached resolution to establish a Ballot Board for absentee ballots and a County Ballot Board for UOCAVA ballots, as well as authorize the PPSD Director to implement the Boards as provided in Minnesota Election Law. Carried with all voting in favor.

Houston Engineering Additional Service Request

Director Kopet presented information regarding a Service Agreement from Houston Engineering, Inc. to complete additional Drainage System document scanning and related work. This agreement is an addition to the original Houston Engineering Project No. R006162-0010.

Lynn Fluegge, resident, inquired if the document scanning project and cost reflected the current work on CD 86A. It was clarified that the project is for historical documents and does not include the current project on CD 86A.

Motion by Commissioner Zins and seconded by Commissioner Dranttel to authorize Director Kopet to enter into the Service Request with Houston Engineering. Motion carried with all voting in favor.

County Attorney

County Attorney Zehnder Fischer discussed Minnesota's Towards Zero Deaths effort to reduce traffic fatalities. There have been 50 road fatalities this year on roads, as compared to 29 at the same time last year. She reminded all drivers to buckle up and reduce speeds to keep everyone safe on our roadways.

Chair's Report

- Board Workshop
- 2023 Audit Meeting
- Open Meeting Law

Commissioner Committee Reports

The Commissioners reported on various meetings and activities, including:

Commissioner Kurt Zins

- Board Workshop
- Department Head Meeting
- 1W1P Policy Meeting
- PZAC

Commissioner Mark Dehen

- ACWA
- GMG Regional Development Alliance
- Sertoma Club Presentation

Commissioner Marie Dranttel

- Board Workshop
- Department Head Meeting
- Traverse de Sioux Board Meeting
- Tri-County Solid Waste Meeting
- 1W1P Policy Meeting

Commissioner Jack Kolars

- Board Workshop

Approve Per Diems and Expenses

Motion by Commissioner Kolars and seconded by Commissioner Dehen 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

The meeting adjourned at 9:28 a.m.

TERRY MORROW, CHAIR
BOARD OF COMMISSIONERS

ATTEST:

MANDY LANDKAMER,
CLERK TO THE BOARD

Nicollet County Board of Commissioners

Board Meeting Agenda Item



Agenda Item: 2024 St Peter Library Contract		
Primary Originating Division/Dept.: Administration Contact: Mandy Landkamer Title: County Administrator Amount of Time Requested minutes Presenter: Title:	Meeting Date: 03/12/2024 Item Type: (Select One) Consent Agenda Attachments: <input checked="" type="radio"/> Yes <input type="radio"/> No	
County Strategy: (Select One) Programs and Services - deliver value-added quality services		
BACKGROUND/JUSTIFICATION: Consideration of the attached library contract between the City of St Peter and Nicollet County. The contract is in the amount of \$55,044.		
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) January 2023		
Approved by County Attorney's Office: <input type="radio"/> Yes <input type="radio"/> No <input checked="" type="radio"/> N/A		
ACTION REQUESTED: Approve the 2024 library contract as presented.		
FISCAL IMPACT: Included in current budget (Select One) If "Other", specify	FUNDING County Dollars = \$55,044 Other (Select One)	\$55,044
FTE IMPACT: No FTE change (Select One) If "Increase or "Decrease" specify: Related Financial/FTE Comments:	Total	\$55,044

2024 Library Purchase of Services Contract Between Nicollet County and the City of St. Peter

In an effort to continue to provide library service for residents of Nicollet County and the City of Saint Peter (City), Nicollet County (County) and City hereby enter this contract promoting cooperation and coordination of efforts.

I. DEFINITIONS

For purposes of this contract, the following words shall have the following meanings:

Rural Resident - Rural Resident shall be those persons having a residence located outside the corporate limits of the City of Saint Peter.

Library Services: Library Services shall mean access to physical facilities and materials that provide reading, audio and computer access to information and as defined in Minnesota Statutes 134.001 Subd. 2 and 3.

II. NICOLLET COUNTY WILL:

Provide to the City of Saint Peter the total sum of \$55,044 to be paid quarterly for the provision of library services to the rural areas of Nicollet County.

III. THE CITY OF SAINT PETER WILL:

- Provide for complete access to all services that are available to library patrons that reside within the City of Saint Peter including access to any programs that may be made available for the term of this contract.
- The City will agree to submit quarterly billings to the County and the County will reimburse the City.

IV. MONITORING AND REPORTING

- A. The City agrees to maintain records relating to contractual library services provided.
- B. The City, as deemed necessary by the County shall allow the County or appropriate State Agency, including the Office of the State Auditor, access to the City's contractual library service records at reasonable hours.
- C. The City will furnish information regarding contractual library services as requested by the County.
- D. The City will maintain and make available records pertaining to contractual library services for six years for audit purposes.

V. RECORDS AND INSPECTION

The City shall maintain full and accurate records with respect to all matters covered under this Contract. Pursuant to Minn. Statute 16B.06, Subd. 4, the County, and either the Legislature or State Auditor, as appropriate, shall have, at all proper times, the right to inspect, examine and audit the books, records, documents and accounting procedures and practices of the City relevant to this Contract.

VI. PERSONNEL

The City shall secure, at its own expense, any and all personnel required in performing the services under this Contract. Any and all personnel engaged in the work shall be fully qualified to perform the services under the Contract.

VII. INDEMNIFICATION / INSURANCE

- A. Indemnification. The City shall defend and save the County harmless from any claims, demands, actions, or causes of action arising out of any willful or negligent act, or out of any negligent omission on the part of the City, its agents, assignees, or employees in performance of or with relationship to any of the work or services provided to be performed by the City under the terms of this Contract.
- B. Insurance. The City, further, that in order to protect itself, as well as the County under the indemnity contract set forth above, will, at all times during the term of this Contract, have and keep in force automobile insurance, general liability insurance, and workers' compensation insurance having liability limits which satisfy the requirements of Minn. Statute Chapter 466, entitled Tort Liability of Political Subdivisions, and other applicable statutes requiring insurance coverage.

VIII. EQUAL EMPLOYMENT OPPORTUNITY

In fulfilling this Contract, the City will not discriminate against any employee or applicant for employment because of race, color, creed, religion, national origin, sex, marital status, disability, sexual orientation, or status with regard to public assistance. The City will take affirmative action to ensure that applicants are employed and that employees are treated during employment, without regard to their race, color, creed, religion, national origin, sex, marital status, disability, status with regard to public assistance, sexual orientation, or age.

IX. CONDITIONS OF THE PARTIES OBLIGATIONS

Any alterations, variations, modifications or waivers of provisions of this contract shall be valid only when they have been reduced to writing, duly signed, and attached to the original of this contract.

No claim for services furnished by the City, not specifically provided for in the contract, will be allowed by the County, nor shall the City do any work or furnish any materials not covered by this contract unless this is approved in writing by the County. Such approval shall be considered to be a modification of the contract.

X. MISCELLANEOUS

Entire Contract - it is understood and agreed that the entire contract of the parties is contained herein and that this contract supersedes all oral agreements and negotiations between the parties relating to the subject matter hereof.

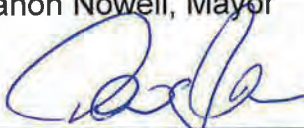
XI. TERM

The term of this contract shall be from January 1, 2024 until December 31, 2024. Renewal of this contract subsequent to this time period will be at the sole discretion of the County.

CITY OF SAINT PETER


Shanon Nowell, Mayor

Date: 2/29/24


Todd Prafke, City Administrator

Date: 4/29/24

NICOLLET COUNTY

Board Chair

Date: _____

Mandy Landkamer, County Administrator

Date: _____

Nicollet County Board of Commissioners

Board Meeting Agenda Item



Agenda Item: Approval of Minnesota State Law Library County Law Library Program Agreement		
Primary Originating Division/Dept.: Law Library Committee Contact: Michelle Zehnder Fischer Title: County Attorney Amount of Time Requested: minutes Presenter: Michelle Zehnder Fischer Title: County Attorney	Meeting Date: 03/12/2024 Item Type: Consent Agenda <small>(Select One)</small> Attachments: <input checked="" type="radio"/> Yes <input type="radio"/> No	
County Strategy: Programs and Services - deliver value-added quality services <small>(Select One)</small>		
BACKGROUND/JUSTIFICATION: This contract is for professional law library services between the Minnesota State Law Library and the Nicollet County Law Library for the period of March 1, 2024 through February 28, 2025. This contract is similar to the contract used in past years, except that the Law Library Board decided to increase the services received to Tier 2 services. The total cost of the contract is 3% of the County Law Library's annual civil fee and criminal fine revenue or \$2,000, whichever is lower. This is an increase in the total contract cost but the funds are available to pay for the increase.		
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 checked="" type="radio"/> Yes <input type="radio"/> No <input type="radio"/> N/A		
ACTION REQUESTED: Authorize County Attorney Zehnder Fischer to sign the contract on behalf of the County.		
FISCAL IMPACT: Included in current budget <small>(Select One)</small> If "Other", specify: Funded with library funds	FUNDING County Dollars = Other County library funds <small>(Select One)</small>	
FTE IMPACT: No FTE change <small>(Select One)</small> If "Increase or "Decrease," specify: Related Financial/FTE Comments:	Total: 3% of the Law Library's annual civil fee and criminal fine revenue or \$2,000, whichever is lower.	



MINNESOTA STATE LAW LIBRARY COUNTY LAW LIBRARY PROGRAM AGREEMENT

This contract is for professional law library services between the Minnesota State Law Library, address below ("State Law Library") and the Nicollet County Law Library, address 501 South Minnesota Avenue, St. Peter, MN 56082 ("County Law Library").

1. SERVICES

By written acceptance below, the State Law Library agrees to perform the following work for County Law Library:

Initial choice below:

 Tier 1:

- Provide print copies of: *Minnesota Statutes* (market value \$300) and *Minnesota Rules* (market value \$310), to be sent as they are published. This includes interim year supplements.
- Brief phone and/or email assistance with any or all of the following: policies and procedures, collection development/maintenance, fees, hiring, vendor questions, billing issues, and other related library management issues.

OR

 X Tier 2:

- All tier 1 services
- One annual on-site visit to a County Law Library location by the State Law Librarian or designee.
- Evaluation of library's print and electronic resource contracts. Written recommendations will be provided.
- Evaluation of existing print collection. Written recommendations for additions or weeding will be provided.
- Access to a toll-free phone number to the State Law Library reference desk, which can be posted in the County Law Library for use by County Law Library patrons and/or staff.
- Advice on setting up and maintaining a legal clinic, if desired.
- Advice on law library budget, including a review of current expenses.
- Creation of, or the annual updating of, a resource list of free and trustworthy internet legal research resources for Minnesota, including local municipalities.
- Creation of, or the annual updating of, a social and legal service provider list specific to the county.
- If desired, assistance collaborating with the local public library for shared collection, shared services, research training or other cooperative partnerships.
- Attendance at a Law Library Board of Trustees meeting – via phone, or during in-person visit.
- Guidance on changing law library fees/fines.
- Guidance on a law library move or remodel.

2. CONSIDERATION

As consideration for the aforementioned services, the County Law Library agrees to pay the State Law Library according to the following schedule:

Tier 1: \$300 per year

OR

Tier 2: 3% of the County Law Library's annual civil fee and criminal fine revenue or \$2000, whichever is lower.

As a means of ascertaining the appropriate Tier 2 fee, the State Law Library will obtain an income report from State Court Administration for the fiscal year (July 1 – June 30) immediately preceding this agreement. If law library fees and/or fines were set to \$0 in the previous fiscal year, the CLLP charge will be based on the last fiscal year in which fees/fines were assessed.

The payment of the *Tier 2* fee by the County Law Library may be aggregated and paid semi-annually at the discretion of the County Law Library.

Indicate billing preference (applies to *Tier 2 only*):

 X Annually Semi-Annually

Payment is due within 30 days after receipt of the invoice, unless other arrangements are made. Failure to pay the fee may result in the termination of services.

3. TERM OF AGREEMENT

This Contract shall be effective on March 1, 2024 and shall remain in effect until February 28, 2025.

4. CANCELLATION

This Contract may be cancelled only by written agreement of the parties.

5. AUTHORIZED REPRESENTATIVE.

The State's authorized representative for purposes of administration of this contract is Liz Reppe, State Law Librarian. Mailing address: Minnesota State Law Library, G25 Minnesota Judicial Center, 25 Rev. Dr. Martin Luther King Blvd., St. Paul, MN 55155.

6. AMENDMENT

Any amendments to this agreement shall be in writing and shall be executed by the same parties who executed the original agreement, or their successors in office.

7. JURISDICTION AND VENUE

This agreement is governed by the laws of the State of Minnesota. Venue for all legal proceedings arising out of this agreement, or breach thereof, will be in the state or federal court with competent jurisdiction in Ramsey County, Minnesota.

6. INTERPRETATION; INTEGRATION

Failure by either Party at any time to enforce any of the provisions of this contract or any right or remedy available under this contract or at law or in equity, or to exercise any option in this contract, shall not constitute a waiver of such provision, right, remedy or option or in any way affect the validity of this contract. The waiver of any default by either Party shall not be deemed a continuing waiver, but shall apply solely to the instance to which such waiver is directed. Every provision of this contract shall be construed, to the extent possible, so as to be valid and enforceable. If any provision of this contract so construed is held by a court of competent jurisdiction to be invalid, illegal or otherwise unenforceable, such provision shall be deemed severed from this contract, and all other provisions shall remain in full force and effect. This contract sets forth the entire agreement and understanding between the Parties regarding the subject matter of the contract and supersedes any

prior representations, statements, proposals, negotiations, discussions, understandings, or agreements regarding the same subject matter; provided that all terms and conditions of all preexisting contracts or agreements between the parties shall continue in full force and effect except as supplemented, modified or superseded by this contract.

7. LIABILITY

The County Law Library and the State Law Library agree that each party will be responsible for its own acts and the results thereof to the extent authorized by law and shall not be responsible for the acts of the other and the results thereof. The County Law Library liability shall be governed by Minnesota Statutes, Section 466.04, and the State Law Library liability shall be governed by the provisions of the Minnesota Tort Claims Act, Minnesota Statutes, Section 3.735, and other applicable law.

The County Law Library must sign its approval in the designated signature block and return the two original signed Agreements to the address indicated in section 5 above, prior to the commencement of services. The State Law Library will remit an executed copy to the County Law Library once all signatures have been obtained.

I. COUNTY LAW LIBRARY:

Person signing attests that he or she is legally authorized to bind County Law Library under applicable by-laws, articles, resolutions, or ordinance.

Signed:
Printed Name: Michelle Zehnder Fischer
Title: Nicollet County Attorney/Law Library Board Chair
Date:

II. STATE LAW LIBRARY: (authorized signature)

By:
Title: State Law Librarian
Date:

COUNTY LAW LIBRARY CONTACT (To whom and where we should send library resources and email.)

Please indicate if **contracts** should be sent elsewhere.

Contact's Name:	Carol Weikle
Address: (If different from address listed above)	501 South Minnesota Avenue St. Peter, MN 56082
Email	Carol.Weikle@courts.state.mn.us
Phone	(507) 550-7040

Nicollet County Board of Commissioners

Board Meeting Agenda Item



Agenda Item: February 26th, 2024 Planning & Zoning Advisory Committee Meeting		
Primary Originating Division/Dept.: PPSD -Property Services Contact: Spencer Crawford Title: Zoning Specialist Amount of Time Requested: 5 minutes Presenter: Spencer Crawford Title: Zoning Specialist	Meeting Date: 03/12/2024 Item Type: Regular Agenda <small>(Select One)</small>	
Attachments: <input checked="" type="radio"/> Yes <input type="radio"/> No		
County Strategy: Programs and Services - deliver value-added quality services <small>(Select One)</small>		
BACKGROUND/JUSTIFICATION: PLN24-04: Three-year review of a mineral extraction Conditional Use Permit to mine, crush, and stockpile gravel from Mathiowetz Construction/ Sheri Hulke. The Planning Commission recommended approval with staff recommended conditions.		
Supporting Documents: <input checked="" type="radio"/> Attached <input type="radio"/> In Signature Folder <input type="radio"/> None		
Prior Board Action Taken on this Agenda Item: <input type="radio"/> Yes <input checked="" type="radio"/> No If "yes", when? (provide year; mm/dd/yy if known)		
Approved by County Attorney's Office: <input type="radio"/> Yes <input type="radio"/> No <input checked="" type="radio"/> N/A		
ACTION REQUESTED: Consideration of the attached Conditional Use permit request and findings of fact for approval or denial.		
FISCAL IMPACT: No fiscal impact <small>(Select One)</small> If "Other", specify: FTE IMPACT: No FTE change <small>(Select One)</small> If "Increase or "Decrease," specify: Related Financial/FTE Comments:	FUNDING County Dollars = State <small>(Select One)</small> Total:	

PLANNING & ZONING COMMISSION AGENDA

Date: February 26, 2024

Time: Following the adjournment of the Nicollet County Board of Adjustments and Appeals Meeting (doors open at 6:45)

Location: Nicollet County Board Room, 501 S. Minnesota Avenue, St. Peter, MN

Copies of the meeting agenda and packet are available on the Nicollet County website at:
mn-nicolletcounty.civicplus.com/AgendaCenter

Questions or comments regarding the meeting can be directed to the Nicollet County Property Services Department by calling 507-934-7070, or by email to niccopermitapps@co.nicollet.mn.us.

1. Call to Order
2. Roll Call
3. Silence Your Cell Phone
4. Review of Cancellations and Additions
5. Approval of Minutes: *January 22, 2024*
6. Public Appearances
7. **PUBLIC HEARING: PLN24-04**
 - Applicant: Keith Olson with Mathiowetz Construction
 - Landowner: Sheri Hulke
 - Request: 3-year Mineral Extraction Conditional Use Permit Renewal
 - Location: Part of the Northeast ¼ of the Northeast ¼ of Section 16-109-29 in Courtland Township
 - Parcel Number: 04.316.0300
8. Review Permits
9. Old Business
10. Other Business
11. Communications
12. Adjourn

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PLANNING COMMISSION REGULAR MONTHLY MEETING MINUTES

FEBRUARY 26, 2024	7:45 PM	COUNTY BOARD ROOM
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ROLL CALL	COMMISSIONERS PRESENT	COMMISSIONERS ABSENT EXCUSED	NICOLLET COUNTY STAFF PRESENT
	<input checked="" type="checkbox"/> Lloyd Hoffmann <input type="checkbox"/> Justin Laven <input checked="" type="checkbox"/> Randy Schwab <input checked="" type="checkbox"/> Jon Thoreson, <i>Vice Chair</i> <input checked="" type="checkbox"/> Dave Ubel, <i>Chair</i> <input checked="" type="checkbox"/> Kurt Zins, <i>Commissioner</i>	<input type="checkbox"/> Lloyd Hoffmann <input checked="" type="checkbox"/> Justin Laven <input type="checkbox"/> Randy Schwab <input type="checkbox"/> Jon Thoreson, <i>Vice Chair</i> <input type="checkbox"/> Dave Ubel, <i>Chair</i> <input type="checkbox"/> Kurt Zins, <i>Commissioner</i>	<input checked="" type="checkbox"/> Spencer Crawford, Zoning Specialist (ZS) <input checked="" type="checkbox"/> John Zehnder, Zoning Specialist (ZS) <input checked="" type="checkbox"/> Michelle Zehnder Fischer, County Attorney (CA) <input checked="" type="checkbox"/> Crystal Madden, Recording Secretary <input type="checkbox"/> Other Staff:

REVIEW OF CANCELLATIONS & ADDITIONS	None.
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APPROVAL OF JANUARY 22, 2024 MINUTES	MOTION	SECOND
APPROVE	<input checked="" type="checkbox"/> Lloyd Hoffmann <input type="checkbox"/> Justin Laven <input type="checkbox"/> Randy Schwab <input type="checkbox"/> Jon Thoreson, <i>Vice Chair</i> <input type="checkbox"/> Dave Ubel, <i>Chair</i> <input type="checkbox"/> Kurt Zins, <i>Commissioner</i>	<input type="checkbox"/> Lloyd Hoffmann <input type="checkbox"/> Justin Laven <input type="checkbox"/> Randy Schwab <input checked="" type="checkbox"/> Jon Thoreson, <i>Vice Chair</i> <input type="checkbox"/> Dave Ubel, <i>Chair</i> <input type="checkbox"/> Kurt Zins, <i>Commissioner</i>
VOTE TO APPROVE MINUTES	<input checked="" type="checkbox"/> PASS <input type="checkbox"/> FAIL	VOTE: 5 - 0

PUBLIC APPEARANCES	None.
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CONDITIONAL USE PUBLIC HEARINGS	
PLN24-04	APPLICANT/LANDOWNER: Keith Olson with Mathiowetz Construction / Sheri Hulke
DESCRIPTION OF REQUEST	3-year Mineral Extraction Permit renewal to mine, crush, and stockpile gravel on property owned by Sheri Hulke. PID: 04.316.0300
CONFLICT OF INTEREST	None.
SITE VISIT & PUBLIC CONTACT	No Commissioner visited the site. There was no contact with Commissioners from members of the public.
STAFF REPORT PRESENTED BY	ZS Crawford
APPLICANT TESTIMONY	Present to represent the application was Keith Olson with Mathiowetz Construction, 30676 Co Rd 24, Sleepy Eye, MN 56085.
PUBLIC TESTIMONY	No one was present to provide public testimony. No other correspondence was received.
COMMISSIONER DISCUSSION	Further discussion between the Applicant, Commission, and Staff took place.

COMMISSION ACTION - MOTION	MOTION	SECOND
RECOMMEND APPROVAL with conditions, as recommended by Staff	<input type="checkbox"/> Lloyd Hoffmann <input type="checkbox"/> Justin Laven <input type="checkbox"/> Randy Schwab <input type="checkbox"/> Jon Thoreson, <i>Vice Chair</i> <input type="checkbox"/> Dave Ubel, <i>Chair</i> <input checked="" type="checkbox"/> Kurt Zins, <i>Commissioner</i>	<input type="checkbox"/> Lloyd Hoffmann <input type="checkbox"/> Justin Laven <input type="checkbox"/> Randy Schwab <input checked="" type="checkbox"/> Jon Thoreson, <i>Vice Chair</i> <input type="checkbox"/> Dave Ubel, <i>Chair</i> <input type="checkbox"/> Kurt Zins, <i>Commissioner</i>

COMMISSION ACTION – VOTE ON MOTION			
RECOMMEND APPROVAL with conditions, as recommended by Staff	<input checked="" type="checkbox"/> PASS	<input type="checkbox"/> FAIL	VOTE: 5 - 0
COMMISSION ACTION – ADOPT FINDINGS	MOTION		SECOND
ADOPT THE FINDINGS OF THE FACT AS STATED	<input checked="" type="checkbox"/> Lloyd Hoffmann <input type="checkbox"/> Justin Laven <input type="checkbox"/> Randy Schwab <input type="checkbox"/> Jon Thoreson, <i>Vice Chair</i> <input type="checkbox"/> Dave Ubel, <i>Chair</i> <input type="checkbox"/> Kurt Zins, <i>Commissioner</i>		<input type="checkbox"/> Lloyd Hoffmann <input type="checkbox"/> Justin Laven <input type="checkbox"/> Randy Schwab <input type="checkbox"/> Jon Thoreson, <i>Vice Chair</i> <input type="checkbox"/> Dave Ubel, <i>Chair</i> <input checked="" type="checkbox"/> Kurt Zins, <i>Commissioner</i>
VOTE TO ADOPT THE FINDINGS OF FACT	<input checked="" type="checkbox"/> PASS	<input type="checkbox"/> FAIL	VOTE: 5 – 0

ADDITIONAL ITEMS			
REVIEW ZONING PERMITS	The Commission had no questions for Staff.		
OLD BUSINESS	None.		
OTHER BUSINESS	None.		
COMMUNICATIONS	None.		
ADJOURN MEETING	MOTION		SECOND
8:13 PM	<input type="checkbox"/> Lloyd Hoffmann <input type="checkbox"/> Justin Laven <input type="checkbox"/> Randy Schwab <input checked="" type="checkbox"/> Jon Thoreson, <i>Vice Chair</i> <input type="checkbox"/> Dave Ubel, <i>Chair</i> <input type="checkbox"/> Kurt Zins, <i>Commissioner</i>		<input type="checkbox"/> Lloyd Hoffmann <input type="checkbox"/> Justin Laven <input type="checkbox"/> Randy Schwab <input type="checkbox"/> Jon Thoreson, <i>Vice Chair</i> <input type="checkbox"/> Dave Ubel, <i>Chair</i> <input checked="" type="checkbox"/> Kurt Zins, <i>Commissioner</i>
VOTE TO ADJOURN MEETING	<input checked="" type="checkbox"/> CARRIED	<input type="checkbox"/> FAILED	VOTE: 5 – 0

SPENCER CRAWFORD, ZONING SPECIALIST		DATE	3/18/2024
DAVE UBEL, CHAIR		DATE	3/18/2024



PLANNING & ZONING ADVISORY COMMISSION CRITERIA FOR GRANTING A CONDITIONAL USE PERMIT

Name of Applicant	Mathiowetz Construction	Hearing	2/26/2024
Property Owner	Sheri Hulke	BOC Meeting	3/12/2024
File	PLN24-04	Parcel ID	04.316.0300
Use Request	Three (3) year review of their Mineral Extraction Conditional Use Permit to mine, crush, and stockpile gravel.		

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.

COMMISSIONER	YES	NO	ABSTAIN	ABSENT	REASON
Lloyd Hoffmann	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	Mineral Extraction is a conditionally permitted use in the Agricultural Preservation & Conservancy Zoning Districts. There have been no known adverse effects to public health, safety, and welfare since the pit opened.
Justin Laven	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	
Randy Schwab	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	
Jon Thoreson	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	
Dave Ubel	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	
Kurt Zins	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	

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

COMMISSIONER	YES	NO	ABSTAIN	ABSENT	REASON
Lloyd Hoffmann	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	The roads can handle the amount of traffic generated by the pit, and utilities will not be overburdened. Traffic will vary by the time of year, but the Applicant states they will not exceed one-hundred and fifty (150) daily trips.
Justin Laven	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	
Randy Schwab	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	
Jon Thoreson	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	
Dave Ubel	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	
Kurt Zins	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	

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

COMMISSIONER	YES	NO	ABSTAIN	ABSENT	REASON
Lloyd Hoffmann	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	The pit is similar to nearby gravel operations. There is another gravel pit directly East of the existing property.
Justin Laven	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	
Randy Schwab	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	
Jon Thoreson	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	
Dave Ubel	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	

Kurt Zins ☒ ☐ ☐ ☐

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

COMMISSIONER	YES	NO	ABSTAIN	ABSENT	REASON
Lloyd Hoffmann	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	The operation looks similar to other nearby operations. The site is also screened by berms and vegetation, and is similar to other mining operations.
Justin Laven	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	
Randy Schwab	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	
Jon Thoreson	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	
Dave Ubel	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	
Kurt Zins	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	

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

COMMISSIONER	YES	NO	ABSTAIN	ABSENT	REASON
Lloyd Hoffmann	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	The request meets the applicable standards and requirements found in Sections 505, 626.03, and mostly 724 of the Zoning Ordinance for Mineral Extraction Conditional Use Permits. There appears to be an encroachment on the front and rear setbacks prior to 1991, which there is no issue with at this time.
Justin Laven	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	
Randy Schwab	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	
Jon Thoreson	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	
Dave Ubel	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	
Kurt Zins	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	

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

COMMISSIONER	YES	NO	ABSTAIN	ABSENT	REASON
Lloyd Hoffmann	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	Gravel is needed in the County for road maintenance and construction. The request meets the standards of the Comprehensive Plan. The aggregate industry provides jobs and revenue for local businesses. The County works with mining operations to continue with them in an environmentally friendly manner.
Justin Laven	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	
Randy Schwab	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	
Jon Thoreson	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	
Dave Ubel	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	
Kurt Zins	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	

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

COMMISSIONER	YES	NO	ABSTAIN	ABSENT	REASON
Lloyd Hoffmann	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	No blasting takes place on the site, water is used to control dust, the hours of operation are typical, and the site is not permitted for a hot mix plant.
Justin Laven	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	
Randy Schwab	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	
Jon Thoreson	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	
Dave Ubel	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	
Kurt Zins	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	

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

COMMISSIONER	YES	NO	ABSTAIN	ABSENT	REASON
Lloyd Hoffmann	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	The request is a renewal and does not change the exiting land use. There are other mining operations nearby.
Justin Laven	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	
Randy Schwab	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	
Jon Thoreson	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	
Dave Ubel	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	
Kurt Zins	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	

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

COMMISSIONER	YES	NO	ABSTAIN	ABSENT	REASON
Lloyd Hoffmann	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	The operation is typical of gravel mines in the County. The Applicant has a permit with the Minnesota Pollution Control Agency (MPCA) and complies with all local, state, and federal standards.
Justin Laven	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	
Randy Schwab	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	
Jon Thoreson	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	
Dave Ubel	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	
Kurt Zins	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	

10. The requested use ☐ WILL ☒ WILL NOT have adverse effect upon public health, safety and welfare due to the following other factors:

COMMISSIONER	YES	NO	ABSTAIN	ABSENT	REASON
Lloyd Hoffmann	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	This request is a renewal of an existing pit. No adverse effects are expected. Dust is controlled using water.
Justin Laven	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	
Randy Schwab	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	
Jon Thoreson	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	
Dave Ubel	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	
Kurt Zins	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	

THE NICOLLET COUNTY PLANNING AND ZONING ADVISORY COMMISSION

☒ RECOMMENDS APPROVAL OF REQUEST ☐ RECOMMENDS DENIAL OF REQUEST

THIS DECISION WAS BASED UPON

☒ Application ☒ Site visit ☒ Staff Report ☒ Photographs
☐ Information received at public hearing

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

FACTS SUPPORTING THE ANSWER TO EACH QUESTION ABOVE ARE HEREBY CERTIFIED AS THE FINDINGS OF THE NICOLLET COUNTY PLANNING AND ZONING ADVISORY COMMISSION.

Date: 2/28/24 Chair: Dave Ubel

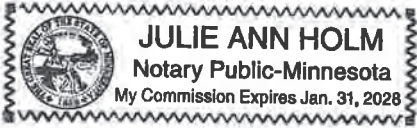
STATE OF MINNESOTA

COUNTY OF NICOLLET

The foregoing instrument was acknowledged before me this 28th day of February 2024, by Julie Holm.

Julie Holm
SIGNATURE OF PERSON TAKING ACKNOWLEDGMENT

NOTARIAL STAMP OR SEAL (or other title or rank)



JULIE ANN HOLM
Notary Public-Minnesota
My Commission Expires Jan. 31, 2028



CONDITIONAL USE PERMIT

MINERAL EXTRACTION PERMIT RENEWAL

Mathiowetz Construction/ Sheri Hulke

PLN24-04

**NICOLLET COUNTY
PLANNING & ZONING ADVISORY COMMISSION**

SUBJECT	Conditional Use Permit PLN24-04
APPLICANT	Keith Olson with Mathiowetz Construction
LANDOWNER	Sheri Hulke
LOCATION	Part of the Northeast ¼ of the Northeast ¼ of Section 16-109-29 in Courtland Township
PARCEL NO	04.316.0300
EXISTING ZONING	Agricultural Preservation & Conservancy
HEARING DATE	02/26/2024
COUNTY BOARD DATE	03/12/2024
60 DAYS FROM REQUEST	04/02/2024

REQUEST

The Applicant is requesting a three (3) year review of their Conditional Use Permit to mine, crush, and stockpile gravel.

ORDINANCE:

Mineral extraction operations are required to renew their conditional use permit every three (3) years per Nicollet County Zoning Ordinance 724.2 (3).

PROJECT DESCRIPTION:

Operations:

The 10.8-acre open pit mine is owned by Sheri Hulke and leased to Mathiowetz Construction, who mine, store, and process gravel on site. Recycled concrete and bituminous materials are also stored for future mixing with mined material. The pit is not currently active; mining and processing take place as needed depending on demand, and the applicant states that no material has been removed over the past three years. Future mining will occur on the eastern part of the property which contains viable sand and gravel deposits.

The pit appears to have encroached on the front and rear yard setback outlined in Nicollet County Zoning Ordinance 724.5. It is not known when the encroachment took place, but aerial imagery

indicates that it was before 1991. Staff have included a recommended condition that all future mining operations must meet the required setbacks.

Access:

The site has direct access to 506th street via a path leading down into the pit.

Bond Requirements:

The applicant has a continuous bond on file in the amount of \$15,000. The bonded amount will need to be increased to \$27,000 to cover the 10.8 acres that have been mined but not reclaimed. The bond amount is \$2,500 per acre, as the pit predates the 2014 mineral extraction Ordinance Amendment requiring \$5,000 per acre.

Hours of Operation:

Operations occur May 1st through December 20th, 7 am to 7 pm.

Dust, Noise, & Odor Control:

Dust is controlled by spraying water on the roads as needed. Noise is not expected to be unreasonable and is somewhat dampened by the berms. This site is not permitted for a hot mix plant and no atypical odor is expected.

Reclamation Plan:

The applicant has a reclamation plan on file which shows the end use of the pit as wildlife habitat. The final grade of the slopes is expected to be 3:1, but the applicant notes this may be adjusted to match the adjacent Nicollet County gravel pit. Nicollet County Zoning Ordinance 724.6 (11) D requires a final slope no steeper than 3:1, unless special consideration is needed and approved by the Board.

EXISTING LAND USE

The 165-acre property is situated along the Minnesota River and contains a gravel pit, homesite, farmland, and forest. The gravel pit is located on the northern part of the property above 506th Street.

SURROUNDING LAND USE

The surrounding land use is varied with the Minnesota River to the south; the City of Courtland to the West; farmland to the North; and the Nicollet County gravel pit to the east.

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.

CRITERIA FOR GRANTING A CONDITIONAL USE PERMIT

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

- Mineral extraction is a conditionally permitted use in the Agricultural Preservation & Conservancy Zoning Districts.
- The gravel pit has operated at this location since 1982 with no known adverse effects to public health, safety, and general welfare.
- The pit must follow all local, state, and federal standards, including those from the Minnesota Pollution Control Agency.

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

- The applicant states that all vehicles leaving the pit will comply with road weight restrictions.
- Unreasonable utility usage is not expected.

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

- The pit appears to be similar to other nearby gravel operations and is partially screened by berms.
- The Applicant has a procedure in place to handle and resolve complaints.
- An end use plan is on file, and the Applicant will be required to restore the property when extraction operations cease.

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

- The operation appears to be typical for mines within the county.

- The pit is somewhat screened from the surrounding uses by berms and vegetation.

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

- The request meets the applicable standards and requirements found in Sections 505, 602, 603, and mostly 724 of the Zoning Ordinance for mineral extraction Conditional Use Permits.
- The pit may encroach on the front and rear setbacks outlined in Nicollet County Zoning Ordinance 724.5. The date of the encroachment is unknown, but it appears to have happened before 1991. The permit has been renewed several times since then.

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

- The Comprehensive Plan states:
 - The aggregate industry provides vital jobs for residents and revenue for local businesses.
 - That Nicollet County will continue to work with aggregate businesses, such as this one, to ensure that these operations can continue in a sustainable and environmentally friendly manner.

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

- The operation must follow all federal, state, and local standards.
- No blasting takes place on site, water is used to control dust, the hours of operation are typical, and the site is not permitted for a hot mix plant.

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

- The request is a renewal and does not change the existing land use. No expansion of the pit beyond what is already permitted is proposed.
- Mineral extraction is a conditionally permitted use in the Conservancy and Agricultural Preservation Zoning Districts.

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

- The operation appears to be typical of gravel mines in the County.
- The applicant must continually comply with local, state, and federal standards.
- 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:

- The request is a renewal which does not appear to present any adverse effects to public health, safety, and welfare.

STAFF RECOMMENDATIONS

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 shall be reviewed in February of 2027.
5. Dust control measures shall be used as needed.
6. The applicant must maintain the quality of the township road and repair any defects resulting from the gravel hauling or gravel mining operation. The Courtland Township Board shall be consulted in the event of needed repair.
7. The applicant shall maintain a bond or letter of credit in the amount of \$2,500 per actively mined but not yet reclaimed acre. A continuation certificate of the bond shall be sent to Property Services with no lapse in time during the course of this permit.
8. No mining activity or storage of material shall take place within the setbacks as outlined in Nicollet County Zoning Ordinance 724.5.

Applicant: Mathiowetz Construction
Landowner: Sheri Hulke

PLN24-04

ATTACHMENT A	Application
ATTACHMENT B	Submitted by Applicant
ATTACHMENT C	Location Map
ATTACHMENT D	Site Photographs
ATTACHMENT E	Neighbor Notification List
ATTACHMENT F	Criteria for Conditional Use Permit



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

PLANNING & ZONING ADVISORY COMMISSION APPLICATION

TOTAL FEES: \$496.00

Parcel#: 04.316.0300

Permit#: PLN24-04

Date: 2/1/2024

Applicant: KEITH OLSON- MATHIOWETZ CONSTRUCTION

Telephone: 507 794 6953 EX 722

Owner: SHERI HULKE

Property Address: 51771 CO RD 21, COURTLAND, MN 56021

Abbreviated Legal Description: NENE 16-109-29 N OF RD

Township: Courtland Township

Zoning District(s): CONSERVANCY

Hearing Date: Monday, February 26, 2024

Record Type: Conditional Use Permit

Subtype: Renewal

Category: Other

Description: THREE YEAR MINERAL EXTRACTION RENEWAL

Copies of the meeting agenda and packet are available on the Nicollet County website: co.nicollet.mn.us/AgendaCenter

Questions regarding the hearing can be directed to:

Spencer Crawford

Phone: 507-934-7071

Email: Spencer.Crawford@co.nicollet.mn.us

Keith M Olson
Keith M Olson (Feb 2, 2024 13:49 CST)

APPLICANT SIGNATURE

Feb 2, 2024

DATE

Spencer Crawford

PROPERTY SERVICES

02/01/24

DATE

ATTACHMENT A
Application







PLN24-04 App

Final Audit Report

2024-02-02

Created:	2024-02-02
By:	Spencer Crawford (Spencer.Crawford@co.nicollet.mn.us)
Status:	Signed
Transaction ID:	CBJCHBCAABAAconb147Rh_b8eWLYjw8Z-pna_RD3d12u

"PLN24-04 App" History

-  Document created by Spencer Crawford (Spencer.Crawford@co.nicollet.mn.us)
2024-02-02 - 7:47:54 PM GMT
-  Document emailed to keitholson@mathiowetzconst.com for signature
2024-02-02 - 7:48:21 PM GMT
-  Email viewed by keitholson@mathiowetzconst.com
2024-02-02 - 7:48:51 PM GMT
-  Signer keitholson@mathiowetzconst.com entered name at signing as Keith M Olson
2024-02-02 - 7:49:41 PM GMT
-  Document e-signed by Keith M Olson (keitholson@mathiowetzconst.com)
Signature Date: 2024-02-02 - 7:49:43 PM GMT - Time Source: server
-  Agreement completed.
2024-02-02 - 7:49:43 PM GMT



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:

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

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

0 Acres where land reclamation has occurred.

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

165.3 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: Sheri L. Hulke

Owner's Address: 51771 County Road 24 Courtland, MN 56021

Contractor working the site: Mathiowetz Construction

Contractor's address: 30676 County Rd 24 Sleepy Eye, MN 56085

Contractor's phone number: 507-794-6953

Date: Jan 31st, 2024

Applicant (Landowner or Contractor) Signature: [Signature] Keith M. Olson

Parcel No. 04, 316, 0300

Map No. _____

Revised 11-29-18 JH

ATTACHMENT B
Submitted by Applicant

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.



Construction Company

In All We Do, We Build It Right!!

30676 County Road 24
Sleepy Eye, MN 56085

(507) 794-6953 / (507) 794 3514 Fax
Visit us at: www.mathiowetzconst.com

January 31, 2024

To: Property and Public Services Department
Attn Planning and Zoning
501 South Minnesota Street
St. Peter, MN 56082

From: Sheri Hulke
51771 County 21
Courtland, MN 56021

Permitting Hulke sand and gravel pit

E1/2 of the NE1/4 of Section 16-109-29 in Courtland Township, Nicollet
County, MN

To whom it may concern;

I have reviewed and approve the plan and documents complied by
Mathiowetz Construction concerning the re-permitting of the pit located on
my property in the above-described location in Nicollet County near
Courtland.

Signed,
Sheri Hulke

 Date 1-31-24

Keith Olson
Technical Specialist
Mathiowetz Construction
30676 County 24
Sleepy Eye, MN 56085
keitholson@mathiowetzconst.com
507-794-6953 X722

Hulke Pit Aerial View

1/30/24
K.O.

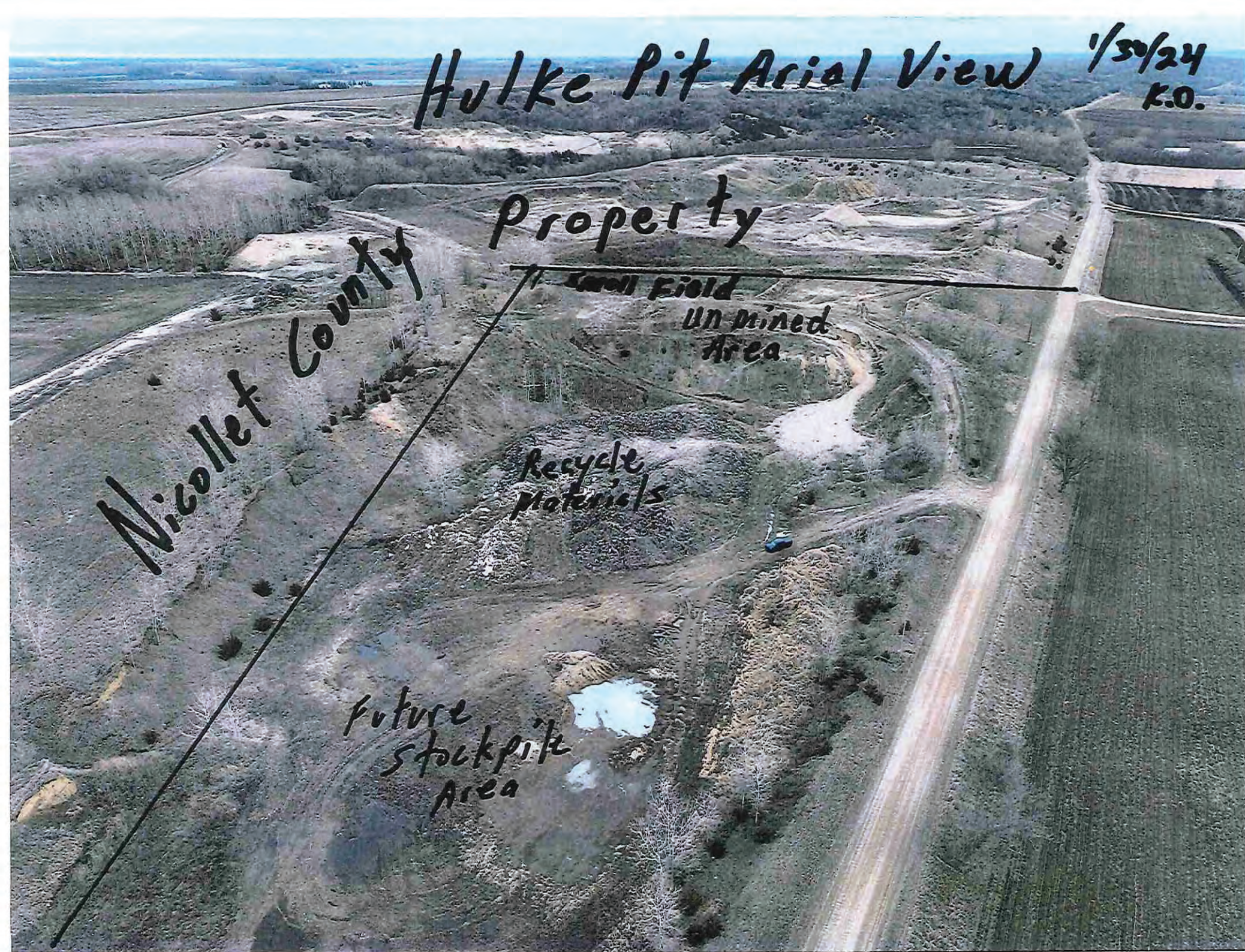
Property

Nicollet County

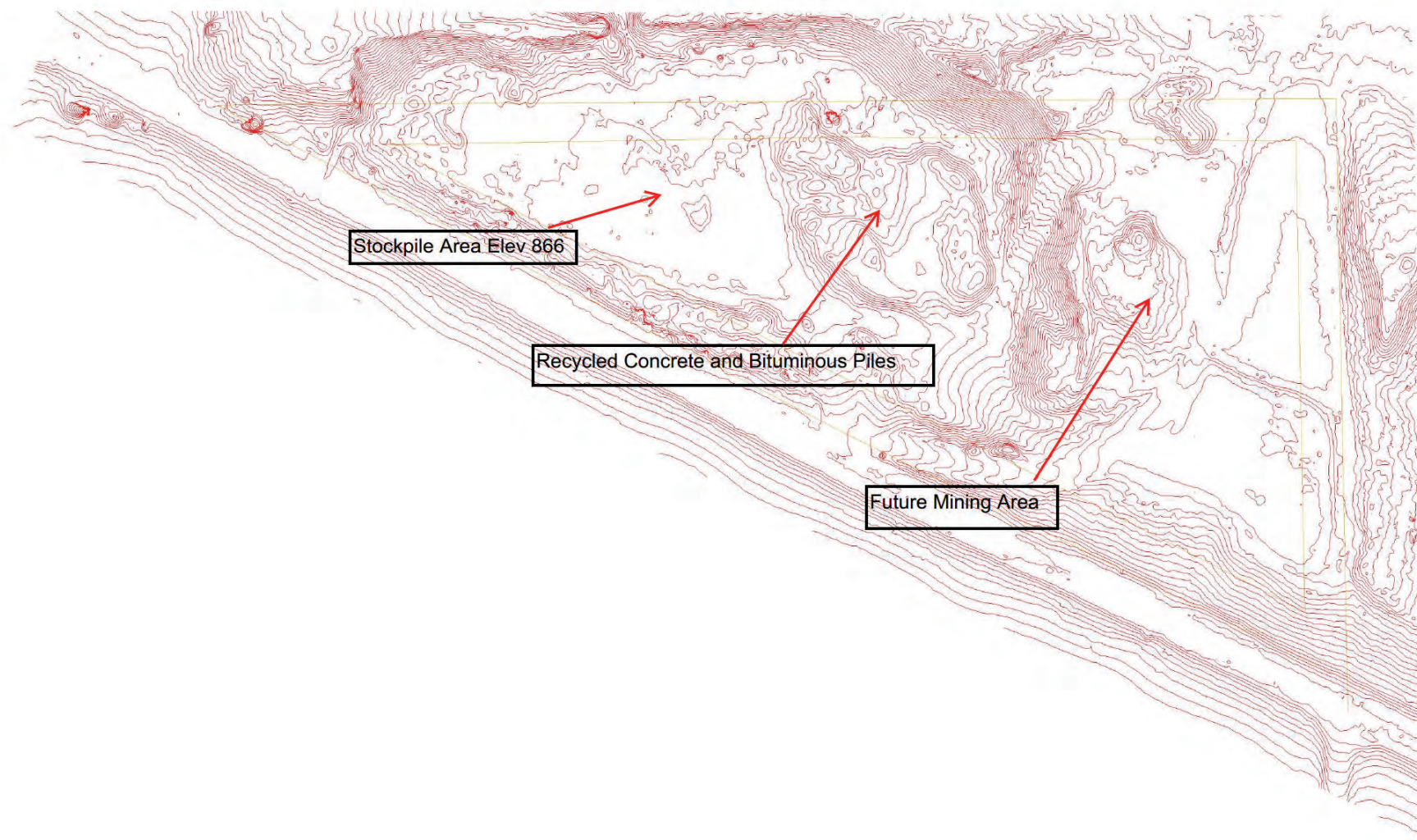
Small Field
Unmined
Area

Recycle
materials

Future
stockpile
Area



Hulke Pit Existing Conditions 2024





Construction Company

In All We Do, We Build It Right!!

30676 County Road 24
Sleepy Eye, MN 56085

(507) 794-6953 / (507) 794 3514 Fax
Visit us at: www.mathiowetzconst.com

April 14, 2017 (amended Feb 1st, 2024)

Reclamation Plan for Hulke sand and gravel pit

E1/2 of the NE1/4 of Section 16-109-29 in Courtland Township, Nicollet
County, MN

Description:

South Property Line will be finished with a 3:1 slope minimum along township road

North and East sides are currently designed with a 2:1 slope. It is anticipated that Mathiowetz Construction will coordinate with the County Highway Department to bring both sides of the property line down to a matching level and both parties would remove the maximum amount of material. We request a variance to use 2:1 slopes on the North and East sides for the duration of this permit with an opportunity to amend it to 3:1 should the County abandon or sell the property.

Note: due to the angle of the property and the township road, there are only 3 sides to this property as the north property line ties in with what we are describing as the south property line on the west side

Any topsoil that is present in the area prior to mining will be saved and places on slopes when completed and prior to seeding

All slopes will be seeded with a MNDOT 25-141 seeding mix and mulched when complete.

No surface water will be leaving the site by surface drainage design; it will dissipate through natural vertical drainage. No drainage reaches a water of the state. A SWPPP will be developed if drainage plans change.

The intended use of the reclaimed site will be for wildlife

All mounds or changes in elevation on the completed mining area will be rounded or shaped into surrounding terrain.

Hours of operation will be from 7 a.m. till 7 p.m. during the construction season (May 1st through Dec 20th). Will not haul heavy loads during Spring weight restrictions. **TRUCKS HAULING** signs will be placed on 506th Street during times of heavy traffic flow to warn the traveling public of extra activity in the area.

Noise escaping the pit are minimized naturally by the berms on all sides. Nicollet County occupies the pits and properties to the North and East of this parcel for similar use.

Equipment used will be standard equipment used in crushing and mining activities. Most likely to include Loaders, Dozers, Excavators, Skid Steers, Crushers and Conveyors with generator.

Dust will be controlled by use of a water truck with pressure distribution if needed.

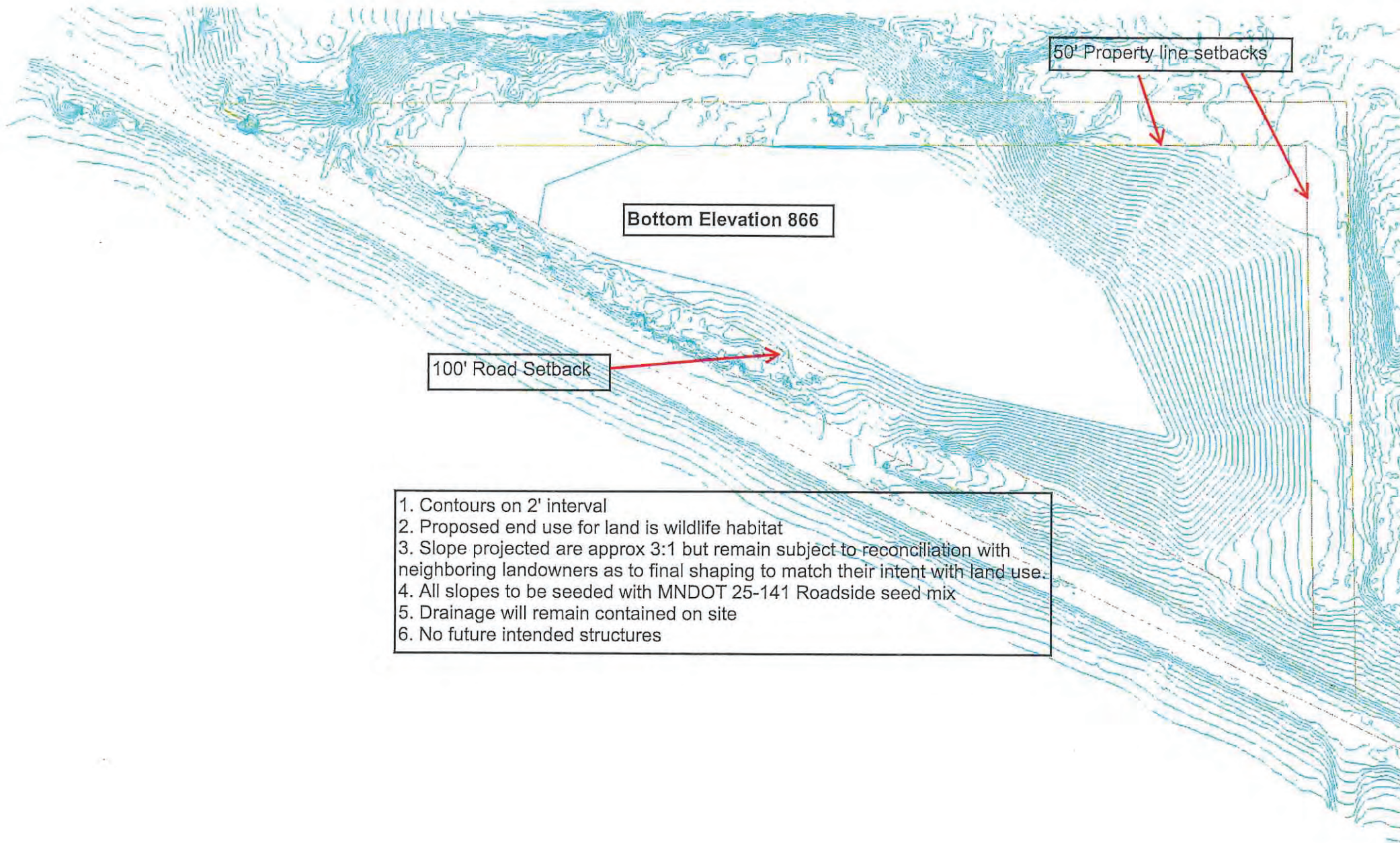
Number of vehicles to the facility will vary depending on the operation but would not exceed 150 daily.

No hazardous waste items are expected at this site. Diesel fuel will be stored in locked, dual walled trailers.

Concerns, comments, and complaints should be directed to the Contractor Mathiowetz Construction

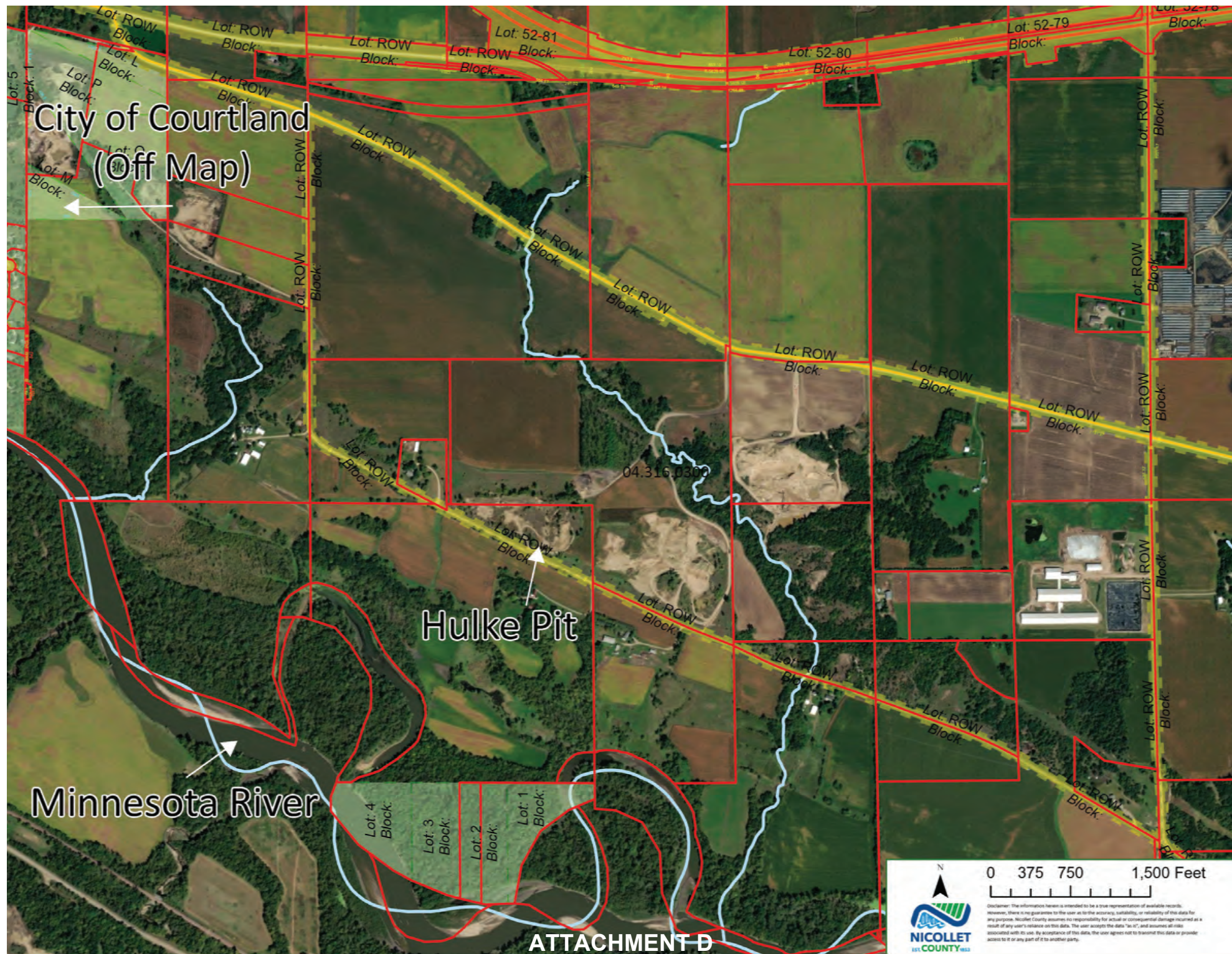
Keith Olson
Technical Specialist
Mathiowetz Construction
30676 County 24
Sleepy Eye, MN 56085
keitholson@mathiowetzconst.com
507-794-6953 X722

Hulke Pit Reclamation Plan 2024





ATTACHMENT C
Location Map



ATTACHMENT D

Aerial Map



ATTACHMENT E
Site Photographs



02/09/24



02/09/24

DISPLAYNAME	MAILINGADDR	MAILINGCITYSTATEZIP
GIESEKE JEFFREY	204 MURIEFIELD DR	MANKATO MN 56001
KUESTER JASON J	18951 RIVERBLUFF DR	NEW ULM MN 56073
OLSON TERESA	912 S MINNESOTA ST	NEW ULM MN 56073
N&V GLEASON FAMILY TRUST	51945 506TH ST	COURTLAND MN 56021
ULLAND BROTHERS INC	1634 HWY 210	CARLTON MN 55718
COIL CRAIG M & AMBER L COIL	52376 506TH ST	COURTLAND MN 56021
HULKE SHERI L	51771 COUNTY ROAD 21	COURTLAND MN 56021
ULLAND BROTHERS INC	1634 HWY 210	CARLTON MN 55718
NICOLLET (COUNTY OF)	501 S MINNESOTA AVE	SAINT PETER MN 56082
HULKE SHERI L	51771 COUNTY ROAD 21	COURTLAND MN 56021
DRILL KENNETH	28 FIEMEYER DR	COURTLAND MN 56021
FRIEL JESSICA A	51699 506TH ST	COURTLAND MN 56021
DRILL DARIN & KRISTEN DRILL	52605 506TH ST	COURTLAND MN 56021
NATHAN JONES & KEITH STEARNS	1018 10TH ST	GAYLORD MN 55334
DIONN BODE & KAY THILL-BODE	540 W MAIN ST	NEW ULM, MN 56073
TIM HARMENING- COURTLAND TOWNSHIP	43370 541ST AVE	COURTLAND, MN 56021
SHERI HULKE	51771 CO RD 21	COURTLAND MN 56021
KEITH OLSON- MATHIOWETZ CONSTRUCTION	30676 CO RD 24, SLEEPY EYE, MN 56085	COURTLAND MN 56021



PLANNING COMMISSION CRITERIA FOR GRANTING A CONDITIONAL USE PERMIT

Name of Applicant Keith Olson with
Mathiowetz Construction
Hearing February 26, 2024
Property Owner Sheri Hulke
Continuation N/A
File PLN24-04
Commission Member _____
Use Request 3-Year Mineral Extraction Conditional Use Permit Renewal

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 public health, safety, and general welfare.

YES ☐ NO ☐ REASON: _____

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

YES ☐ NO ☐ REASON: _____

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

YES ☐ NO ☐ REASON: _____

ATTACHMENT G
Criteria for Conditional Use Permit

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

YES ☐ NO ☐ REASON: _____

5. The requested use is consistent with the County Zoning Ordinance.

YES ☐ NO ☐ REASON: _____

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

YES ☐ NO ☐ REASON: _____

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

YES ☐ NO ☐ REASON: _____

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

YES ☐ NO ☐ REASON: _____

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

YES ☐ NO ☐ REASON: _____

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

YES ☐ NO ☐ REASON: _____

THE NICOLLET COUNTY PLANNING COMMISSION

☐ RECOMMENDS APPROVAL
OF THE REQUESTED USE

☐ RECOMMENDS DENIAL
OF THE REQUESTED USE

THIS DECISION WAS BASED UPON

- ☐ Application ☐ Site visit ☐ Staff Report ☐ Photographs
☐ Information received at public hearing

SPECIAL CONDITIONS ARE LISTED ON THE RECORDED CONDITIONAL USE AND IN THE RECORD.
FACTS SUPPORTING THE ANSWER TO EACH QUESTION ABOVE ARE HEREBY CERTIFIED AS THE
FINDINGS OF THE NICOLLET COUNTY PLANNING COMMISSION.

Date: _____ Commission Member: _____



01/01/2024 - 01/31/2024 Permit Form

RECORD ID	RECORD TYPE	DESCRIPTION	ADDRESS	OWNER NAME
PLN24-02	CONDITIONAL USE PERMIT	3-YEAR MINERAL EXTRACTION RENEWAL	56073 HIGHWAY 14, NEW ULM, MN 56073	MARK BUTLER- MINNESOTA PAVING AND MATERIALS
SPT24-001	SSTS PERMIT	NEW HOLDING TANK FOR SHOP	49806 443RD AVE, NORTH MANKATO, MN 56003	JOEL SHULT
PLN24-03	VARIANCE	SETBACK VARIANCE FOR GARAGE	62579 346TH LN, GIBBON, MN 53335	LEON MATTIES
BLD24-002	STRUCTURE PERMIT	AFTER-THE-FACT HOME ADDITION	46255 380TH NICOLLET , MN 56074	TRAVIS & JORDAN ZIMMERMAN
BLD24-003	STRUCTURE PERMIT	ACCESSORY STRUCTURE ADDITION	37371 STATE HIGHWAY 111	MARTY SCHOTT
BLD24-004	LAND ALTERATION PERMIT	FILLING OVER 50 CUBIC YARDS	36387 410TH ST, SAINT PETER, MN 56082	MARTY & MARY MCCABE

Nicollet County Board of Commissioners

Board Meeting Agenda Item



Agenda Item: Annual Agricultural Inspector's Report		
Primary Originating Division/Dept.: Public Works		Meeting Date: 03/12/2024
Contact: Nate Henry	Title: Agricultural/Ditch Inspector	Item Type: Regular Agenda (Select One)
Amount of Time Requested: 5 minutes		
Presenter: Nate Henry	Title: Agricultural/Ditch Inspector	Attachments: <input checked="" type="radio"/> Yes <input type="radio"/> No
County Strategy: (Select One) Collaborative Workplace - sustain the core values of our culture		
BACKGROUND/JUSTIFICATION: Attached is the 2023 annual Agricultural Inspector's Report along with the work plan summary for 2024.		
Supporting Documents: <input checked="" type="radio"/> Attached <input type="radio"/> In Signature Folder <input type="radio"/> None		
Prior Board Action Taken on this Agenda Item: <input checked="" type="radio"/> Yes <input type="radio"/> No If "yes", when? (provide year; mm/dd/yy if known)		
Approved by County Attorney's Office: <input type="radio"/> Yes <input type="radio"/> No <input checked="" type="radio"/> N/A		
ACTION REQUESTED: Approve 2023 annual report and work plan summary for 2024		
FISCAL IMPACT: Other (Select One) If "Other", specify:	FUNDING County Dollars = 13,050.00 State (Select One) Total: 13,050.00	
FTE IMPACT: No FTE change (Select One) If "Increase or "Decrease," specify: Related Financial/FTE Comments:		

Nicollet County

Agricultural Inspector's

Annual Report 2023

&

Work Plan Summary 2024



ANNUAL WORKPLAN

Hours for Nicollet County CAI Position for Calendar Year 2024

Seed	Hours	Noxious Weed	Hours	Pesticide	Hours					Other	Hours
Seed Sampling	10	Noxious Weed Inspection	120	Pesticide Applicator Testing	35					Biological Control Implementation	5
Seed Inspecting	6	Noxious Weed Control & Education	10	Waste Pesticide Collection							
Seed Education	1	Noxious Weed Violation Follow-up	45	Empty Pesticide Container Collection							
Seed Training		Township Officer Training	5	Pesticide Applicator License Checks	0						
Number of Seed Samples Per Year (8)		CAI Training	20	Retail Pesticide Inspections							
Seed Violation Follow-up		Noxious Weed Program Administration	15	Pesticide Administration							
Seed Program Administration											
Seed Program Subtotal	17	Noxious Weed Program Subtotal	215	Pesticide Program Subtotal	35					Other Programs Subtotal	2
										Grand Total Hours	269

Background Goal & Objective (Seed): The CAI's objective is to inspect a sufficient number of seed retail facilities, sample a sufficient number of seed lots, review as many seed advertisements as possible, and take appropriate enforcement action, whenever possible, in order to provide effective and uniform administration of the seed law and rules.

Background Goal & Objective (Noxious Weed): A CAI's objective is to see that all lands within the county are inspected for noxious weeds annually and obtain as high a level of voluntary compliance as possible. Cooperation from local governments in the inspection and enforcement of the noxious weed law is necessary in order to maximize the level of voluntary compliance. If voluntary compliance is not achieved, established enforcement procedures are to be used to obtain uniform compliance with the law in the county.

Background Goal & Objective (Ag Chemical): A CAI's objective is to assist MDA staff in making sure agricultural chemicals are properly stored, used, and handled. A CAI will assist in the collection of waste pesticides and empty pesticide containers at collection sites within the county. A CAI may assist MDA staff in making sure only properly licensed individuals are applying pesticides within the county. A CAI may inspect retail facilities to make sure only registered pesticides are offered for sale within the county. A CAI may monitor pesticide applicator license tests to make sure pesticide applications within the county are conducted by properly trained and licensed personnel.

NICOLLET COUNTY AGRICULTURAL INSPECTOR'S ANNUAL REPORT FOR 2023

INSTRUCTIONS: Write or print legibly using black ink. Answer all questions and enter "N/A" if there is no activity. Submit the completed report to the Board of County Commissioners by July 1.

County Agricultural Inspector Training – Hours: <u>20</u>			
<input checked="" type="checkbox"/> Short course		<input type="checkbox"/> Other (Specify):	
<input checked="" type="checkbox"/> District meetings			
Administrative Activity – Hours: <u>20</u>			
Types of records:	<input type="checkbox"/> Activity <input type="checkbox"/> Phone record	<input type="checkbox"/> Computerized <input type="checkbox"/> Daily narrative	<input checked="" type="checkbox"/> Other (Specify): Daily Diary
Miles traveled as a county agricultural inspector:	<input type="checkbox"/> Personal vehicle <input checked="" type="checkbox"/> County vehicle:	Miles: 3,500	
Percent Time spent in county agricultural inspector duties: 15%		Percent time spent in other duties (not as a CAI): 85% Ditch	
Noxious Weed Inspection – Hours: <u>100</u>			
No. of assistant weed inspectors appointed:	Townships: 0	Cities: 5	
No. of noxious weed inspection tours:	Townships: 1	Cities: 1	
Acres of wild or cultivated hemp:	Detected: 0	Controlled: 0	
Noxious Weed Control and Violation Follow-up – Hours: <u>40</u>			
Was a "General Weed Notice" published?	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No	Cost: \$ 162.18	
No. of landowner contacts (personal visit, telephone call, letter or postcard) made for voluntary compliance:			10
No. of cities with weed and grass control ordinances:	5	No. of notices served under ordinances:	0
No. of "Individual Notices" (Inspector's Notice #1): 1	Served: 1	Appealed: 0	
AnnuNo. served: 0	Cooperative Weed Control Agreements: N/A	Inspector's Authorization: 0	Statement of Costs: 0

General Education and Outreach Activity – Hours: <u>10</u>				
Other education & outreach activity				
Seed, Fertilizer, and Feed Program Activity – Hours: <u>8</u>				
No. of Seed inspections:	4			
No. of official seed samples obtained:	Total: 16	Legal: 0	Warning: 0	Violation: 0

Pesticide Program Activity – Hours: <u>35</u>		
Did you monitor applicator license tests?	<input type="checkbox"/> No	Other pesticide program activities (Specify): Working w/DOT/DNR Controlling Wild Parsnips

Biocontrol Program Activity – Hours: <u>2</u>	
<input checked="" type="checkbox"/> Leafy Spurge	x Other (Please list): Collect
Leafy Spurge Flea Beetles from DNR	
<input type="checkbox"/> Purple Loosestrife	

Comments: _____

Signatures: _____
County Agricultural Inspector

Chairperson, Board of Commissioners (or Authorized Supervisor)

	2023 Nicollet County Expenses For Noxious Weed Control	
	Spraying	Mowing
Equipment	\$3,020.00	\$3,660.00
Labor	\$3,612.82	\$2,828.98
Materials	\$11,577.61	\$0
Grand Total	<u>\$18,210.43</u>	<u>\$6,488.98</u>

Nicollet County Board of Commissioners

Board Meeting Agenda Item



Agenda Item: Consider Amendment #4 to MnDOT Agreement No. 1045974 and Resolution	
Primary Originating Division/Dept.: Public Works/Highway Contact: Seth Greenwood, P.E. Title: PWD/County Engineer Amount of Time Requested: 5 minutes Presenter: Seth Greenwood, P.E. Title: PWD/County Engineer	Meeting Date: 03/12/2024 Item Type: Regular Agenda <small>(Select One)</small> Attachments: <input checked="" type="radio"/> Yes <input type="radio"/> No
County Strategy: Facilities and Space - preserve, maintain and build our assets <small>(Select One)</small>	
BACKGROUND/JUSTIFICATION: The attached Amendment #4 to MnDOT Agreement No. 1045974 and resolution provides for the reimbursement of Preliminary Engineering (PE) services that the County needed to develop the permanent repair project to address the slope failure and stability issues on CSAH 21 along the MN River near CSAH 14. Since this is a Federal Disaster project the County is eligible for 80% of these preliminary engineering services costs to be reimbursed using federal disaster funds. The remaining 20% will be covered by MN State Emergency Disaster Funds. The original agreement was approved at the February 9, 2021 Board meeting and was based upon estimated preliminary engineering (PE) costs identified in the original FHWA Detailed Damage Inspection Report (DDIR). Amendment #1 to the original agreement was approved at the September 28, 2021 Board meeting, Amendment #2 approved at the June 28, 2022 Board meeting, and Amendment #3 at the March 14, 2023 Board meeting. Amendments to the original agreement have been needed due to unforeseen additional PE work and environmental permitting as the project was developed. Now that all PE and permitting costs are complete and known, Amendment #4 increases the amount of reimbursable PE and permitting costs by an additional \$15,041.61.	
+	
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) 03/14/2023	
Approved by County Attorney's Office: <input type="radio"/> Yes <input type="radio"/> No <input checked="" type="radio"/> N/A	
ACTION REQUESTED: Approve Amendment #4 to MnDOT Agreement No. 1045974 and Resolution	
FISCAL IMPACT: Other <small>(Select One)</small> If "Other", specify:	FUNDING County Dollars = \$86,808.32 Federal \$347,233.29 <small>(Select One)</small> Total: \$434,041.61
FTE IMPACT: No FTE change <small>(Select One)</small> If "Increase or "Decrease," specify:	
Related Financial/FTE Comments: "County" funding will be covered by State Disaster Funds	

AMENDMENT # 4 TO MnDOT CONTRACT #: 1045974.

Contract Start Date:	<u>02/25/2021</u>	Original Contract Amount:	<u>\$140,000.00</u>
Orig. Contract Exp. Date:	<u>02/25/2026</u>	Prev. Amendment(s) Total:	<u>\$419,000.00</u>
Amended Exp. Date	<u>NA</u>	Current Amendment Amount:	<u>\$15,041.61</u>
		Current Contract Total	<u>\$434,041.61</u>

Project Identification :	<u>Preliminary engineering for MN20-1 ER event located on CSAH 21</u>		
State Project (SP):	<u>052-621-029</u>	Route Name	<u>CSAH 21</u>
Federal Project #	<u>ER MN20(400)</u>		

This amendment is by and between the State of Minnesota, through its Commissioner of Transportation (“MnDOT”) and Nicollet County (“Local Government”).

Recitals

The MnDOT has a contract with the Local Government identified as MnDOT Contract No. 1045974 (“Original Contract”) to act as an agent of the Local Government for the receipt and distribution of federal funds. This agreement provides payment of federal funds for Preliminary Engineering for the project which needs to be upgraded with Emergency Relief funds.

The contract is being amended due to the increase in costs on the design of the project from multiple alternatives being developed and a more refined estimate of design work needed for the final alternative was chosen to move forward. This contract is being amended to better reflect the actual cost of the work that needs to be completed.

The MnDOT and the Local Government are willing to amend the Original Contract as stated below.

Contract Amendment

In this Amendment deleted contract terms will be ~~struck out~~ and the added contract terms will be underlined.

REVISION 1. Article 6. “**Payment**” is amended as follows:

6.1 The estimated cost of the Preliminary Engineering is ~~\$419,000~~ \$434,041.61.

6.1.1. It is anticipated that 80% (up to ~~\$335,200~~ \$347,233.29) of the cost of the Preliminary Engineering is to be paid from federal funds made available by the FHWA, and that the remaining 20% shall be paid by the Local Government. The Local Government will pay any part of the cost or expense of the work that the FHWA does not pay.

REVISION 2. Article 6. “**Payment**” is amended as follows:

6.1.6. For costs expected to exceed ~~\$419,000~~ \$434,041.61, the Local Government must request the preparation and execution of a supplement to this agreement, prior to incurring such costs.

The terms of the Original Contract are expressly reaffirmed and are incorporated by reference. Except as amended herein, the terms and conditions of the Original Contract and all previous amendments remain in full force and effect.

[THE REMAINDER OF THIS PAGE HAS INTENTIONALLY BEEN LEFT BLANK.]

NICOLLET COUNTY

Nicollet County certifies that the appropriate person(s) have executed the Amendment on behalf of Nicollet County as required by applicable articles, bylaws or resolutions.

By: _____

Title: Nicollet County Board Chair

Date: 03-12-2024

DEPARTMENT OF TRANSPORTATION

Individual certifies that the applicable provisions of Minnesota Statutes §16C.08 subdivisions 2 and 3 are reaffirmed

By: _____

Title: Director
State Aid for Local Transportation

Date: _____

OFFICE OF FINANCIAL MANAGEMENT – GRANT UNIT

By: _____

Title: Nicollet County Administrator

Date: 03-12-2024

By: _____

Date: _____

COMMISSIONER OF ADMINISTRATION

By: _____

Date: _____



RESOLUTION



BE IT RESOLVED, that pursuant to Minnesota Stat. Sec. 161.36, the Commissioner of Transportation be appointed as Agent of Nicollet County to accept as its agent, federal aid funds which may be made available for eligible transportation related projects.

BE IT FURTHER RESOLVED, the Nicollet County Board Chair and the Nicollet County Administrator are hereby authorized and directed for and on behalf of Nicollet County to execute and enter into an agreement with the Commissioner of Transportation prescribing the terms and conditions of said federal aid participation as set forth and contained in "Minnesota Department of Transportation Amendment #4 To MnDOT Contract #1045974", a copy of which said agreement was before the Nicollet County Board and which is made a part hereof by reference.

CERTIFICATION

I hereby certify that the foregoing Resolution is a true and correct copy of the Resolution presented to and adopted by the Nicollet County Board at a duly authorized meeting thereof held on the 12th day of March, 2024, as shown by the minutes of said meeting in my possession.

Mandy Landkamer
County Administrator and Clerk to the Board

Subscribed and sworn to before me this 12th day of March, 2024.

Notary Public_____

My Commission Expires_____



FEBRUARY 27, 2024
OFFICIAL PROCEEDINGS OF THE
NICOLLET COUNTY DRAINAGE AUTHORITY

The Nicollet County Drainage Authority met in regular session on Tuesday, February 27, 2024 following the adjournment of the regular Board of Commissioners meeting. Present at the meeting were Commissioners Morrow, Dranttel, Kolars, Dehen, and Zins. Also present were County Administrator Mandy Landkamer, County Attorney Zehnder Fischer and Recording Secretary Sarah Frahm.

Approval of Agenda

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

Consent Agenda

Motion by Commissioner Dehen and seconded by Commissioner Zins to approve the consent agenda items as follows:

- a. February 13, 2024 Drainage Minutes

Motion carried with all voting in favor.

Public Appearances:

There were no public appearances related to the regular Drainage Authority meeting.

County Ditch 86A Improvement Project

County Attorney Zehnder Fischer was joined by Ditch Inspector Henry to provide background information on the CD 86A project as well as to discuss considerations for potential action from the Board moving forward.

On August 23, 2023, Houston Engineering submitted a preliminary report that identified deficiencies in the CD 86A Improvement Project and recommended alternatives to achieve the anticipated functioning of the system. The report included several alternatives to address flow restrictions due to debris accumulation, backflow of water through the 36-inch gravity overflow pipe, closure issues with the slide gate across the 84-inch driveway culvert, water leakage into the pump building, and scour erosion issues under the pipe outlets.

Since the report, additional requests from landowners were received by the Drainage Authority, including adding a grate cleaner and an on-site crane mechanism to lift the pumps for maintenance and winter storage. In addition to the above considerations, Attorney Zehnder Fischer noted that the Board could also consider discharging the current Engineer and appointing a successor engineer for the improvement project.

Resident Tim Waibel came forward and voiced concerns about the water tightness of the building and whether the appointment of a successor engineer will release the previous engineer of liability. Commissioner Morrow stated that the goal of today's meeting was to focus on addressing the issues and needs of the system going forward. Lynn Fluegge, resident, came forward and asked questions regarding ISG's work in the project. He also sought clarification concerning the four points Houston Engineering will be reporting on. Commissioner Morrow

reiterated that the Drainage Authority has spent considerable time investigating the project issues as well as gathering resident's feedback, and that the purpose of today's meeting was to identify options to move forward.

Motion by Commissioner Dranttel and seconded by Commissioner Zins to discharge the current engineer, ISG Chuck Brandel, on the CD 86A project. Carried with all voting in favor.

Motion by Commissioner Dranttel and seconded by Commissioner Zins to appoint a successor engineer, Houston Engineering and Chris Otterness, as the engineer on the CD 86A Improvement Project, and direct the preparation of a bond and agreement related to the project work. Carried with all voting in favor.

Motion by Commissioner Zins and seconded by Commissioner Dranttel to direct Houston engineering to prepare a report that includes the following items: an assessment of the needs of the system, an evaluation of alternatives, cost estimates for the alternatives, and a prioritization of recommendations for the alternatives. Carried with all voting in favor.

Adjourn

The meeting was adjourned at 9:52 a.m.

TERRY MORROW, CHAIR
BOARD OF COMMISSIONERS

ATTEST:

MANDY LANDKAMER,
CLERK TO THE BOARD

Nicollet County Drainage Authority

Meeting Agenda Item

**Agenda Item:**

County Ditch 86A Improvement Project

Primary Originating Division/Dept.: County Attorney

Meeting Date: 03/12/2024

Contact: Michelle Zehnder Fischer Title: County Attorney

Item Type: Regular Agenda
(Select One)

Amount of Time Requested: 5 minutes

Presenter: Michelle Zehnder Fischer Title: County Attorney

Attachments: ☐ Yes ☒ No

County Strategy: Facilities and Space - preserve, maintain and build our assets
(Select One)

BACKGROUND/JUSTIFICATION:

The Drainage Authority adopted Findings of Fact and Order of the Drainage Authority on the Continued Final Hearing by the Drainage Authority of Nicollet County, Regarding the Petition for Improvements to Nicollet County Ditch 86A, Lafayette, Bernadotte, and Brighton Townships on November 13, 2018. Since the Order for the Improvement Project, Lametti & Sons completed the work on the improvement project as designed by IS&G, the project engineer. The Drainage Authority subsequently hired Houston Engineering to identify additional work needed to correct and complete the improvement project. The additional work items were identified by Houston Engineering in a August 2, 2023, report. Additionally, landowners have brought forth additional items for consideration that may assist in the long-term sustainability of the system as well as reduce long-term system maintenance costs.

On February 27, 2024, the Drainage Authority voted to appoint a substitute engineer for the continued work to complete the improvement project. The Drainage Authority further voted to direct Chris Otterness, Houston Engineering, Inc., to prepare a report detailing the plans and costs to complete the work recommended in its August 2, 2023, report, and to analyze the benefits and costs of additional system improvements that may serve the best interests of the drainage system as a whole.

Findings of Fact have been prepared for the Drainage Authority's consideration from the February 27, 2024 meeting.

Supporting Documents: ☒ Attached ☐ In Signature Folder ☐ None

Prior Drainage Authority Action Taken on this Agenda Item: ☒ Yes ☐ No

If "yes", when? (provide year; mm/dd/yy if known): 02/27/24

Approved by County Attorney's Office: ☒ Yes ☐ No ☐ N/A

ACTION REQUESTED:

The Drainage Authority consider adopting the proposed Findings of Fact and Order.

FISCAL IMPACT: Other
(Select One)

If "Other", specify:

FTE IMPACT: No FTE change
(Select One)

If "Increase or "Decrease," specify:

Related Financial/FTE Comments:

FUNDING

County Dollars =

State

(Select One)

Total:

**BEFORE THE NICOLLET COUNTY DRAINAGE AUTHORITY
REGARDING THE IMPROVEMENT PROJECT TO
NICOLLET COUNTY DITCH NO. 86A**

Findings and Order of the Board
Regarding the Improvement Project
to Nicollet County Ditch No. 86A

The Drainage Authority, having completed its deliberations, its examination of all files and records herein, and its consideration of all reports, makes the following:

Findings:

1. By Order dated November 13, 2018, the Nicollet County Drainage Authority established the improvement project to County Ditch No. 86A in Nicollet County.
2. Upon advertised bids, the Drainage Authority awarded a contract for construction to Lametti & Sons, Inc.
3. When Lametti & Sons, Inc. believed it had finished its contract, it sent demands for payment for its work and additional amounts above the contract amounts.
4. The Drainage Authority and its engineer reviewed that demand and found it to be excessive.
5. The Drainage Authority agreed to mediate with Lametti & Sons, Inc. to resolve its payment issues.
6. The parties mediated their claims. Mediation resulted in an agreement for the Drainage Authority to pay a total of \$230,000.00 to Lametti & Sons, Inc. to finalize all payment obligations to Lametti & Sons, Inc. Lametti & Sons, Inc. was also released from further obligations to correct the defective work identified by the Drainage Authority. The payment to Lametti & Sons, Inc. resolved all claims between the Drainage Authority and Lametti & Sons, Inc.
7. While the contract was complete as to Lametti & Sons, the Drainage Authority believed there was still work that was outstanding to correct and complete the improvement project to achieve the anticipated functioning of the drainage system.
8. The Drainage Authority, through counsel, requested that Houston Engineering, Inc. [hereinafter "HEI"] prepare a preliminary report to identify deficiencies in the improvement project and make recommendations as to alternatives to achieve the anticipated functioning of the system.
9. HEI prepared a report and submitted the report to the Drainage Authority in August of 2023. The report included several alternatives to address the following issues: flow restriction due to debris accumulation; backflow of water through the 36" gravity overflow pipe; closure issues with the slide gate across the 84" driveway culvert; water leaking into

the pump building; and scour/erosion under pipe outlets. The HEI report included preliminary alternatives for the Drainage Authority to consider and made recommendations as to the completion of additional work to correct and complete the project.

10. In addition to the HEI report, the Drainage Authority has received ideas from several landowners regarding additional project work that they believe would achieve system operation to meet the improvement expectations when the project was originally ordered. These requests included a grate cleaner and an onsite crane mechanism to lift the pumps for maintenance and winter storage.
11. Based upon the evolution of this project and recent communications with the current project engineer, Charles Brandel, ISG Engineering, the Drainage Authority believes it is in the best interests of the drainage system to discharge Mr. Brandel and appoint a successor engineer, Chris Otterness and Houston Engineering, Inc., to continue work on this improvement project.
12. Based upon the preliminary report completed by Mr. Otterness, the Drainage Authority believes it to be in the best interest of the drainage system to direct that Engineer Otterness prepare a detailed report that includes the following:
 - a. Assesses the needs of the system;
 - b. Evaluates alternatives for the identified needs of the system;
 - c. Provides cost estimates for the alternatives; and
 - d. Provides prioritized recommendations for the alternatives included in the report.
13. Upon completion of the report, it shall be delivered to the Nicollet County Property and Public Services Director. The matter shall then be scheduled for a public hearing regarding the recommendations contained in Mr. Otterness' report to determine whether additional work may be necessary in the best interests of the drainage system to ensure the system operates as intended when it was approved by the Drainage Authority.

Order:

Based on the foregoing Findings and the entire record of proceedings before the Board, the Board, acting as the drainage authority for Nicollet County Ditch No. 86A, hereby orders as follows:

1. Charles Brandel, ISG Engineering, is discharged as the engineer for the County Drainage Ditch 86A improvement project.
2. Chris Otterness, Houston Engineering, Inc., is appointed as the project engineer for the County Drainage Ditch 86A improvement project.
3. Engineer Otterness shall prepare detailed report that addresses the following:
 - a. Assesses the needs of the system;
 - b. Evaluates alternatives for the identified needs of the system;
 - c. Provides cost estimates for the alternatives; and
 - d. Provides prioritized recommendations for the alternatives included in the report.

4. Upon completion of the report, Engineer Otterness shall submit the report to the Nicollet County Property and Public Services Director who in turn shall schedule the matter for a public hearing to determine what additional work, if any, is required to complete the improvement project.

Dated: March 12, 2024

Terry Morrow
Chairperson of Drainage Authority

ATTEST:

Mandy Landkamer, County Administrator
Clerk to the County Board